

Proceedings of the Second 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 10 a.m. on Tuesday, the 17th August 1937

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Erection of a Mosque in Sorbhog town

MAULANA ABDUL HAMID KHAN asked :

*119. Is it a fact that notice under section 144, Criminal Procedure Code, has been served upon Maulavi Ismail of Sorbhog town within the Kamrup district in his personal capacity on behalf of the Muhammadan community forbidding the erection of a mosque in Sorbhog town ?

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

- (1) for what reason has this notice been served on the Muhammadan community ?
- (2) Whether the proposed *pucca* mosque is going to be constructed on a new site or on a site where the present mosque stands ?
- (3) For how long has the mosque which is proposed to be improved been in existence ?
- (4) Whether Maulavi Ismail or any member of the Muhammadan community has ever been responsible for breaking the peace in the way ?
- (5) Whether construction of a *pucca* mosque in place of the old one is any reason for believing that it would lead to a riot ?
- (6) Whether necessary instruction for the withdrawal of the said order will be issued ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

119.—Yes.

- (b) (1)—The ground for issuing the injunction was that the erection, with brick and mortar, of the mosque was apprehended to lead to a riot or a breach of the peace.
- (2)—Government understand that the Muhammadans originally intended to construct the *pucca* mosque on the site where the present mosque stands, but that they now have under consideration the question of constructing it at another place.
- (3)—For about 10 years.
- (4)—Government have got no information.
- (5)—The authorities had reason to believe that it would lead to a riot.
- (6)—The authorities will no doubt withdraw the injunction if the situation improves.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: The hon. member does not know English. So the answer should be given in Bengali.

THE HON'BLE THE SPEAKER: It is for the hon. member to say whether he understands English or not.

MAULANA ABDUL HAMID KHAN: আমি ভালরূপে ইংরেজী বুঝিনা। অনুগ্রহ করে বাংলাতে বলবেন।

SRIJUT PURNA CHANDRA SARMA: So, I think, the Hon'ble Minister should answer in Bengali.

THE HON'BLE THE SPEAKER: Yes.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not a Bengali and Bengali is not my mother tongue.

MAULAVI MUHAMMAD AMJAD ALI: It would be better if the Hon'ble Chief Minister gives the answer in Urdu because the hon. member knows Urdu. (Voices: In Bengali).

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Was there any breach of peace within the last 10 years?

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

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Then may I know why the injunction was issued?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am obliged to my hon. friend for giving me an opportunity to explain the whole matter. The present mosque is really a small room with corrugated iron sheets placed upon a frame of bamboos and it is on a piece of leased land alongside a godown which the lessee had obtained from a Marwari on the condition that he would not be entitled to erect any *pucca* building there. As soon as the Muhammadans wanted to erect a *pucca* mosque, the lessor objected and the matter turned into a communal question.

The Muhammadans insisted upon erecting a *pucca* mosque, whereas the land-owner and his Hindu neighbours objected to its erection. Hence the authorities were compelled to issue the injunction under section 144.

There was an attempt at settlement by the Deputy Commissioner in which, I am glad to inform the House, my hon. friend Maulavi Syed Abdur Rouf also lent his support. Under the Muhammadan Law no mosque can be built on a land the ownership of which is disputed, whether the claimant is a Muhammadan or a non-Muhammadan.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:

119. হা।

(১)—নিষেধাজ্ঞা জারি করিবার কারণ এই যে ওখানে ইউ অ'র চুণ গুরকি দিয়া পাকা মসজিদ তৈয়ার করিলে শান্তি ভঙ্গ এবং দাঙ্গা হাঙ্গামা হইবার সম্ভাবনা আছে।

(২)—গবর্ণমেণ্ট জাত হইয়াছেন যে মুসলমানেরা প্রথম ঐ জায়গায় পাকা মসজিদ তৈয়ার করিতে উদ্যত হইয়াছিল। কিন্তু এখন অন্য কোনো স্থানে মসজিদ তৈয়ার করিবার জন্য ভাবিত্তেছেন।

(৩)—প্রায় দশ বৎসর।

(৪)—গবর্ণমেণ্ট কোন খবর পান নাই।

(৫) এবং (৬)—স্থানীয় কর্তৃপক্ষের ভবিষ্যৎ কারণ ছিল যে এরূপ করিলে দাঙ্গাহাঙ্গামা হইবে। যখন অবস্থা ভাল হইবে তখন কর্তৃপক্ষ এই নিষেধাজ্ঞা নিশ্চয় উঠাইয়া দিইবেন।

MAULANA ABDUL HAMID KHAN: মসজিদ মেরামত বা সংস্কার করা মুসলমান ধর্মালম্বীর পক্ষে অতি প্রয়োজনীয় কর্তব্য। এ অবস্থায় কোনো সংস্কার করিতে গেলে কোন এক সম্প্রদায় যদি বলে যে শান্তি ভঙ্গের সম্ভাবনা আছে, কর্তৃপক্ষ এই কথা উপর নির্ভর করিয়া ১৪৪ ধারা জারি করা কি সম্ভব মনে করেন? ঐরূপ কর্তব্য—নগর, রোজ পালন করিতে গেলে যদি কোন সম্প্রদায় আপত্তি করে যে শান্তি ভঙ্গের আশা আছে, তাহা হইলে গবর্ণমেন্ট তাহাদের উপর ১৪৪ ধারা জারি করিবেন কি?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: সেগুলির অবস্থা এর চেয়ে বিভিন্ন। এখানে পরের জমি। মৌলানা সাহেব একজন বড় আলেম। তিনি মুসলমান ধর্মের নিয়ম খুব ভাল রকমই জানেন। অন্য লোকের জমিতে বা কাহারো নিজের জমিতে যাহা ওয়াক্ফ করা হয় নাই, মসজিদ তৈয়ার করিলে মসজিদ হয়না। মসজিদ করলে আল্লার নামে, খোদার নামে, ওয়াক্ফ করিতে হয়। এখানে একজন হিন্দু মাড়োয়ারী বলে যে ওটা তাহার জমি। ইসমাইল মিঞা নিজের ব্রেজের্টারী কবুলিগত দিয়া লিখে দিয়াছেন যে তিনি এখানে পাকা ইমারত তৈয়ারী করিতে পারিবেন না। এমতাবস্থায় এখানে মসজিদ তৈয়ার করিলে ধর্মসঙ্গত হইবে না।

MAULANA ABDUL HAMID KHAN: মৌলবী ইসমাইল মিঞা লিখে দিয়াছেন যে ঐ জমি মাড়োয়ারীর। ইহার মিমাংসা আদালতের বিচারে হইয়াছে না মাড়োয়ারী সম্প্রদায় এসে মাননীয় ফাইনাল মিনিষ্টারের কাছে জানাইয়াছেন?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: স্থানীয় কর্তৃপক্ষ আনাদিগকে জানাইয়াছেন। এবং মাড়োয়ারী বলিয়াছেন যে 'আমি দেওয়ানি আদালতে মোকদ্দমা করিতে প্রস্তুত হইয়াছি'।

MAULANA ABDUL HAMID KHAN: দেওয়ানি আদালতে মিমাংসা না হওয়া পর্যন্ত গবর্ণমেন্টের পক্ষে কোন পক্ষ অবলম্বন না করা কি সম্ভব হইবে না?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: অস্থা বিশেষে সম্ভব। এখানে অবস্থা এমন যে গবর্ণমেন্ট এখানে নিষেধাজ্ঞা জারি না করলে একটা খুনাখুনি হইবে।

Newspaper article re "Ministers' Travelling Allowance in Assam"

MAULAVI FAKHRUDDIN ALI AHMED asked :

*120. (i) Has the attention of the Hon'ble Chief Minister been drawn to the news "From Our Own Correspondent" published under the Caption "Ministers' Travelling Allowance in Assam" on page 10 in column 7 of the *Amrita Bazar Patrika* of Thursday, July 1, 1937 (Dak Edition) ?

(ii) If so, will the Hon'ble Chief Minister be pleased to state—

(a) Whether it is a fact that the Hon'ble Chief Minister and the Hon'ble Revenue Minister drew Rs.740-6-0 and Rs.162-6-0 respectively on account of travelling allowance in or for the month of March, 1937; if so, for what travelling and during which period?

- (b) whether it is a fact that the Hon'ble Revenue Minister, the Hon'ble Minister of Agriculture and the Hon'ble Minister of Education drew Rs.85-0-0, Rs.196-3-0 and Rs.95-10-0 respectively in the month of April, 1937, on account of travelling ; if so, for what travelling ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

120. (i) and (ii) (a)—The hon. member is referred to the answer given to unstarred question No.248 at the present session.

(ii) (b)—Yes. In the cases of the Hon'ble Ministers for Revenue and Education the amount were drawn for tours of inspection. In the case of the Hon'ble Minister for Agriculture the amount was drawn for joining his appointment under Subsidiary Rule 103 of the Assam Fundamental Rules and Subsidiary Rules.

MR. FAKHRUDDIN ALI AHMED : Am I to understand that the travelling allowance was drawn before he was appointed as Chief Minister ?

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

Number of grazing reserves in Barpeta Subdivision and method of realisation of land revenue by Mauzadars

SRIJIT GHANASHYAM DAS asked :

*121. (a) Will the Hon'ble the Minister in charge be pleased to state the number of grazing reserves in the Barpeta Subdivision ?

(b) Is it a fact that there have been encroachments into the Manisimla, Mandia, Barbala and the Kaimari reserves ?

(c) Will Government be pleased to state whether the eviction of encroachers have been affected in full in these Reserves ? If not, why not ?

(d) Do Government propose to direct the local Land Records and the Revenue Officers to keep strict watch and take prompt actions against all encroachments into the grazing reserves ?

*122. (a) Is it a fact that the land revenue of the villages Baradi and Keotkuchi in the Barpeta mauza falls due on the 15th of March of the year ?

(b) Is the Hon'ble the Minister in charge aware that the Mauzadar of the said mauza realised land revenue by executing Distress Warrants for the revenue of the year 1936-37 even before the 15th March 1937 ?

(c) If so, what steps have been taken against the Mauzadar by way of redressing the grievances of the *raiya*s so aggrieved ?

(d) Is the Minister aware that the same thing has been repeated by the Mauzadar of the Kharijabijni Mouza in the Barpeta Subdivision ?

*123. Will the Hon'ble the Minister in charge be pleased to state (a) to what extent Government have applied the policy of annulment of settlement of lands of the *raiya*s unable to pay their land revenue after the sale of their moveables and immoveables in the Barpeta Subdivision ?

(b) Whether the Minister in charge propose to restore these lands still remaining so annulled to their respective owners and thus to give them some chance to start anew ?

(c) Does the Minister in charge propose to revise this policy as a whole on the line of section 60 of the Civil Procedure Code (Unsaleable Property) ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

121. (a)—There are 198 village grazing grounds and 10 professional grazing reserves in the Subdivision.

(b)—Yes.

(c)—After the institution of eviction cases the immigrants go on preferring objection petitions and appeals even up to the Local Government, and in some cases they come in again soon after they are evicted forcibly. Interim stay orders are also passed by Appellate Courts. So evictions are not yet effected in full.

(d)—The Revenue officers and Land Records staff are always keeping watch against encroachments and taking action whenever necessary.

122. (a)—Yes.

(b)—Yes. Some 20 distress warrants were issued in February 1937. This was due to the fact that 15th January is shown as the last *kist* date in local *jamabandi* through mistake.

(c)—The Mauzadar issued the distress warrants through mistake. Orders have been passed warning the Mauzadar.

(d)—With the close of the last resettlement when the settlement *pattas* were issued, the *kist* date for Kharija-Bijni mouza,—offshoot of old Bijni mouza, was 15th March, the date which was noted in the *pattas*. Subsequently it was revised as 1st *kist* on 15th January, 2nd *kist* on 15th February for regular settlement and 15th March for supplementary settlement. The Mauzadar issued nine distress warrants by the 1st week of March 1937 all for regular settlement *pattas* including therein supplementary *pattas* held by the same persons.

123. (a)—The law indicates the different actions to be taken for the recovery of the dues. Whenever the revenue could not be realised even after actions under sections 69 and 70 and also 91 of the Assam Land and Revenue Regulations, annulments are made under section 90 of the said Regulations. Where the District Officer feels it necessary, the revenues are remitted and *pattas* allowed to stand.

(b)—No such general order can be passed because if this policy were adopted no land revenue at all could be collected.

(c)—Government do not at present see any reason to revise a long established policy in the way suggested.

Closing of Lower Primary Schools under the Goalpara Local Board

SRIJUT JOGENDRA CHANDRA NATH asked :

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

(a) Whether the attention of Government has been drawn to the fact that 27 Lower Primary Schools have been ordered to be closed down by the Local Board of Goalpara since the 1st April 1937 ?

(b) What are the reasons which necessitated such action ?

(c) How many of the said schools belong exclusively to backward or tribal area ?

(d) Whether it is a fact that no previous notice was given to the managing committee of the respective schools making them aware of the changes that the Board effected by a resolution regarding the percentage of attendance ?

(e) When was the percentage of attendance increased ?

- (f) Whether it was the duty of the Deputy Inspector of Schools to notify it beforehand ?
- (g) Whether there has been an expression of discontent from the people at the arbitrary and unjustified conduct of the Board ?
- (h) Whether Government proposed to make an enquiry and bring pressure upon the Board not to give effect to this order ?

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

124. (a) and (b)—The facts of the case are that the Goalpara Local Board budgeted only Rs. 26,485 for communications in its budget for 1937-38. The Commissioner refused to pass the budget until the Board provided a sum of Rs. 29,300 under this head being the estimated grant from Government for communications *plus* the estimated receipts from cart tax. His reason was that the cart tax and Government grant for communication should be devoted to communications. He said that if the Board did not agree he would recommend that a corresponding amount be deducted from the Government grant. The Commissioner did not suggest from what heading the sum should be saved. Actually the Board saved the amount by closing 26 schools which the Board considered to be inefficient and by amalgamating 3 Girls' Lower Primary Schools with Boys' Schools. At the same time the Board resolved that 10 new schools be taken over from the list of selected venture schools. The Commissioner accepted the Board's proposal subject to the condition that the Inspector of Schools agreed. The Inspector did not agree and the matter is now under the consideration of Government.

(c)—Nine.

(d)—Not in writing but verbally through Local Board members and the Educational Inspecting Staff.

(e) and (f)—The Board resolved on the 28th November 1936 to raise the percentage of attendance and at the same time called upon the Deputy Inspector of Schools to submit a report on all undeserving schools with various details including the average attendance during the last six months. It is clear therefore that the Board decided to act on the figures of attendance during the previous six months and the Deputy Inspector appears to have done his duty in reporting those to the Board.

(g)—People in some localities are discontented. The Board does not consider its action arbitrary or unjustified.

(h)—The matter has been reported to Government by the Director of Public Instruction and is now under their consideration.

MAULAVI MUHAMMAD AMJAD ALI : Does not Government feel that the Goalpara local board is in difficulty for want of funds to run these schools ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I cannot answer that question. I am not aware whether the Goalpara local board felt the difficulty for want of funds or whether they thought that the schools did not have enough attendance.

MAULAVI MUHAMMAD AMJAD ALI : Are not the schools very old—some 15 or 16 years old ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : They might be so, I am not aware of it.

MAULAVI MUHAMMAD AMJAD ALI : Is it not a fact that the local board is unable to maintain these schools for want of funds and do Government propose to give some additional grants ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That matter is under the consideration of the Director of Public Instruction.

SRIJUT PRAMANANDA DAS: Is it not a fact that in the last session of the Legislative Assembly the Chairman of the local board and some other members who stood for election stated that they would get some venture schools taken up if they were returned and similarly they were compelled to close down some old schools and take up some new schools?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Does that question arise?

THE HON'BLE THE SPEAKER: 'Close down schools'—yes, the question arises on that.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am not aware of anything of the kind.

MAULAVI MUHAMMAD AMJAD ALI: Are Government prepared to admit that out of some party cliques these schools were closed down.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government is not aware of this.

SRIJUT LAKHESVAR BOROAH: Will Government enquire?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The matter is being considered by the Director of Public Instruction.

SRIJUT LAKHESVAR BOROAH: Has he been instructed particularly in this respect?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: He does not need instruction.

MAULAVI MUHAMMAD AMJAD ALI: When did the Director of Public Instruction begin the enquiry regarding this?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Actually the Deputy Inspector of Schools did not agree with the Board to close these schools and the matter is under consideration.

MAULAVI MUHAMMAD AMJAD ALI: That is not an answer to my question. My question is, when did the Director of Public Instruction begin the enquiry regarding this matter?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The enquiry has already been made by the Deputy Inspector of Schools and the matter has come up to Government and is under consideration.

SRIJUT PARAMANANDA DAS: Did the Deputy Inspector of Schools actually inform the Managing Committee of those schools whose percentage of attendance was insufficient?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already replied to that. The Deputy Inspector of Schools appears to have done his duty in reporting to the Board of the attendance.

MAULAVI MUHAMMAD AMJAD ALI: Has any instruction from Government been issued to the Goalpara local board that, pending enquiry they should remain as it is?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No, Sir. The schools have already been closed. I have already stated that the matter is under the consideration of Government and no order has yet been issued.

Withholding of sanction to the Gauhati and Goalpara Local Board to take up some venture schools

SRIJUT GOPI NATH BARDOLAI asked:

*125. Is it a fact that the Commissioner, Assam Valley Division, is withholding sanction to the Gauhati Local Board to take up 15 venture schools mostly in backward and tribal areas since March 1936, on the ground that the said Board is spending more money on education than on communication?

*126. Is it a fact that 27 Lower Primary Schools were closed down by the Goalpara Local Board under the direction and advice of the Commissioner, Assam Valley Division ?

*127. Will Government be pleased to state whether (a) it is the policy of this Government to curtail primary education ?

(b) If the answer is in the negative, do Government propose to direct that there need not be such interference in future ?

(c) If the answer is in the affirmative will Government be pleased to state on what grounds is that policy justified ?

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

125.—The reply is in the negative.

126.—The reply is in the negative. The facts are as follows :—

The Board budgeted only Rs.26,485 for communications in its budget for 1937-38. The Commissioner refused to pass the budget until the Board provided a sum of Rs.29,300 under this head being the estimated grant from Government for communications *plus* the estimated receipts from cart tax. His reason was that the cart tax and Government grant for communication should be devoted to communications. He said that if the Board did not agree he would recommend that a corresponding amount be deducted from the Government grant. The Commissioner did not suggest from what heading the sum should be saved. Actually the Board saved the amount by closing 26 schools which the Board considered to be inefficient and amalgamating 3 Girls' Lower Primary Schools with Boys' Schools. At the same time the Board resolved that 10 new schools be taken over from the list of selected venture schools. The Commissioner accepted the Board's proposal subject to the condition that the Inspector of Schools agreed. The Inspector of Schools did not agree and the whole matter is at present under the consideration of Government.

127. (a)—No, it is not the policy of this Government to curtail primary education.

(b)—The Commissioner was doing his duty in pointing out to the Board that their provision for communications was inadequate.

(c)—Does not arise.

SRIJUT KRISHNA NATH SARMAH: If that is the policy of Government, then why did the Commissioner sanction the reduction of expenditure in primary education by closing down the primary schools ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The Commissioner pointed out to the Board that the Board did not budget the amount for communication, *i.e.*, the amount that has been given by Government and the amount that is realised from cart tax—and he said that the whole amount should be budgeted for communications and did not suggest to the Board from what head they should save that amount. That is what the Commissioner said. He said also that if the Inspector of Schools agreed, subject to that he said he could sanction to the budget of the Board.

SRIJUT GOPI NATH BARDOLAI: Did not the Commissioner refuse to sanction the budget as a whole on that ground ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: On what ground ?

SRIJUT GOPI NATH BARDOLAI: On the ground that the percentage of communication amount was less than it should have been and the percentage of education was higher ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The Commissioner pointed out to the Board that they did not do their duty according to the conditions governing the giving of grant by Government.

BABU HARENDRA NARAYAN CHAUDHURI: May I know which the Hon'ble Minister considers more important—Communication or Education ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That is not the question. The question is that Government gives some communication grant and the Board is bound to use that grant for communication.

SRIJUT GOPI NATH BARDOLOI: Will the Hon'ble Minister take it from me that there was no question of curtailing the amount of Government grant ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already explained. And also I have given the figures how the Board budgeted for Rs.26,485 whereas they ought to have budgeted Rs.29,300 according to the amount of grant and the amount realised from the cart tax.

SRIJUT GOPI NATH BARDOLOI: Was that figure on account of the percentage fixed by the Commissioner ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No. It was from the figures actually realised from the cart tax and also the amount received from Government.

SRIJUT GOPI NATH BARDOLOI: Will not the Board be justified in enunciating a policy in regard to the expenditure from cart tax ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That question, Sir, I will have to examine. I cannot answer just now.

SRIJUT GOPI NATH BARDOLOI: Will Government be pleased not to interfere with the discretion of the Board in this matter in future ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government does not want to interfere with the discretion of the Board. But the Board is bound by the rules laid down under the Act.

SRIJUT GOPI NATH BARDOLOI: Will the Hon'ble Minister be pleased to give the rule which directs that the Board has no discretion in a matter like this ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Like what ?

SRIJUT GOPI NATH BARDOLOI: Which fixes a certain percentage for the purpose of distribution.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already stated Sir, that Government give to the Board certain amounts of grants for communications, education and for medical purposes and the Board is bound to use those grants for the purposes for which they were given. If the Board does not do its duty, it is the duty of the Commissioner to point it out to the Board. If the Board chooses to reduce the amount from the head of Education and close down some schools, it is not for Government to interfere.

SRIJUT GOPI NATH BARDOLOI: Is cart tax a Government grant ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Regarding the policy of the cart tax, I will have the question examined.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is it the policy of Government to direct Local Boards to use the amounts realised from cart tax for primary education ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already said, Sir, that I am going to examine that question.

SRIJUT DEBESWAR SARMA: Are Government aware that, even where Government grant for communications has been utilized *in toto* for that purpose, the Commissioner wants the education budget to be cut down ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am not aware, Sir.

SRIJUT DEBESWAR SARMA: Is the Hon'ble Minister aware that it was done so during the last two years in the Jorhat Local Board?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not know, Sir.

SRIJUT PURNA CHANDRA SARMA: Is there any bar, Sir, to the Local Board's appropriating a portion of the grant for communications for the purpose of education, if the grant for the latter purpose is considered insufficient by them?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The conditions under which the grants are given are always laid down. Communication grants should be spent for communications, and the Commissioners, being the controlling officers, are only exercising their duty if they point out to the Board that the use of the grant for other purposes is not in order.

SRIJUT PURNA CHANDRA SARMA: Do Government think that the Commissioners are better authorities for the consideration of the claims of the people than the Local Boards?

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

SRIJUT DEBESWAR SARMA: Will the Hon'ble Minister be pleased to enquire about what I have stated just now, and if he finds that what I have stated is a fact, what does he propose to do in future so that the Commissioner may not interfere with the education budget?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am ready to enquire, Sir. But I am not prepared to take that statement as correct.

Inadequacy of grants to the dispensaries in Nowgong District

SRIJUT PURNA CHANDRA SARMA asked:

*128. Will Government be pleased to state whether the Hon'ble Minister for Local Self-Government visited any of the dispensaries in the district of Nowgong during his recent tour and whether the Medical Officers complained of the scanty grants to the dispensaries to meet the pressing demand at times of epidemics?

*129. (a) Has the attention of Government been drawn to the malarial climate in the district of Nowgong and the inadequacy of funds to meet the demands for treating properly?

(b) Is it a fact that there broke out Cholera in the neighbourhood of Barapujia in Roha Circle in the district of Nowgong during the third week of April last?

(c) If so, will Government be pleased to state the number of deaths before medical aid could be rendered to them?

(d) Is it a fact that the Doctor at the nearest dispensary did not attend these people although requisitioned by the affected villagers?

(e) Is it a fact that the Civil Surgeon requisitioned the Doctor of Jhaluguti dispensary to attend these people although they were within the jurisdiction of the Roha dispensary?

*130. Is it a fact (a) that the Civil Surgeon, who was in the town all along that time, did not care to visit the locality once to inquire into the state of affairs and was rather corresponding with the Chairman, Local Board, for sinking wells in the area instead of sending doctors?

If so, (b) do Government propose to call for statements from the Civil Surgeon and the Chairman, Local Board, regarding this affair and place the same on the table?

*131. Is it a fact that the Civil Surgeon at Nowgong has reported the cases of Cholera in the district of Nowgong as cases of Diarrhoea and is it also a fact that he has instructed his subordinates to report like that ?

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

128.—Yes. The reply to the second part is in the negative.

129. (a)—Nowgong like many other districts in the Assam Valley is malarious. Anti-malarial measures are now being carried on there. Government are not aware that funds for proper treatment are more inadequate in Nowgong than elsewhere.

(b)—No. Cases of cholera were reported from this area but bacteriological examination showed that the cases were not cholera.

(c)—No deaths were reported.

(d)—No such complaint has been received by Government or by the Civil Surgeon.

(e)—Yes, because it was more convenient for that doctor to attend the cases.

SRIJUT PURNA CHANDRA SARMA : Who made this bacteriological examination ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : It was made by the Pasteur Institute, Shillong.

SRIJUT PURNA CHANDRA SARMA : Was blood sent by the Civil Surgeon for examination ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I do not know, Sir, what exactly he sent, but he sent something for examination.

SRIJUT PURNA CHANDRA SARMA : Were the doctors, who treated these cases, of the opinion that these were cases of cholera ?

†THE HON'BLE REV. J. J. M. NICHOLS-ROY : They might have thought like that. But when the stool which was sent to Shillong was examined, it was found that there were no cholera germs.

SRIJUT PURNA CHANDRA SARMA : Were these people treated for cholera or diarrhoea ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Perhaps the treatment might be the same, as bacteriophage is used for both.

SRIJUT PURNA CHANDRA SARMA : Are Government aware that there were six cases of death from cholera or diarrhoea as reported ?

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

SRIJUT PURNA CHANDRA SARMA : Did the Civil Surgeon report that there were cases of death from these diseases during that period ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : No deaths were reported.

SRIJUT PURNA CHANDRA SARMA : For no disease during that period ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Not for cholera cases.

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

130. (a)—The Civil Surgeon did not consider it necessary to visit the locality. He made necessary arrangements to send a doctor.

(b)—Government do not consider this to be necessary.

SRIJUT PURNA CHANDRA SARMA : Are Government aware that these people reported the cases of cholera to the Civil Surgeon of Nowgong through the Chairman of the Local Board ?

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

† This portion was not corrected by the Hon'ble Member.

SRIJUT PURNA CHANDRA SARMA: Are Government aware that the Civil Surgeon of Nowgong at that time was corresponding with the Chairman of the Local Board for sinking some wells in that area when there were cases of cholera in the villages ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not know what connection has that with cholera ? I do not think there is any harm in corresponding with the Local Boards about sinking wells.

SRIJUT PURNA CHANDRA SARMA: Is it a fact that the Chairman of the Local Board asked the Civil Surgeon to take immediate steps for an enquiry and for treatment of these cases ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government is not aware of what was going on between the Local Board Chairman and the Civil Surgeon.

SRIJUT PURNA CHANDRA SARMA: Was the correspondence referred to in question (b) called for ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The reply is already given, Sir. Government did not consider it necessary, because the matter was finished long ago.

SRIJUT PURNA CHANDRA SARMA: Is it a fact that the correspondence was necessitated by the fact that the Chairman visited the locality but the Civil Surgeon did not ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I do not think, Sir, that I should answer that question.

†**SRIJUT MAHI CHANDRA BORA:** Is it not a fact that a report was sent to the Civil Surgeon and the Deputy Commissioner about the outbreak of cholera in the locality ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have no information of that.

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

131.—No.

SRIJUT PURNA CHANDRA SARMA: The answer is not clear, Sir. Does the Hon'ble Minister mean to say that there were only cases of diarrhoea and not of cholera ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The question is whether cases of cholera were reported as diarrhoea and whether the subordinates were instructed to report like that, and I have answered 'no'. I do not know what else is required.

Number of houses of immigrants burnt during the last ten years

MAULANA ABDUL HAMID KHAN asked :

*132. Will Government be pleased to state, year by year, district by district, the number of houses of immigrants burnt during the last ten years for trespassing beyond the immigrant line ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

*132.—The information is not available as no record is kept of the method of eviction. Government understand that generally speaking houses are dismantled and not burnt and the persons against whom orders are passed themselves do the work of removal when they find that evicting officers are serious about the matter.

† This portion was not corrected by the hon. member.

MAULAVI MUHAMMAD AMJAD ALI: Will the Hon'ble Minister take it from me that houses are actually burnt.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As I have already said, the houses are generally dismantled.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Do Government propose to put a stop to this barbarous method?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government does not at present propose to lay down the method by which the process of eviction should be carried out.

MAULAVI MUHAMMAD AMJAD ALI: Will Government discontinue this method of burning houses as a matter of policy?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already replied to that question, Sir.

MAULAVI MUHAMMAD AMIRUDDIN: Does any such law that provides for the burning of houses of an immigrant encroacher obtain anywhere in these days of modern civilization?

THE HON'BLE THE SPEAKER: The question is very involved.

MAULAVI MUHAMMAD AMIRUDDIN: Does any such law of burning houses obtain anywhere in other provinces?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not know of any such law, nor do I know if in any other province, people persist in thus occupying houses.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Did Government pay any compensation to those whose houses were burnt or dismantled?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So long as they do agree to law, Government does not pay any compensation.

MAULAVI SYED ABDUR ROUF: Government says that no records were kept of encroachment cases under settlement rules instituted against persons whose houses were burnt.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, Sir. Because in the report it will be only written that eviction has been carried out. It does not state whether eviction has been carried out by burning or dismantling the houses. As I have already said, generally it happens that persons persist in carrying on their occupations, but when they perceive that evicting officers are coming, they themselves remove the properties.

MAULAVI MUHAMMAD AMJAD ALI: As I understand that a Committee is going to be appointed, is Government prepared to stop this sort of eviction by burning of houses pending enquiry by that Committee.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, Sir.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Are Government aware that some officers were responsible for encroachments made by immigrants?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not know how some officers can be responsible for encroachments.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: If I can produce documents signed by Mr. Higgins?

THE HON'BLE THE SPEAKER: It may not be fair to mention instances.

MAULAVI MUHAMMAD AMIRUDDIN: In connection with encroachment by an immigrant, supposing one Deputy Commissioner of a district allows him to settle there and after the transfer of that Deputy Commissioner, another Deputy Commissioner comes, say, after 3 months, and cancels the order of his predecessor of concurrent jurisdiction. Is it valid in the eye of the law?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not prepared to answer that legal question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: May I draw your attention to the fact that although the same question was put by Maulana Abdul Hamid, neither he nor I could answer in English. We had to reply in the vernacular. But now it is answered in English. Why this partiality towards me, Sir. (*Laughter*).

THE HON'BLE THE SPEAKER: Perhaps the answer was in easier English (*laughter*).

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

Appointments in the Public Works Department

SRIJUT RAJENDRA NATH BARUA asked:

337. Will Government be pleased to lay on the table a statement showing the total number of—

- (a) *bonafide* Assamese,
- (b) people of the Surma Valley,
- (c) outsiders,

who are in the employ of the Government in the Public Works Department till now in the Imperial, Provincial and Subordinate services, showing them separately under each of these heads.

338. Is it a fact that Government promised to fill in the posts of Assistant Engineers and Overseers of the Public Works Department who were retrenched as a measure of economy by *bonafid*: Assamese whenever opportunity arose?

339. Do Government propose that so long the proportion between the people of the Assam and Surma Valleys is not reached appointments in the Public Works Department will be filled in by Assamese only?

390. Do Government propose to award some scholarships to the Assamese boys for training and study in the Engineering Schools and Colleges to eventually fill in the posts of the Public Works Department vacancies?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

337.—A statement giving the information required by the hon. member is laid on the table.

Number of bonafide Assamese, etc., in services under Public Works Department till now

Service	Total No. of bonafide Assamese		Total No. of people of Surma Valley		Outsiders (not natives of Assam)	Persons not belonging to any of the categories shown in columns 2-6	Total
	Hindus	Muslims	Hindus	Muslims			
1	2	3	4	5	6	7	8
1. Indian Service of Engineers.	1	..	..	..	9(a)	..	10
2. Assam Engineering Service.	4	2	8	2	3(b)	2(c)	21
3. Subordinate Engineering Service (including Sub-Overseers and temporary subordinates in the regular Public Works Department).	22	2	21	3	38(d)	6(e)	92
4. Drawing Branch Establishment (Computors, Draftsmen and Tracers).	2	2	12	1	13(f)	3(g)	33
5. Subordinates under Civil Public Works Disbursers.	6	..	8	..	3(h)	10(i)	27
6. Ministerial establishment in the regular Public Works Department Divisions.	42	13	38	10	11(j)	17(k)	131
7. Ditto under Civil Public Works Disbursers.	1	..	4	1	1(l)	7(m)	14
8. Miscellaneous establishments (Carpenters and Blacksmith).	1	..	..	..	1(n)	2(o)	4
Total ..	79	19	91	17	79	47	332

(a) 5 Europeans
3 Punjabis.
1 from U. P.

(b) Bengali Hindus.

(c) 1 Tribal
1 Anglo-Indian

(d) One from Berar and rest from Bengal.

(e) 4 Domiciled Hindu.
2 Tribal.

(f) Punjabi Hindu 1
Bengali Hindus 12
13

(g) 1 Anglo-Indian
1 Scheduled caste.
1 Tribal (Surma Valley).

(h) Bengali Hindus.

(i) Tribal.

(j) Bengali Hindus.

(k) 10 Domiciled Hindu.

4 Scheduled caste (Assam Valley-)
3 Tribal

(l) Bengali Hindu.

(m) Tribal.

(n) Bengali Hindu.

(o) 1 Tribal.

1 Assamese Christian

Items 6, 7 and 8 comprises figures up to 31st December 1936.

SRIJUT RAJENDRA NATH BARUA: Will the Hon'ble Minister be pleased to state whether there is any tribal, in the schedule given here belonging to non-British territory?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, from the non-British portion of the Khasi Hills.

SRIJUT RAJENDRA NATH BARUA: Whether there is any tribal, appointed to this Department who belongs to the non-British territory?

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

SRIJUT RAJENDRA NATH BARUA: How many tribals?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Two.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Does it appear from this table that Assamese Hindus and Muhammadans are far less in proportion than those of the Surma Valley on the basis of population?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is apparent.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Will the Hon'ble Minister be pleased to remove this disparity or enlighten the House what steps will be taken to remove this disparity?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Government is trying their level best to have qualified candidates from those communities.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Is he prepared to issue a circular to that effect?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already instructed Heads of Departments.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: replied :

388.—No.

389.—According to the declared policy of Government, due consideration is always given to the claims of members of under-represented communities in making appointments where qualified candidates are available.

SRIJUT RAJENDRA NATH BARUA: Is the present policy of the Government that when a vacancy in a post held by an outsider occurs it will be filled in from under-represented communities of the province?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, provided there are qualified candidates.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: replied :

390.—Scholarships are annually granted by the Director of Public Instruction, Assam, for study of Engineering in the Ahsanullah School of Engineering, Dacca, and in the Bengal Engineering College, Sibpur, and in making the awards the claims of all communities are taken into consideration.

SRIJUT RAJENDRA NATH BARUA: Has any scholarship been granted this year for the Ashanullah School?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Two scholarships have already been granted—one to a Lushai and the other to a Muhammadan. As regards the College scholarship, candidates have not yet been selected.

Number of Excise Warehouses in Assam Valley Districts

SRIJUT RAJENDRA NATH BARUA asked :

391.(a) Will Government be pleased to state the total number of Excise Warehouses in the Assam Valley Districts and the names of the places where they are situated ?

(b) Who are the Excise officers attached to these Warehouses ?

392. Is it a fact that the Warehouse quarters are not commodious enough to accommodate married officers with several children ?

393. Have Government any information of any married officer with several children being placed in charge of any Warehouse ?

394. If the reply is in the affirmative, do Government propose to transfer such officers to some circle for the interest of the young children so that he may occupy some commodious house ?

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

391.(a)—Seven, viz., at Dhubri, Tezpur, Chaparmukh, Jorhat, Nazira, Tinsukia and North Lakhimpur.

(b) (1)—Srijut Basanta Kumar Bhuyan, Inspector of Excise, is in charge of Dhubri Warehouse.

(2)—Srijut Chandra Kanta Sarma, Inspector of Excise, is in charge of Tezpur Warehouse.

(3)—Maulavi Aminuddin Ahmed, Sub-Inspector of Excise, is in charge of Chaparmukh Warehouse.

(4)—Srijut Golap Chandra Sarma, Inspector of Excise, is in charge of the Jorhat Warehouse.

(5)—Babu Ramani Sankar Dutta Roy, Inspector of Excise, is in charge of Nazira Warehouse.

(6)—Srijut Saradananda Barua, Inspector of Excise, is in charge of Tinsukia Warehouse.

(7)—There is no officer exclusively in charge of the North Lakhimpur Warehouse. Srijut Gauri Charan Barbora, Inspector of Excise, in charge of the North Lakhimpur Circle, does the work of the North Lakhimpur Warehouse in addition to his own duties as Circle Inspector.

392.—No.

SRIJUT RAJENDRA NATH BARUA: Is it a fact that these warehouse quarters are not as commodious as those of Jorhat?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I cannot say; we have not compared them.

SRIJUT RAJENDRA NATH BARUA: Are they commodious?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The reply is there.

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

393.—Yes.

394.—The transfers of Government officers are made in the public interest and as all Warehouse quarters are sufficiently commodious the question of transfer for other reasons does not arise.

Sale of Liquor in bottle system

KHAN BAHADUR MAULAVI KERAMAT ALI asked :

395. Will the Hon'ble Minister in charge of Excise be pleased to state—

- (a) Whether it is a fact that the bottle system was in force in the Badlipar and Numaligarh Country spirit shops and that the system was abolished in respect of the Badlipar shop on the application of the Lessee ?
- (b) If so, will the Hon'ble Minister please give reasons why the system was abolished ?
- (c) Whether it is the policy of Government to introduce the bottle system with a view to prevent mal-practices by the Lessees ?
- (d) Whether Government propose to introduce system at least in the shops in the headquarters station of each district ?

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

395. (a)—The system was introduced into the Numaligarh shop with effect from 1st April 1937. It is not in force in the Badlipar shop.

(b)—Does not arise.

(c)—Yes.

(d)—There are bottling system in force in 6 district headquarter shops and further extension of the system will be considered.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is the Hon'ble Minister aware that bottle system was also introduced in the Badlipara shop?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, the bottle system is not in force in Badlipara shop.

KHAN BAHADUR MAULAVI KERAMAT ALI: My question is that is it not a fact that bottle system was also introduced in Badlipara shop and that it was abolished on the application of the Lessee?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have no information, Sir.

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Minister please enquire into this?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: May I know, Sir, for what purpose we are to enquire.

KHAN BAHADUR MAULAVI KERAMAT ALI: The purpose is this that bottle system was introduced in the Badlipara and Numaligarh shops. Both the lessees complained against this system, but this bottle system was abolished only in the case of Badlipara shop whereas it was not withdrawn from the Numaligarh shop. So I want to know what is the cause of this difference between these two shops?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: All right I may make inquiry as suggested by the hon. member but I see no necessity.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, there is necessity because the lessee of the Badlipara shop perhaps pleased the Excise officers and therefore they recommended in his favour (*laughter*).

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Very well, Sir. I am prepared to make an inquiry to see whether the statement of the hon. member is correct or not.

Recommendations of the Retrenchment Committee

MAULAVI ABDUR RAHMAN asked :

396. Will Government please lay on the table the recommendations made by the Retrenchment Committee, formed some years ago ?

397. Will Government please state if any effect was given to such recommendations, and if so, in what direction ?

398. Do the present Government propose to take steps for giving full effect to such recommendations ?

THE HON'BLE MAULAVI SAFIYD SIR MUHAMMAD SAADULLA :
replied :

396 and 397.—The hon. member is referred to Government Resolution No. 3414-F.(b), dated the 30th September 1931, published in Part II of the *Assam Gazette* dated the 7th October 1931 (this is available in the Assembly Library).

398.—The matter will be left to the Resources and Retrenchment Committee which will explore the whole field of provincial expenditure.

Translation of Assam Acts

MAULAVI ABDUR RAHMAN asked :

399. (a) Is it a fact that Lala Bejoy Kumar Dey, Editor, *Shillong Mail*, has been entrusted with the work of translating the Assam Temporarily Settled Areas Act into Bengali ?

(b) If so, was any tender called for, for this translation ?

(c) If not, why not ?

(d) What is the remuneration of this work ?

400. (a) Will Government be pleased to state if any tender was called for, for the Assamese translation of the said Act ?

(b) Who did the said translation and for what amount ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

399. (a)—The work was entrusted to Babu Lala Bijoy Kumar Dey, M.A., B.L. as a lawyer.

(b)—No tenders were called for, two B.L. pleaders of Shillong were approached and the work was given to the one who agreed to the terms offered.

(c)—It has never been the practice to call for tenders : it is considered advisable to get it done by lawyers of experience.

(d)—Rupees 150.

400. (a)—No tender was called for.

(b)—Srijut L. P. Changkakati, B.L., of the Shillong Bar did the work for Rs. 200.

Expenditure of three offices of Deputy Directors of Agriculture

MAULAVI ABDUR RAHMAN asked :

401. Will the Hon'ble Minister in charge please state—

- (a) What is the annual expenditure of the three offices of the Deputy Directors of Agriculture inclusive of their pay and Travelling Allowances ?
- (b) Whether they propose to give an impetus to Sugar Industry in Assam ?
- (c) What are the qualifications of the three Deputy Directors ?
- (d) Whether they are all graduates in Agriculture ?
- (e) Whether they have any research work to their credit ?
- (f) What are the qualifications of Inspectors of Agriculture ?
- (g) How many of them are graduates ?
- (h) Whether any one of them possesses any higher qualifications ?

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

401. (a)—The expenditure for the year 1936-37 inclusive of pay and travelling allowance is as follows :—

	Rs.		Rs.
Deputy Director of Agriculture, Upper Assam Valley.	18,301	including T. A.	2,035
Deputy Director of Agriculture, Lower Assam Valley.	17,939	„	1,962
Deputy Director of Agriculture, Surma Valley.	20,480	„	2,339

Total ... 56,720

As the hon. member has asked about 3 offices it is presumed he did not intend to include the Deputy Director of Agriculture (Live-stock).

(b)—A Sugarcane Farm already exists at Jorhat. Government wish to give every possible assistance to the Sugar Industry.

(c)—Mr. L. Barthakur—studied Agriculture (with Chemistry as a special subject) in the Tohoku University Sapporo, Japan, also studied sugar manufacturing for one season in Formosa.

Mr. Fazlul Haque—Diploma holder in Agriculture of the Poona Agricultural College.

Mr. Benode Behari Das—B.Ag. of the Poona Agricultural College.

(d)—No. [Vide answer to question (c)].

(e)—They are responsible for the experimental work on the Farms in their charge.

(f)—Inspectors of Agriculture (including the Livestock Section) and Farm Managers are included in one cadre and the following information relates to the whole cadre :—

No minimum qualification is prescribed. A few of the senior men who were appointed when Agricultural Colleges were few, hold certificates of a two years' course in Agriculture. But later recruits are Diploma-holders or graduates of Agricultural Colleges. The Inspectors of the Livestock Section are holders of the Indian Dairy Diploma.

(g)—Eleven.

(h)—One of them completed a post-graduate course in Dairying and three are undergoing post-graduate courses of training at Pusa and Coimbatore.

MR. NABA KUMAR DUTTA: With regard to (e) may I know Sir, whether the result of the experimental works on the farm has ever been published in the Gazette?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I have no information, Sir.

MR. NABA KUMAR DUTTA: May I know whether any attempt has ever been made to put into practice the results of these experimental works?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Yes, Sir, the result of this experimental work has been put into practice.

MAULAVI ABDUR RAHMAN: With regard to (b) will the Hon'ble Minister in charge please give us an assurance that similar sugarcane farms will be started in the district of Sylhet?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I cannot give that assurance, Sir.

MAULAVI ABDUR RAHMAN: Are Government aware that there is a strong demand for a sugarcane farm in the Surma Valley?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I have no such information, Sir.

MR. KEDARMAL BRAHMIN: May I know, Sir, what the sugarcane farm at Jorhat has done for the improvement of sugarcane?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Sir, the Jorhat sugarcane farm is an experimental farm and doing research work at present.

MR. KEDARMAL BRAHMIN: Is Government contemplating to give some aid for starting a sugarcane factory in Assam?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: No Sir. It is not within the contemplation of Government.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: Sir, we find in the answer that Government wish to give every possible assistance to the Sugar Industry. May we know, Sir, in what way Government propose to give assistance to this sugar industry?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Government proposes to give assistance to the sugar industry by introducing improved method of cultivation, etc.

MR. NABA KUMAR DUTTA: Sir, the Hon'ble Minister in-charge replied that he has no knowledge whether the results of experiments on the farm have been published in the Gazette. Am I to understand that all these experimental works are done without the knowledge of the Government?

THE HON'BLE THE SPEAKER: This question does not arise.

MR. KEDARMAL BRAHMIN: Sir, what is the necessity of having a sugarcane farm when Government is not contemplating the starting of any sugar factory?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: The necessity of having a sugarcane farm is to show to the people how to introduce better methods of cultivation among the cultivators and to teach them what manures to use, etc.

MR. BAIDYANATH MOOKERJEE: May I know whether Government is introducing better methods of cultivation inside the farm or outside the farm?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Only inside the farm.

MR. BAIDYANATH MOOKERJEE: What about outside the farm?

THE HON'BLE THE SPEAKER: The hon. member wants to know what is being done outside the farm.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Outside the farm we supply improved sugarcane to the public.

MR. BAIDYANATH MOOKERJEE: How that can be done Sir? I fail to understand the meaning of the sentence "improved sugarcane is supplied outside the farm". Will the Hon'ble Minister please make it clear?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I mean that improved sugarcane setts are supplied outside the farm.

MR. KEDARMAL BRAHMIN: Does the public expect any profit from it?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: They are already getting some benefit out of it.

MR. BAIDYANATH MOOKERJEE: Has Government done anything else except supplying better qualities of sugarcane seeds for the improvement of sugar industry in the province?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, I can inform the House that there are no sugarcane seeds (*laughter*) but sugarcane setts. Thousands of sugarcane setts are annually issued to the cultivators.

MR. KEDARMAL BRAHMIN: May I know whether Government contemplated to give any aid to the sugar industry?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, there is no sugar factory worth the name in this province. One planter Mr. Withers has started a small factory in his tea garden near Naojan. There are no other big capitalists or industrialists in Assam. If anybody comes forward, then we will see what assistance can be given to him.

SRIJUT LAKSHESVAR BOROOAH: Are the Government aware of the Lakhmi Sugar Syndicate at Dibrugarh?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes Sir, I know that there is a sugar factory in Dibrugarh. But may I enquire, Sir, what is the daily output of Sugar?

SRIJUT LAKSHESVAR BOROOAH: The daily (I beg your pardon, yearly) output of sugar of the Lakhshmi Sugar Syndicate was about five hundred maunds, some 2 or 3 years back.

SRIJUT PURNA CHANDRA SARMA: May I know, Sir, whether Mr. Withers took setts from the Jorhat sugarcane farm?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes Sir, Mr. Withers always takes sugarcane setts from the Jorhat sugarcane farm. I may also state that sugarcane setts are also supplied to the whole sugarcane area of Barpathar. Surma Valley people are also entitled to ask for sugarcane setts from the Jorhat farm. I understand that there are very low lands in Surma Valley which are not fit for sugarcane cultivation, because only high lands are fit for it. I think there are certain high lands in Karimganj Subdivision where sugarcane has been introduced.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Is it not a fact that the Government of India gives an annual grant for the improvement of sugar industry in this province?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, no such grant is given to this province by the Government of India.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Sir, do Government Officers purchase sugar from this native farm for the purpose of encouraging this industry?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have not heard of any sugar produced out of the Lakhmi Sugar Syndicate being sold in markets of the Assam.

STATEMENT *RE* HUNGER STRIKE IN THE ANDAMANS

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: With your permission, Sir, I want to make a statement about certain short notice questions asked by my friend Mr. Chanda as regards the Andaman prisoners.

As promised in the House I did my level best. We wired to the Chief Commissioner of Andamans, Mr. Co-grave, who was once a prominent member of the predecessor of this House and who was the Chief Secretary to the Government of Assam. We approached him by wire for information but he replied by wire saying that under the orders of the Government of India he could not help us. So he wanted us to refer to the Central Government and accordingly we wired to them. The Central Government says that under the present orders no information can be given out, but if the case of any striker becomes serious his relatives will be given the due information and they have also said, Sir, that no information means good information. Beyond that I could not get anything either from the Andamans or from the Central Government.

MR. ARUN KUMAR CHANDA: Is the Hon'ble Minister in charge urging upon Central Government the immediate necessity of repatriation of prisoners?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I mentioned in the House the other day that we are considering the question, but before we know what are the physical conditions of the strikers we can do nothing. Even if we pass an order of repatriation, we do not know whether these hunger strikers are in a fit condition for transport.

MR. ARUN KUMAR CHANDA: We hope something will be done during their life time.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Let us hope, so.

TIME LIMIT FOR SPEECHES ON CUT MOTIONS

THE HON'BLE THE SPEAKER: Yesterday I said to the Hon'ble House that I would fix a time limit for the speeches. I have fixed 7 minutes for the mover of a motion, 7 minutes for the Government reply and 5 minutes for any other member who would speak on the motion, so that we can go through the entire list of cut motions.

TRANSMISSION OF THE ASSAM LOCAL RATES (AMENDMENT) BILL TO THE UPPER HOUSE.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: On a point of information, Sir. We the other day passed the Assam Local Rates (Amendment) Bill, 1937. I understand this Bill has not yet been transmitted to the Upper House. May we know when this Bill will be transmitted to the Upper House?

THE HON'BLE THE SPEAKER: The hon. member has been misinformed. The Bill has already been sent to the Upper House.

DEMANDS FOR GRANTS

GRANT No.9

25.—GENERAL ADMINISTRATION (CONCLUDED).

MR. F. W. HOCKENHULL: Sir, after listening very patiently to the discussion of this cut motion yesterday, there was no doubt in my mind that the real issue has been considerably obscured in that a good many members of this House are quite unaware of the implications of this cut. I particularly refer to those speakers, who sit behind the Government benches, who expressed their views and ideas in relation to the Upper House.

Now, Sir, the ostensible issue involved in this cut motion is that we shall be able, by merely withholding supplies, to abolish the Upper House. Nothing can be further from the truth. We are told lightly we do not like the Upper House; you do not like the Upper House, join with us and withhold the supplies. The Upper House will be nonetheless a part of this Constitution whether we withhold supplies or not. The Upper House is a part of the Act and as such until the Act is amended it must remain.

I am not this morning prepared to enter upon the merits or demerits of the Second Chamber; that, to my mind, is entirely apart from the point at issue in this cut motion. What we are apprehensive of is that as a consequence of this what I might call "hasty" legislation we shall have, as a result a deadlock, the necessity for the introduction of special powers, and that amounts to the negation of working the Constitution. To be quite frank, Sir, we are not prepared to stand for that. The real motive behind it is merely to embarrass Government. What will happen if we carry this motion? We will pass Bills in this House and until they are passed by the other House they will not become operative. The passing of this cut motion, in effect, will show the attitude of this House towards constructive legislation. It is not as though there is no alternative method by which the mover of the motion seeks to attain his object. As the Hon'ble Minister in charge mentioned yesterday, if the mover wants to direct attention to the fact that Upper House is undesirable, or it is not wanted, he can, in the first place, do it through the medium of a resolution; supposing he is unfortunate and his resolution does not find a high place in the ballot he can adjourn the House, or, if necessary, he can express that view in a joint memorial.

The real point of our objection, Sir, is our regard for constitutional and responsible procedure. By this process we are hastily and irresponsibly seeking to obstruct legislation, and were any indication necessary for the retention of a Second Chamber, surely, it would be found in this irresponsible attitude.

Mr. FAKHRUDDIN ALI AHMED: Sir, I have listened with great attention to the speech of my hon. friend Mr. Hockenull. I am not at one with him to think that if we vote in favour of this motion we shall be legislating hastily. The views of the public of this province are very well known in this matter and have been very widely expressed in the past. No one except the group which is led by Mr. Hockenull wants this Upper House.

Now, let us consider the question of creation of a deadlock which has been advanced by Mr. Hockenull. Simply moving a motion, censuring Government or lodging emphatic protests has not borne any fruits in the past. We have now got a weapon in our hand and if we want to do away with the Upper House we must use it. There may be a constitutional deadlock for a few months but if the Governor, if the British Government and people are sincere and want to respect the wishes of the people of this province they can end the deadlock so created by abolishing the Upper House in a few months time. In urging the hon. member to use this weapon I would also remind Mr. Hockenull the history of his own people—how the House of Commons increased its power and control over the administration of the country at the expense of the House of Lords, and the Crown, by refusing demands and money, and our using the same method is not a new innovation. We are here to represent the opinion and the wishes of the people and I have no hesitation in stating that no one except one or two persons, want this Upper House (*Hear, hear*).

Sir, I would therefore request hon. members not to be misguided and not to be misled by the speech of Mr. Hockenhull, but to do their duty properly and to rise to the occasion by showing to the people that we are discharging their trust faithfully by refusing the grant for an institution which they do not want.

SRIJUT SARVESWAR BARUA : Sir, I think the matter has been fully discussed. Let us have division now.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I am to reply. I am in charge of the motion.

KHAN BAHADUR MAULAVI KERAMAT ALI : On a point of personal explanation, Sir. I must submit that several members in this side supported the motion but I am afraid.....

SRIJUT SARVESWAR BARUA : The hon. member has spoken once.

KHAN BAHADUR MAULAVI KERAMAT ALI : This is not a speech, Sir. It is only a personal explanation.

THE HON'BLE THE SPEAKER : Personal explanation should not be such as to give an impression to the House that it is a speech.

KHAN BAHADUR MAULAVI KERAMAT ALI : No, Sir, it is not a speech. We do not want this Upper House, there is no doubt about it. But so long as the Upper House is there, we cannot stop the supplies. Therefore certain amendment has been tabled by some members on this side of the House to amend the motion, if possible, by changing the word "refused" to "reduced by Re. 1".

MR. C. GOLDSMITH : Sir, from the discussion it can be gathered that an Upper House is not necessary, and I am also of opinion that it is not necessary ; but as Mr. Hockenhull has shown that we are going against the Act under which the Assam Legislative Assembly and the Legislative Council are bound into one, therefore, if we now try to abolish the Upper House and go against the Government of India Act we are going against the Legislative Assembly itself of which we are members. I submit therefore that although we are against the Upper Chamber we need not go against the Act, and I would request the hon. mover to withdraw his motion.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, this is not an ordinary cut or a censure motion but it is a motion for the total refusal of a demand. Some of my hon. friends have already given the history and the Government opinion in the matter of the Upper House. I think I will be divulging no secret when I say that when in 1929 the Government of Assam were asked to state their case for the Simon Commission the entire Government unanimously decided against having an Upper House for Assam. After the Simon Commission's Report, when there was a change in the personnel of the Cabinet, the matter again came up for discussion. Three members of the Cabinet stuck to the opinion already expressed, but one hon. member said that an Upper House was necessary, and that hon. member was an Indian.

(Cries of "Shame"). Everyone is entitled to have his own views.

After that the question was discussed in this House in the form of a resolution. Everyone knows the fate of that resolution and Government did not support a second House till March 1934, up to which time I was a Member of the Assam Government. In 1935 when the Bill was in the House of Lords stage I understand an urgent telegraphic communication was issued to the Government of Assam from the Centre enquiring whether they still adhered to their former opinion of not having an Upper Chamber. At that time, the Government of 1935 unanimously recommended the establishment of an Upper Chamber for Assam. Therefore the British House of Parliament had to include

Assam in Section 60(1)(a) of the Act, and that means that whether we want it or not we have got to have an Upper Chamber. Section 61 gives us the provision how to set up the Upper House. The members of the Upper Chamber have already been elected and the Upper House is functioning today. Hon. members will find from Section 78(3) that the expenditure of the Upper House is not charged and therefore is subject to the vote of this House. It also does not come under the special responsibility of the Governor under Section 52. The result therefore is that if the Assembly exercise their power and refuse to vote supplies for the Upper House, it will not be possible to restore that grant. As I said I was one of the strongest opponents of the Upper House, and I am still against it, but at the same time I would not take the course which hon. members want to adopt.....

SRIJUT DEVESWAR SARMA : Danger, danger !

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I will be much safer as I will be able to point out.

The constitution says that we must have an Upper House, there is no getting away from that. Even if we refuse to vote the grant the only consequence will be that House will not be able to function, as members will not be able to draw their travelling allowance and so nobody will turn up. The result will be that all the Bills that this House passes will remain inoperative. My salary will be perfectly safe. (*Laughter*). Similarly my friends from the Surma Valley who wanted so much that the Local Rates Bill be passed will find that the Bill is stuck up.

(MR. FAKHRUDDIN ALI AHMED : We do not want it.) Similarly, another Bill which I intend to bring up in this session about the member's salary and travelling allowance will be held up. (*Laughter*). So in this way a deadlock will be created. The Ministers will be perfectly safe as regards their salary. (*Laughter*). The Upper House will not function. Therefore I request hon. members to think seriously, to think furiously (*laughter*) whether they should vote for a total refusal of supplies. I agree with hon. Mr. Hockenull, the leader of the European group, that the best course to follow—if it is possible to become unanimous—(and even if we cannot be unanimous the majority of the House) pass a resolution, not in the way which has been recommended by resolution No. 7. Resolution No. 7 says that the Members of the Ministry should bring in a resolution for the abolition of the Assam Legislative Council and a motion for the submission of an address to His Majesty communicating the aforesaid resolution to Parliament for action thereon. I would like to point out that the Ministers cannot bring such a motion within ten years, *vide* Section 308(3) of the Act but that does not prevent a member of this House bringing a motion for an address to His Excellency, and I on behalf of the Government promise to forward, if it is passed, at once to the Secretary of State. With this assurance I hope my hon. friends will see the proper perspective of the situation,—(They cannot do away with an unwanted body and at the same time they will create a deadlock, though they really and sincerely want to do away with the Upper House lock stock, and barrel) and withdraw the present total refusal of the grant.

MR. FAKHRUDDIN ALI AHMED : Am I to understand from the Hon'ble Finance Minister's speech that he will take immediate steps ? This remedy will be in our hands at the next budget session and if no action is taken in the meantime he will not be able to plead the cause of the Government in having this grant totally refused ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I can undertake to send all the papers to the Secretary of State for the consideration of His Majesty, because it is His Majesty alone who can pass orders in this case. Of course I am not sure if I will be here next year to oppose such total refusal of this grant, but if I am here, I will place before the House such material and such reasons as there may be from higher authority for which it is decided that this House should remain in Assam. But for the present I can only say that I, like everyone else in the House, am not in favour of the retention of this House. (*Hear! hear!*)

SRIJUT SARVESWAR BARUA: On a point of information, Sir, if the matters come to such a standstill as depicted by the Hon'ble Chief Minister, will it not be possible for Government to communicate the state of things to the Secretary of State and get the necessary orders within three weeks' time?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Three weeks' time from to-day?

SRIJUT SARVESWAR BARUA: By cable I mean.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not quite follow the hon. member. I have said that the sense of the House should first be taken by passing the resolution I have indicated. The proceedings shall have to be printed and then they will be sent to the Government of India and the Secretary of State.

SRIJUT SARVESWAR BARUA: I am not speaking of the resolution. I am speaking of standstill which the Hon'ble the Chief Minister has depicted before us. If there would be such a standstill as a result of passing this cut motion, then matters will come to a head and it should be possible for the Government to communicate with the Secretary of State at once and get the Upper House abolished.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That will be an unconstitutional procedure. And I am not in favour of taking such a procedure.

SRIJUT LAKHESVAR PARUA: May I draw the attention of the Hon'ble Minister to sub-section (4) of section 308, at page 196 of the Government of India Act?

THE HON'BLE THE SPEAKER: I may point out to the hon. members that if that proviso be read then it would appear that the Secretary of State will have to take the opinion of this Government as to whether any minority interests are affected and as to whether the majority of minority parties are a consenting party to this resolution. All these things will have to be enquired into and then it will have to be done in three weeks which is another matter.

SRIJUT GOPINATH BARDOLOI: On a point of information, Sir, will the hon. the Leader of the European group be agreeable to the resolution that has been proposed by the Hon'ble the Chief Minister?

MR. F. W. HOCKENHULL: Sir, again another redherring is being drawn across the track. We are not now discussing the merits or demerits of the Upper House and we are only discussing the constitutional method by which to tackle this problem.

SRIJUT SARVESWAR BARUA: Will it not be possible to complete the correspondence with the British Government, or the Secretary of State in the course of two months and will it not be possible to get the decision of His Majesty within that time?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: All I can undertake is to forward the considered opinion of this House as also the views of the present Government in the matter. Thereafter, as regards the procedure that is laid down in section 308 action has to be taken

by the Secretary of State, this has already been mentioned by the Chair. Whether it is possible for all this enquiry to be made and the orders communicated within eight weeks, it is not for me to say as it rests with the Secretary of State.

SRIJUT SARVESWAR BARUA: I think things will expedite themselves if matters come to a head.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have said that I will communicate the considered opinion of this House.

SRIJUT RAMANATH DAS: May we know how it will be done?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: By passing resolution 7 in an amended form because as it is, it offends against sub-section (3)

The present position is rather difficult. I think that the discussions have been rather short and beyond the question of sentiment and the statement that public opinion is against it, we have not advanced any farther. For the dignity of the House as well as for the dignity of the people of Assam, I would require a very complete discussion of the matter before we go up to the Secretary of State. What we have had is only members speaking for five or seven minutes and nobody has been able to give a clear exposition of the matter. These cut motions, I am afraid, will not help us much.

SRIJUT SARVESWAR BARUA: Will Government co-operate with us in the resolution if moved within this session?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: All along I have been pointing out that resolution 7 may be passed after properly amending it. We have so far done only one resolution and there are two or three minor ones. If they can be withdrawn and attention concentrated on this resolution No. 7, we can then reach it.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister communicate to the Secretary of State that the Government will be faced with a constitutional deadlock if the Upper House is not abolished before the next budget session?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: How can I presume the vote of the House that there would be a deadlock?

MR. FAKHRUDDIN ALI AHMED: Would he record our vote for that?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is open to the House to vote as they like.

MR. ARUN KUMAR CHANDA: Certainly, the House would like to hear the opinion which is held by the hon. member Mr. Munawwarali in this matter.

MAULAVI MUNAWWARALI: In view of the discussion that has taken place and in view of the assurance and the sentiments that have been expressed by the Hon'ble Chief Minister, our group has been led to request for the present that the hon. mover of the cut motion may do well to withdraw the motion. It is expected that the resolution already tabled will come up and the House will be able to record its vote on that and that as soon as the vote is recorded, we have no doubt that the Chief Minister will take every possible step to precipitate action. In that view of the matter, we would request the hon. mover of this cut motion to withdraw it for the time being.

SRIJUT GAURI KANTA TALUKDAR: May we know from the Leader of the House what step the Government is going to take in case resolution 7 does not come up before the House. I am afraid that resolution 7 may not be reached during this session and supposing it does not come up, what action does the Hon'ble the Leader of the House propose to take for conveying the sense of the House to His Majesty the King Emperor?

KHAN BAHADUR MAULAVI KERAMAT ALI: Cannot a motion be tabled on that subject so that it may come in time during this session?

MR. ARUN KUMAR CHANDA: Will not Government take the initiative in this matter?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Government cannot do that. It is up to the House to take the initiative.

MR. ARUN KUMAR CHANDA: The views of the Ministry seem to be so pronounced in the matter.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: A perusal of the relevant section, Section 308 sub-section (3), will make it clear that the Ministry cannot bring any motion within ten years of the introduction of this Constitution. But it is open to any hon. member of the House to bring it at any time.

SRIJUT GAURI KANTA TALUKDAR: I have not got an answer to my question, Sir. If the resolution No. 7 does not come up, and as I have said there is no chance of its being reached, will the Hon'ble Minister do anything in the matter?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have been submitting to the House all the time, that the Ministry cannot take any initiative in the matter within ten years: that is the legal position according to section 308 sub-section (3). But it will be open to the House to take the necessary initiative in the matter.

SRIJUT SARVESWAR BARUA: And we have taken this initiative, Sir, in the most effective manner possible.

BABU KAMINI KUMAR SEN: If a separate motion is tabled, will the Hon'ble Ministers give their consent?

COL. A. B. BEDDOW: On a point of information, Sir. I want to know whether if this motion is passed this House will adjourn for the rest of the session and not prosecute any business.

THE HON'BLE THE SPEAKER: The House will continue still.

MAULAVI MUNAWWARALI: I desire to know one point, Sir. Supposing notice of a motion is given to-day, will the Hon'ble Chief Minister demand a long notice?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The hon. member can move it at any time. In reply to my friend Mr. Kamini Kumar Sen I have already promised that.

SRIJUT MAHADEV SARMA: Sir, in view of the assurance given by the House.....

(At this moment several members said:—The hon. member may speak in Assamese).

THE HON'BLE THE SPEAKER: I can perceive that the hon. member can speak very good English.

SRIJUT MAHADEV SARMA: Sir, I have got the assurance of the Hon'ble Chief Minister and the whole House also is unanimous on the point that we do not want an Upper House. On the strength of these assurances, Sir, I wish to withdraw my motion.

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

SRIJUT PURNA CHANDRA SARMA: I beg to move, Sir, that the provision of Rs.2,89,246 under Grant No. 9, Major head 25.—General Administration, Minor head M(a).—Civil Secretariat (Excluding the Legislative Department) (total), at page 66 of the Budget be reduced by Rs. 10. By this motion, Sir, I mean to raise a discussion on the ground that the Secretariat should have put up proposals for provincialisation of all the higher services in the province.

Now, Sir, in this era of provincial autonomy when we have been entrusted with the duty of our own province, namely looking after our finances and all other matters connected with the administration thereof, I think it is proper time for us to see whether we can rely on our own officers, drawn from the children of the soil, to manage the administration and all other affairs of the Government. When we bring in this motion, Sir, there is no question of any malice or jealousy against the present officers of the Secretariat, whether they come from England or any other part of this country. We often find, Sir, that in the several departments of the Government, the people of the provincial service can do excellent work; at least up till now we have not heard that these officers have been found incapable of serving in the departments in which they have worked and are working. We know the instance of several eminent people lifted from the provincial grades to the higher grade doing the necessary work as efficiently as any other officer indented from other parts of the country or from outside India. So, Sir, in bringing this motion, we are only giving expression to the idea that we should henceforth rely on the officers who have been doing so well and thus save the heavy expense involved in keeping these higher grade officers. This would also mean keeping the money of the province in the province itself.

Next, Sir, when I particularly mention the provincial services, there is also the idea that we should limit the salaries of all officers within Rs. 500. By doing so, we shall get enough money for financing some of the starving departments, at the same time we encourage the officials now serving in the provincial services. For this purpose we want that Government should take immediate measures to provincialise all the higher services and, by limiting the expenditure, create sufficient funds for encouraging and developing the nation-building departments.

As regards the limit of pay of Rs. 500 I have proposed, Sir, I should say that it is not always money that attracts people. There is something else, which is called power, that also attracts people. Then again, there are higher and nobler things like a spirit of service, which I hope is not wanting in the departments of Government that are working now. I therefore, Sir, hope that the House will agree with me in saying that the Government should see that all the higher services are entrusted to the people of the province, with the double object of encouraging the provincial service men and also of helping in retrenchment of expenditure.

THE HON'BLE THE SPEAKER: The motion before the House is that the provision of Rs. 2,89,246 under Grant No. 9, Major Head 25.—General Administration, Minor head M(a)—Civil Secretariat (Excluding the Legislative Department) (total), at page 66 of the Budget be reduced by Rs.10.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, if the hon. members read sections 244 and 246 of the Government of India Act, they will find that the local Government have got no hand in the matter of appointments to the Civil Services known as the Indian Civil Service, the Indian Medical Service (Civil) and the Indian Police Service. The Secretary of State has further reserved powers to declare certain posts under section 246 as protected. Barring these limitations, Sir, it has been ordained under the new Constitution that all other services should be provincial. It is about seven years ago that the other services were all provincialised. The Indian Agricultural Service is gone, the Indian Educational Service is no more, and now, Sir, the Indian Forest Service and the Indian Service of Engineers are going. As a matter of fact just at the present moment, I am dealing with a file for starting a Provincial Service of Engineers and there will be no more recruitment to the Indian

Service of Engineers as the Service will become provincial. Similarly my Hon'ble Colleague in charge of Forests is considering about replacing the Indian Forests Service by a Forest Provincial Service and recruitment to the Indian Forest Service have been stopped in the year 1932. So the point which has been raised by my hon. friend by this cut motion is already being dealt with by the Ministry, barring those which we cannot touch under the Constitution.

Of course the second argument of my hon. friend is their determination to see that no public servant in India gets a salary higher than Rs. 500. Sir, to that we cannot agree. We have reduced the scales of all services, in many cases by even 30 to 33 per cent. and Government believe that there is hardly any room for further retrenchment in the salaries of those services.

As regards new scale for the Provincial Service of Engineers and Provincial Forest Service, the matter is still under consideration and no final orders have been passed, but I can assure the House that even in those cases, at least in the case of those services in my portfolio, our maximum will be 30 to 33 per cent. less than what is given to those services, now, Sir, I hope the House will agree with me that we are doing all we can in the matter and that we cannot accept the theory of Rs. 500 maximum till all other provinces accept that scale.

SRIJUT GOPINATH BARDOLOI: Sir, in spite of the assurance given by the Hon'ble Finance Minister, I have not been satisfied with the principles that have been laid down in regard to certain services. Of course it would be natural with him not to be wedded to the principle of Rs. 500. His view point is that efficiency has got a good deal to do with the salary that is given. But, Sir, if we take the view point of our masses, if we look to the condition of the people of the country, I think that the time for revision of our opinion in this matter has already come. The broad principle of the Congress in matters service and fixation of the salary at Rs. 500 is a very good one. We are disposed to think that in case of special services, where we may be requiring an expert, where extraordinary application or extraordinary ability may be necessary, we may be prepared to take into service on a contract system such men even at a higher salary than what we are paying to-day. But so far as the running of the day to day administration is concerned, we think that the maximum of Rs. 500 should be a very good principle and I think it is one which should be acceptable to the House.

Sir, as I have pointed out in my Budget speech, that when the average income of our people is between Rs. 2 to Rs.4 a month, to think of the salary which is hundreds of times more is really something which we can never support. It would be seen that in the free countries, in a country like Japan, even the Governor of Formosa gets about Rs. 500. The Chief Minister of Japan gets only Rs. 700. If all this is possible in a country which is free, in a country which is one of the richest, in a country where the average income of the people per head is Rs. 60 per month, I think the principle of fixing Rs. 500 as the maximum salary for an officer in our country cannot be said to be a bad one. On the other hand a time may come when we shall have to think even of further curtailment. So I would respectfully submit that the House will be pleased to accept that principle and I would also appeal to the Hon'ble Chief Minister to accept the principle. It may not however be possible to give effect to the principle all at a time, but we must accept that principle and we shall work to that end. I suppose the Hon'ble Finance Minister will accept this view of the matter.

The motion was put and lost.

BABU KARUNA SINDHU ROY : Sir, I beg to move that the provision of Rs.2,89,246 under Grant 9, Major head—25.—General Administration, Minor head—M (a) Civil Secretariat (Excluding Legislative Department) (total), at page 66 of the Budget be reduced by Rs.2 (to discuss the retrenchment of personnel in the Secretariat).

Though I know, Sir, it is almost impossible to change the charged personnel of the Secretariat Establishment who are drawing large salaries and performing very light duties in return, yet I shall attempt to invade with my scissors of retrenchment the impregnable fortification so strongly guarded by so many forces as special responsibilities, special powers, individual judgment and discretion. But, Sir, going through the sections 52,53,78 and 240 to 250 of the new Act, I conclude that if the Members of the Treasury Benches are sincerely inclined to make serious attempt to exert their personal influence with His Excellency the Governor, they will be able surely to succeed to effect retrenchment according to my suggestion.

Now, Sir, the post of the Registrar can be easily abolished and the voted amount of Rs. 8,560 can be saved. The duties of the Registrar are for distribution of receipts and files. The posts of Head Assistants should also be abolished and the officers who are now working as Head Assistants should work as Under-Secretaries on the same salary. So it would not effect much if the posts of one or two of these Under-Secretaries are increased.

My main suggestion is to accommodate all the Heads of Departments in the Secretariat. At present there are three Secretaries. I shall also keep three groups, each to be headed by a Secretary. The Director of Public Instruction should function as Chief Secretary in addition to his own duties. He may either be an I. C. S. officer or an officer of the Education Department. Under him the Inspector General of Police would work as Deputy Secretary. The post of Assistant Inspector General of Police should be abolished. His work can be taken up by one of the Under-Secretaries recruited from the office assistants. His only function is clerical duties. His clerks may also be accommodated in the Secretariat to help the dealing Assistants. This Secretary should also perform the duties of the Financial Secretary. Examiner of Local Funds should work under him as Under-Secretary. The Inspector General of Civil Hospitals and Prisons should function as another Secretary. Medical, Local Self-Government and all other subjects now dealt with by the Second Secretary should be entrusted to him in addition to his own duties. He should also function as Director of Public Health. This Department cannot really progress, Sir, though there are certain doctors in villages, they can do nothing with scanty supply of resources. The Commissioner of Excise should also take the duties of the Registration Department and act as Deputy Secretary under this Second Secretary. The third Secretaryship should be taken up by the Conservator of Forests. The Director of Agriculture should also function as Director of Land Records and he must work as Deputy under the third Secretary. The Director of Industries should function the duties of the Registrar of Co-operative Societies and Registrar of Joint Stock Companies. I shall allow him to act as Under-Secretary.

Now, Sir, by this arrangement if one or two posts of I. C. S. are thrown out, and if it would not be possible to curtail the posts, they may be directed to go to the districts with their same salaries and less junior officers may take charge of the subdivisions. Non- I. C. S. Subdivisional Officers are cutting sorry figures. They in order to please their high officials are always inclined to increase the revenue at the

expense of poor villagers, and they are found to be entangled in town cliques and they are generally influenced by flattering words of one party or the other. Under all these circumstances, they cannot remain neutral and impartial. Until we get Subdivisional Officers of the type of late Nabin Chandra Sen's calibre, we must do away with the present Subdivisional Officers. The number of posts of Extra Assistant Commissioners and also their salaries should also be curtailed.

Now, Sir, these are all my suggestions, I hope that the Hon'ble Finance Minister will try to effect this retrenchment.

THE HON'BLE THE SPEAKER : The motion moved is, that the provision of Rs.2,89,246 under Grant No.9, major head 25.—General Administration, minor head M(a).—Civil Secretariat (excluding Legislative Department) (total), at page 66 of the Budget be reduced by Rs.2.

THE HON'BLE MAULAVI SAYYID SIR MUHAMMAD SAADULLA : Sir, I am obliged to the hon. member for giving me his suggestions, not only at the general discussion of the budget, but also in his speech on the cut motion to-day.

For the information of the House, I can say that, pursuant to the recommendations of the last Retrenchment Committee of 1931, we effected a retrenchment of 17 per cent. in the personnel of the Secretariat. Since then, work has increased, and we had to take about four more clerks. But I understand from the speech of my hon. friend that his idea is not merely to reduce the personnel in the Secretariat, but also in the office of the Departmental Heads. He mentioned the Inspector General of Police and Inspector General of Registration. All these are matters for discussion in the Retrenchment Committee which I propose to constitute very soon. If my friend will accept my suggestion, then his speech will be read or will be submitted before the Retrenchment Committee. If the Retrenchment Committee think on the same lines the suggestions made by him will be given effect to. With this assurance I hope the hon. member will withdraw his cut motion.

The motion, with the leave of the House, was withdrawn.

THE HON'BLE THE SPEAKER : There are three motions on the same subject. I call upon Khan Sahib Maulavi Mudabbir Hussain Chaudhury to move his motion.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : I beg, Sir, to move that the provision of Rs.9,786 under Grant No. 9, Major Head—25.—General Administration, Minor Head—O.—Board of Revenue (total), at page 67 of the Budget be refused. (To raise a discussion that the Board of Revenue is not wanted.)

Sir, in this discussion, I shall raise two legal points. First of all the Government of India provided for the establishment of a Public Service Commission and for the establishment of a Board of Revenue or a Revenue Tribunal. The first point is, whether it was possible to amalgamate these two bodies and economise our expenditure.

THE HON'BLE THE SPEAKER : You are discussing that the Revenue Tribunal should be abolished.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY : My point is this. If the Board of Revenue could be abolished the functions of

the Board of Revenue could have been done by the Public Service Commission. In order to show how this could have been done I may read section 267 of the Government of India Act.

“ Subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Service Commission or, as the case may be, by the Provincial Public Service Commission :”

I put a stress on the word that “ Act may provide for the exercise of additional functions. ” The functions of the Board of Revenue could have been assigned by an Act of Legislature to the Public Service Commission, but that has not been done by the Hon'ble Ministers. They have not even come forward with a piece of legislation for that purpose, in order to economise our expenditure incurred due to the Revenue Tribunal. Sir, it may be argued that additional functions mean functions regarding service and not in other matters but my question is that whether any legal opinion on this matter has been obtained by the Hon'ble Ministers.

Now let me come to another point. Section (2) of rule 296 of the Government of India Act provides that “ if in any province any such jurisdiction as aforesaid was, immediately before the commencement of Part III of this Act vested in the Local Government, the Governor shall constitute a tribunal consisting of such person or persons as he, exercising his individual judgment may think fit to exercise the same jurisdiction until other provision in that behalf is made by Act of the Provincial Legislature.” In this connection, Sir, my point is that a Revenue Tribunal has been constituted and it has been done in the individual judgment of the Governor. If that be the case, then I suppose that our Ministers have tendered advice in that connection. If so, then I want to know whether they tendered their advice for maintaining a fat salaried member for the Board or whether they tendered their advice against it and whether their advice was not listened to by the Governor. If latter be the case, then I want to know why our Hon'ble Ministers have not come up with a legislation before this House. A provincial legislation could have been made in this House for forming a Revenue Tribunal. This province of Assam can ill-afford to maintain a Tribunal, having a member to pay about Rs. 3,500 per month from our provincial revenues. This sum is too big which we can ill-afford to pay. So, Sir, I think a Tribunal could have been formed at a much less cost even if the functions of the Revenue Tribunal could not have been transferred to the Public Service Commission. I hope, Sir, the House will agree with me in this. With these few words I beg to resume my seat.

BABU KAMINI KUMAR SEN: On a point of order, Sir. Can the suggestion of the hon. member of abolishing the Revenue Board and amalgamating it with the Public Service Commission be taken within the scope of the motion ?

THE HON'BLE THE SPEAKER: The hon. mover has brought the motion in order to discuss the question of abolition of the Revenue Tribunal. Now, in going to discuss that question the hon. member may suggest the amalgamation of the Revenue Tribunal with the Public Service Commission. It comes within the scope of the discussion on this motion.

BABU KAMINI KUMAR SEN: Sir, I have got a similar motion. And I think, I should add a few words more on this motion. I need not move my motion separately.

THE HON'BLE THE SPEAKER: I will now put the motion.

The motion moved is that the provision of Rs.9,786 under Grant No.9, Major head—25—General Administration, Minor head—O—Board of Revenue (total), at page 67 of the Budget be refused.

BABU KAMINI KUMAR SEN: Sir, my hon. friend Khan Sahib Maulavi Mudabbir Hussain Chaudhuri has already spoken much about this. It seems to me, Sir, from the reading of the Government of India Act, that provisions as regards the Public Service Commission and the Board of Revenue are mandatory. Even if we cannot afford to have the Public Service Commission or the Board of Revenue we must, if we are to abide by the provision of the Government of India Act, have such a Commission as well as a Board of Revenue, but our financial position, Sir, as well as the little amount of work that has to be done by the Commission and the Board compels us to find out some means for economy. I find, Sir, in section 267 of the Government of India Act which has already been referred to by my hon. friend that subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Service Commission. So, Sir, if we can amalgamate the functions of the Public Service Commission as well as the Board of Revenue in one body, *i.e.*, in Public Service Commission at least an amount of Rs.50,000 can annually be saved and as the Public Service Commission has very little work to do, I think there will not be any difficulty for them to function as Board of Revenue as well. So with this object, Sir, I have put in a cut motion for amalgamating both these bodies in the Public Service Commission and I would urge upon the Government to take up this suggestion and place an Act for this purpose. With these few words I beg to support the motion.

THE HON'BLE THE SPEAKER: I think, the hon. member has not moved the motion* but he is only speaking on the motion.

SRIJUT RAJANI KANTA BAROOAH: Sir, the motion** that stands in my name is identical with that of my hon. friend Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. He and my hon. friend Babu Kamini Kumar Sen have dealt on the various aspect of the matter. I shall confine myself only to the economic aspect of the matter.

Sir, the statutory functions of the Revenue Tribunal are to entertain appeal or revise decision in revenue cases. From the figures available for April, May, June and July we find that only 111 (one hundred and eleven) new appeals have been filed. On the basis of this by simple mathematical calculation it can safely be concluded that the total number of cases, that may be filed during the course of the whole year, would not exceed 350 cases at the most. Sir, to spend a sum of Rs.50,000 for disposing of 350 appeals is nothing but extravagance. I should call it criminal extravagance on the part of a poor province like Assam.

I would therefore suggest that the administration of the functions of this Tribunal be entrusted with the Public Service Commission in addition to their own duties.

* That the provision of Rs.9,786 under Grant No.9, major head 25.—General Administration, minor head O.—Board of Revenue (total), at page 67 of the Budget be reduced by Rs.100. (To urge upon the Government to abolish the Board of Revenue and to authorise the Public Service Commission to administer the functions of the Board of Revenue.)

** That the provision of Rs.9,786 under Grant No.9, major head 25.—General Administration, minor head O.—Board of Revenue (total), at page 67 of the Budget be refused. (To raise a discussion on the abolition of the Board of Revenue.)

With these words I support my hon. friend Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.

MR. NABA KUMAR DUTTA: Sir, I rise to support the cut motion moved by my hon. friend Khan Sahib Maulavi Madabbir Hussain Chaudhuri. We all know that revenue appeals are very few in this province and a constitution of an one man's Board to hear all these appeals at such a cost is a great waste of money which we can ill-afford. The revenue appeals can be easily heard by the Hon'ble Minister in-charge of Revenue or the task of hearing all these revenue appeals can be given to the Public Service Commission. Sir, it seems that if the Government would have spent a few thousand more over and above what is being spent for the Revenue Board, I think the establishment of a High Court would have materialised and in that case the revenue appeals could have been left to it. Pending the establishment of a High Court, I think, revenue appeals can be heard direct by the Hon'ble Minister in-charge of Revenue who used to do it before or the task can be left to the Public Service Commission, which consists of 3 members and is thus decidedly superior body to an one man's Board.

Under the circumstances I hope, Sir, that Government will take this matter into serious consideration, which is drawing public attention as a fragrant waste of money and corroborate the charges of a top-heavy administration.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, the hon. members of this House must have realised that it is impossible for us to dispense with the Revenue Tribunal because the Act enjoins each Province to have a Revenue Tribunal. My hon. friend Mr. Dutta was not correct in suggesting that this function can be exercised by the Revenue Minister as was done by the Revenue Member in the past, because the whole object of section 296 of the Government of India Act is that those judicial decisions should be arrived at by persons who are not influenced by the Legislature. That is the whole object of the Section and, therefore, it is unthinkable that the Revenue Minister can at any time—even for an experimental purpose or even for the transitional period—hear a revenue appeal. So, Sir, we have to admit that there must be a Revenue Tribunal. Now, what this cut motion aims at is cutting away the salaries of the staff of the Revenue Tribunal. If this motion is carried, even then the Revenue Tribunal will be there, it will hear revenue appeals. The only consequence will be that it will put handicap to the staff. If the object of this motion is to do away with the Revenue Tribunal altogether I think, Sir, the House will realise that it is impossible. But if it is the object to create some difficulties in the way of the Revenue Tribunal, that object can be partially achieved by taking away the staff. Even then, if the Revenue Tribunal is attached to the Secretariat, that is to say, if the Secretariat clerks carry on the functions of the present staff on the Revenue Tribunal, the Revenue Tribunal will continue to function, and it will mean an additional work and over work of the staff of the Secretariat. That is the position and in that view of the matter the House will agree with me that this motion cannot be passed.

The other question is whether there ought to have been a Bill in this Provincial Legislature determining the salary of the Member of the Revenue Tribunal. I take that point first, Sir, because it has been suggested that this is a very expensive office. I am inclined to agree with the view, but we have already received a Bill which will be considered by the Upper House. A Member of the Upper House has put forward a Bill in which he has suggested that the salary of the Member, Revenue Tribunal, ought to be

reduced to Rs.1,000. Now, Sir, we are considering whether that Bill can be considered by the House without the previous sanction of the Governor, and that legal point is now being considered and the matter is being referred to the Government of India as to whether such a Bill can be moved at all. So, Sir, this is the difficulty in the way of our Government bringing forward any Bill for the reduction of the salary of the Member.

Then the next point, Sir, is whether we should have a Bill suggesting the amalgamation of the Revenue Tribunal with the Public Service Commission, *i. e.*, authorising the Public Service Commission to carry on the functions of the Revenue Tribunal. As regards that point I submit that the question is not altogether free from difficulty. By additional functions, I am inclined to think, the Legislature means functions of the type which the Public Service Commission can do, not the judicial functions. For instance, it may be that the Public Service Commission may be authorised to carry on the appellate functions so far as appeals of the Government servants are concerned, *e. g.*, appeal against orders of dismissal or suspension, etc., which are now being entertained by Government. This sort of function can be entrusted with the Public Service Commission by virtue of section 267 of the Government of India Act. As I have said, this question is not entirely free from difficulty; I have to admit that we have got no authentic legal opinion on the subject.

As regards the work which has been done by the Revenue Tribunal I may mention to the House that it has already dealt with 138 appeals, and some of these appeals are very complicated. Recently, the Member, Revenue Tribunal, had to deal with a complicated case of Dharmattor property and he delivered a judgment covering about 44 pages. The hon. members must not be disposed to think that these appeals can be dealt with as summarily or as quickly as the Local Government used to do in the past because it is the intention of the Act that these questions should be carefully gone into, and by an officer of judicial temperament, an officer who can exclusively devote himself to the subject in which important questions of law are sometimes involved. The Government of India Act consequently provided for an officer like this. So, Sir, that is the position. If the House objects to the Revenue Tribunal on the ground that it is very expensive, we have already a Bill and we shall discuss it in the Upper House. As regards the other point, *i. e.*, authorising the Public Service Commission to carry on the functions of the Revenue Tribunal, I have said the question is not free from difficulty and we shall try to get the best legal opinion on the subject.

Then, Sir, there is one other matter which, to my mind, is a matter for consideration. Originally it was announced that this Revenue Tribunal was to be known as the Board of Revenue, but subsequently the present Government has changed the nomenclature into one of Revenue Tribunal. The Board of Revenue, Sir, connotes that the Board will have, besides judicial functions, also some executive functions. In other provinces, for instance in Bengal, there is the Board of Revenue and they do hear appeals and revisions and also pass orders in executive matters. So far as the Member, Revenue Tribunal, of this Province is concerned, he is entirely devoting himself to the appellate work—judicial portion of the appellate work and his advice is sought and taken whenever required in other matters as well. But he exercises no function of the Board of Revenue. Therefore it is apparent, Sir, that the whole matter is under the careful consideration of the Government, and I hope the position will not be complicated by this House by refusing the salary of the staff of the Revenue Tribunal.

BABU KAMINI KUMAR SEN: Do we understand that if there be no legal difficulty in amalgamating the two Boards the Hon'ble Minister will bring in a Bill ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is one other point which has already been replied to by my Hon. Colleague, the Judicial Minister. The pay of Revenue Tribunal was reserved for an I.C.S. Officer, and Mr. Scott, the former incumbent of the post of Revenue Member, was actually given an assurance by the Secretary of State that he would be given this post. When he comes back to Assam again to resume his office it might be difficult legally to allow the Public Services Commission to exercise that function. But if there is no legal difficulty the Government will surely give the matter very full consideration, and if the functions of the Revenue Tribunal can be safely exercised by the Public Services Commission there will be no serious objection.

MR. NABA KUMAR DUTTA: Will the Government take legal advice ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Government will take the best legal advice.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I point out that section 296(2) says "If in any province any such jurisdiction as aforesaid was, immediately before the commencement of Part III of this Act, vested in the Local Government, the Governor shall constitute a Tribunal, consisting of such person or persons as he, exercising his individual judgment, may think fit, to exercise the same jurisdiction until other provision in that behalf is made by Act of the Provincial Legislature." Until other provision is made by the Provincial Legislature, *i.e.*, to make some permanent arrangement in this respect. Therefore the argument of the Hon'ble Judicial Minister that this post has been reserved for an I.C.S. officer is perhaps not correct. It is for the Legislature to say as to whether this Revenue Tribunal should be constituted by an I.C.S. officer or by the Public Services Commission or by any other body. May I know if the Ministry was consulted ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Government also was not quite sure on the point and therefore we have already made a reference to the Government of India.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: I want to know whether our Ministry is going to bring in a Bill on the subject ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We are going to take the best legal opinion on the subject.

Sir, my hon. friend when referring to Section 296(2) of the Government of India Act enquired whether the Ministry were consulted because this is a function which His Excellency the Governor exercises in his individual judgment. As I told the House the other day, we as a Ministry came into being the same day along with the Revenue Tribunal, and therefore we were not consulted. As my Hon'ble Colleague, the Judicial Minister, has already pointed out, long before we came into existence as Ministers, the matter was discussed by the Provincial Government and they decided that Mr. Scott the then Revenue Member should be the only member of the proposed Revenue Tribunal. It was after we had taken office that His Excellency consulted us whether Mr. Scott was not a suitable officer for the post. Of course we said that he was a suitable person. In the first place the Revenue Tribunal is to hear appeals from the Revenue Officers down below. As everyone knows the Deputy Commissioner exercises both original and

appellate jurisdiction, and appeals from his decisions lie to the Commissioner, and from Commissioner formerly to the Government. It is but meet and proper that the Revenue Tribunal Member should be one who is senior to a Commissioner in service and therefore we thought that Mr. Scott was a suitable person in this respect. Originally his post was published as Board of Revenue but the Ministry pointed out that a Board of Revenue in other Provinces where it existed from before heard revenue cases but also initiated new policies as regards revenue matters. At the instance of the present Ministry, His Excellency was pleased to change the name into Revenue Tribunal.

Next, the point has been raised whether the present Local Government is bound to respect the assurance given by the previous Government to Mr. Scott that if he remained in service he will continue to enjoy the same privileges and emoluments as he was enjoying before. On this matter my Hon'ble Colleague has already pointed out to the House that a reference has been made to the Central Government on the subject.

Lastly, it has been urged whether we are prepared to bring in a piece of legislation for the purpose of combining the Revenue Tribunal with the Public Service Commission. Sir, we have consulted among ourselves and we are not yet free from doubt whether the two functions can be combined. As hon. members are aware under section 266 of the Government of India Act the Public Service Commission deal with matters relating to recruitment and with service appeals only. In our opinion, subject to correction, only such functions as are allied to the original functions can be transferred to them, but the functions of the Revenue Tribunal which ultimately may be converted into a Board of Revenue cannot be transferred to them. Further, as the suggestion has been thrown out, we are prepared to consult the highest legal opinion, and if it is found that we can do so and effect an economy by combining the two bodies into one body, we will be prepared to come up to the House with a Bill for legislation.

THE HON'BLE THE SPEAKER: Does the hon. Khan Sahib Maulavi Mudabbir Hussain Chaudhury wish to press the motion?

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: In view of the statement that has been made by the Hon'ble the Chief Minister, I do not like to press the motion.

The motion, with the leave of the House, was withdrawn.

MAULAVI ABDUR RAHMAN: I beg to move that the provision of Rs. 61,254 under Grant No.9, Major Head 25—General Administration—Minor Head Q—Local Fund Audit Establishment (total), at page 68 of the budget be reduced by Re.1.

I have tabled this motion with a view to criticise the manner in which audit is generally done. Sir, hon. members know that the Local Self-Governing institutions are generally liable for audit and it is also known that such institutions are being managed by Committees or certain bodies and also it is a fact that they are generally divided into parties. Sir, it is my personal experience that the Auditors whenever they go to do audits they take the side of one party or another and at the instigation of that party they raise certain objections in their audit report which in reality are not always found correct. Sometimes they bring in such unfounded objections in their reports and on the strength of such reports the Government generally become biased against that particular institution and thereby that particular institution becomes an eye-sore to Government. Again, Sir, in their actions, I have seen that they enter into such criticisms which if you come to compare with the records they will not be found altogether true. With this view, I want that the provision that has been made in the budget in this connection

should be reduced by one rupee in order to censure Government for the unhappy state of things to expose which this motion has been tabled.

THE HON'BLE THE SPEAKER: The motion moved is: that the provision of Rs.61,254 under Grant No.9, Major Head 25.—General Administration, Minor Head Q.—Local Fund Audit Establishment (total), at page 68 of the Budget be reduced by Re.1.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, I as Finance Minister am in charge of the Department of Local Fund Audit not only now but also during the previous years as Finance Member. To a certain extent the complaint mentioned in this House by my hon. friend is correct. But whenever such a matter has been brought to notice of Government they have corrected the delinquencies of such Auditors. But I must say that simply because one or two Auditors have been duped into party politics of the Local Self-Government institutions, we cannot say that the system of audit is bad. I can say without challenge that up till now we have not got any complaint from any Self-Government institution that the audit has been done in a slipshod way or any perfunctory manner.

Sir, recently, about two months ago, it was brought to my notice by one hon. member of this House that a particular Auditor is leaning towards a particular faction in a Local Self-Government institution. I at once issued orders that the gentleman should not go to that locality and that he should not do anything there. In this way, whenever anything has been brought to my notice, I have done the best according to my lights and I have prevented audit at a time when there is a high tension. It is very unfortunate that in some local bodies there are more than two parties and each trying to inveigle other parties on allegations of mismanaging the board's funds and so forth. But at the same time, I say, that wherever there has been any delinquency on the part of the Auditors and whenever it is brought to our notice, we have stopped the participation in these party politics of the Auditors. Sir, if my hon. friend has got any particular instance in mind, he has only to let me know about it and I shall take necessary action to stop that. I hope I have said enough to show to the House that the system is not bad and that you cannot prevent the human feeling of our Auditors if they at times have fallen a prey to such party politics. In view of the assurance that I will look into every matter brought to my notice very carefully, I hope the hon. mover will be pleased to withdraw his motion.

The motion was, with the leave of the House, withdrawn.

MAULAVI ABDUR RAHMAN: I beg to move—

That the provision of Rs.77,446 under Grant No. 9, Major Head—25.—General Administration—Minor Head—R—Commissioners (total), at page 69 of the budget, be refused.

(To raise a discussion that the posts of Commissioners are not wanted.)

Sir, this is a very simple and obvious proposition which aims at economy without sacrifice of efficiency of administration. It appears to me that these two high posts are maintained either for the benefit of a few persons or for the sake of a false prestige. Of late, Sir, I understand, why, I know, that two Retrenchment Committees were formed in order to bring about reductions in the expenditure of the province. And I know that both these Retrenchment Committees came forward with the recommendation that these high salaried posts of the two Commissioners should be abolished. Their business is that of a post office and they are mere forwarding agencies. Sir, after the recommendations of the Retrenchment Committees much water has flown down the rivers, Brahmaputra and Surma, and up till now no action has been taken to implement that part of the recommendation.

There are certain other resolutions and some motions also have been tabled by many of the hon. members that these two posts should be abolished. I think, Sir, that the general view of the province is that these two posts must go. I also hold that by the abolition of these two posts the efficiency of administration will not in any way suffer. With these few words, Sir, I move this motion.

THE HON'BLE THE SPEAKER: The motion before the House is that the provisions of Rs.78,446 under Grant No. 9, Major head—25.—General Administration, Minor head—R.—Commissioner (total), at page 69 of the Budget be refused.

MAULAVI DEWAN ALI RAJA: Sir, the post of Commissioners is being maintained for long to the great advantage and convenience of the public and the administration of the province. If this post is abolished, an important link in the chain of general administration will be missing, and in the absence of an experienced administrative head, the standard and efficiency of the administration will fall. No doubt, there are our Ministers, but, I am afraid, with their heavy duties of controlling and directing broad principles of administration, they will not find any time to attend to the details of administration or to the various grievances and complaints of the public. The post of the Commissioners is a highly necessary one and to abolish it will be to impair the administration of the province. Sir, I oppose the motion of reduction brought by my hon. friend.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, I may inform the hon. members of this House that a similar motion for the abolition of one of the posts of Commissioners was moved in the last Council in its September or March session of last year. And that motion was carried, Government members—two of them Ministers and the remaining two Executive Council Members—remaining neutral. Sir Abraham Lainé who was a member of the Executive Council then said that his views were similar to those of the members of the then House. I therefore hope that this motion will be carried by this House, so far as one of the posts is concerned. I am however not in favour of the House as it stands.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Sir, I rise to support the motion. I tabled a resolution asking Government to move the proper authorities in order to abolish the posts of both the Commissioners. But that resolution is not coming for discussion. To me, Sir, the duties of the Commissioners are no better than the duties of Telephone Operators, who connect one house with another. Our Commissioners who are mere forwarding agents of the District Officers, only connect one office with another and delays transactions of official business. I may also say that the description of Commissioners as Post offices is a correct statement of facts. We often find them occupying the Circuit Houses and Dak Bungalows, having no official duty to do. I think, Sir, if the Deputy Commissioners are given a bit wider power, we can do without these Commissioners, and thereby save a lot of money every year. In that case, Sir, I do not think that the efficiency of administrative works will suffer in any way. With these words, Sir, I support the motion.

SRIJUT GHANASHYAM DAS: Sir, I should like to support this motion out of necessity—the necessity for rising funds for the nation-building departments, for which very little provision has been made in the budget. The

crying demands of our starving brothers are many. The Government have tapped all resources and yet there are no funds to meet those demands.

THE HON'BLE THE SPEAKER: The hon. member will please be brief. We have to close at 1 O'clock.

SRIJUT GHANASHYAM DAS: I therefore support the motion.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I do not know how by passing this motion we can abolish the post of Commissioner, as I find that the sum of Rs.78,446 is voted and includes the pay of the Personal Assistant and other clerks. So by adopting this motion I think we will be abolishing the Personal Assistant and the clerks and not the Commissioner. So I do not think that the purpose of the hon. mover will be served by adopting this motion.

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA: Sir, in 1931, the Retrenchment Committee over which I presided went into this matter very thoroughly, and we came to the conclusion that at least one of the posts of Commissioners, namely that of the Surma Valley, should be abolished. Most probably hon. members are aware that, before the constitution of the joint Eastern-Bengal and Assam Province, we had no Commissioner in the Surma Valley division. When the province was constituted into the Eastern-Bengal and Assam Province, that Government started a Commissionership for the Surma Valley with its headquarters at Silchar. When Assam was re-constituted into a free province in 1912, somehow or other our administrators at the time forgot to notice that this additional post was left as a legacy of the defunct Government. Since then the jurisdiction of this officer was increased by the addition of the Hill districts and the Commissioner of the Surma Valley has been designated as Commissioner, Surma Valley and Hill Division. For the reasons I have stated the Retrenchment Committee of 1931 proposed the abolition of that post. The Assam Government sent this matter up to the higher authority, namely the Secretary of State. But the Secretary of State said that the constitution was in a state of flux and a new constitution was coming and that it was a matter of all-India importance, and no action could be taken for Assam alone. Since then, as hon. members have seen, a new Constitution under the new Government of India Act, 1935, has come into being only a few months ago. I have already stated that under section 246 of the new Act, the Secretary of State has taken the power of reserving of certain posts. Members are also aware that under section 244 we have no hand as regards the Indian Civil Service posts and a Commissionership is reserved for a member of the Indian Civil Service. We cannot, therefore, unless we amend the Act, do away with the posts of Commissioners. The present cut motion relates to that branch of the expenditure which is meant for the staff of the Commissioners, namely, the clerks and other menials of their offices. By refusing this grant will be throwing about 150 persons out of office and they are all Indians. So that is the position. Moreover, Sir, the questions about retrenchment of the particular posts or any other posts should be gone into in a calmer atmosphere in a Retrenchment Committee which is going to be held probably in September next. It would be better if the hon. members simply indicate on what lines retrenchment is to be made so that the Retrenchment Committee may take them into consideration.

RAI BAHADUR PROMODE CHANDRA DUTT: On a point of information from the Hon'ble Chief Minister. Does section 246 say that there must be Commissioners ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The cadre of I.C.S. is sanctioned by the Secretary of State and the posts of the Commissioners are in the I.C.S.

Then the motion was put and the House divided with the following result—

Ayes. 63

Noes. 11

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| 1. Babu Akshay Kumar Das. | 1. The Hon'ble Srijut Rohini Kumar Chaudhuri. |
| 2. Mr. Arun Kumar Chanda. | |
| 3. Mr. Baidyanath Mookerjee. | |
| 4. Srijut Beliram Das. | |
| 5. Srijut Bhuban Chandra Gogoi. | |
| 6. Babu Bipin Behari Das. | |
| 7. Srijut Bipin Chandra Medhi. | |
| 8. Babu Dakshina Ranjan Gupta Chaudhuri. | 2. Maulavi Md. Abdus Salam. |
| 9. Srijut Debeswar Sarmah. | |
| 10. Srijut Ghanashyam Das. | |
| 11. Srijut Gaurikanta Talukdar. | |
| 12. Srijut Gopinath Bardoloi. | |
| 13. Srijut Haladhar Bhuyan. | 3. The Hon'ble Maulavi Md. Ali Haidar Khan. |
| 14. Babu Harendra Narayan Chaudhuri. | |
| 15. Babu Hirendra Chandra Chakravarty. | |
| 16. Srijut Jadav Prosad Chaliha. | |
| 17. Srijut Jogendra Chandra Nath. | |
| 18. Srijut Jogendra Nath Barua. | 4. Maulavi Dewan Ali Raja. |
| 19. Srijut Jogeshchandra Gohain. | |
| 20. Babu Kalachand Roy. | |
| 21. Srijut Kameswar Das. | |
| 22. Babu Kamini Kumar Sen. | |
| 23. Babu Karuna Sindhu Roy. | |
| 24. Mr. Kedarmal Brahmin. | 5. Khan Bahadur Maulavi Keramat Ali. |
| 25. Srijut Krishna Nath Sarma. | |
| 26. Babu Rabindra Nath Aditya. | |
| 27. Srijut Lakhesvar Borooh. | |
| 28. Babu Lalit Mohon Kar. | |
| 29. Srijut Mahadev Sarma. | |
| 30. Dr. Mahendra Nath Saikia. | |
| 31. Srijut Mahi Chandra Bora. | 6. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. |
| 32. Mr. Naba Kumar Dutt. | |
| 33. Srijut Omeo Kumar Das. | |
| 34. Srijut Paramananda Das. | |
| 35. Rai Bahadur Promode Chandra Dutt. | |
| 36. Srijut Purna Chandra Sarma. | |
| 37. Srijut Rajani Kanta Barooah. | |
| 38. Srijut Rajendra Nath Barua. | 7. Khan Sahib Maulavi Sayidur Rahman. |

39. Srijut Ram Nath Das.
 40. Srijut Sankar Chandra Barua.
 41. Srijut Sarveswar Barua.
 42. Babu Shibendra Chandra Biswas.
 43. Srijut Siddhi Nath Sarma.
 44. Maulavi Abdul Bari Choudhury
 45. Maulana Abdul Hamid Khan.
 46. Maulavi Abdur Rahman.
 47. Maulavi Syed Abdur Rouf.
 48. Maulavi Dewan Muhammad Ahabab Choudhury.
 49. Maulavi Muhammad Amiruddin.
 50. Maulavi Muhammad Amjad Ali.
 51. Maulavi Ashraf Uddin Md. Chaudhury.
 52. Maulavi Badaruddin Ahmed.
 53. Khan Bahadur Dewan Eklimur Roza Chaudhury.
 54. Mr. Fakhruddin Ali Ahmed.
 55. Maulavi Muhammad Maqbul Hussain Chaudhury.
 56. Maulavi Matior Rahman Mia.
 57. Khan Bahadur Maulavi Mufizur Rahman.
 58. Maulavi Munawwar Ali.
 59. Maulavi Muzarrof Ali Laskar.
 60. Maulavi Namwar Ali Barbhuiya.
 61. Maulavi Naziruddin Ahmed.
 62. Maulavi Sheikh Osman Ali Sadagar.
 63. Srijut Dhirsingh Deuri.
8. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
 9. Rev. L. Gatphoh.
 10. Mr. C. Goldsmith.
 11. The Hon'ble Rev. J. J. M. Nichols-Roy.

Ayes being 63 and Noes 11, the motion was carried.

THE HON'BLE THE SPEAKER: Order, Order, the question before the House is that a sum not exceeding Rs.18,63,254 be granted 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."

The motion was carried and the grant made as reduced.

ELECTION TO RAILWAY ADVISORY COMMITTEES AND TO
THE DEVELOPMENT BOARD

THE HON'BLE THE SPEAKER: Order, Order, before we disperse, I wish to announce the result of voting for the election to several Committees which took place the other day—

Dibru-Sadiya Railway Advisory Committee—Khan Sahib Maulavi Sayidur Rahman.

Tezpur-Balipara Railway Advisory Committee—Srijut Mahadev Sarma.

Assam-Bengal Railway Advisory Committee—Babu Rabindra Nath Aditya.

Jorhat Provincial Railway Committee—Srijut Ram Nath Das.

Development Board—Agricultural Section, Assam Valley—Mr. Naba Kumar Datta, Srijut Rabi Chandra Kachari.
Surma Valley—Khan Bahadur Maulavi Mahmud Ali, Maulavi Abdus Salam.

Industrial Section—Srijut Beliram Das, Srijut Rupnath Brahma, Maulavi Abdul Aziz, Babu Akshay Kumar Das.

Co-operative Section—Srijut Sarveswar Barua, Maulavi Badaruddin Ahmed (Assam Valley).

Surma Valley—Maulavi Naziruddin Ahmed, Babu Harendra Narayan Chaudhuri.

The House stands adjourned till 11 a.m., on Thursday, the 19th August 1937.

SHILLONG,

23rd September, 1937.

A. K. BARUA,

Secretary, Assam Legislative Assembly.

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