

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 A. M., on  
Monday, the 9th September 1946

P R E S E N T

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the seven  
Hon'ble Ministers and seventy-two Members.

**Oath of Allegiance**

**The Hon'ble the SPEAKER :** Is there any hon. Member who has not  
taken his oath ?

(Voices—yes, Sir.)

The following Members were sworn in:—

1. Mr. C. W. Morley.

2. Mr. A. C. Tunstall.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Hailakandi Local Board**

**Maulavi MAKABBIR ALI MAZUMDAR** asked :

\*6. Will the Hon'ble Minister-in-charge of Local Self-Government be pleased  
to state—

(a) The reasons for the supersession of the Hailakandi Local Board  
though a Chairman was duly elected ?

(b) Whether the Hon'ble Minister-in-charge of the Department is still a  
member of the said Board ?

(c) Who is now officiating as Chairman of the said Board and whose  
nominee is he ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied :

6. (a)—The Board was not superseded.

(b)—Yes.

(c)—Government have appointed Maulavi Abdul Wahab Chaudhuri, B.A.,  
as Chairman of the Board.



**Maulavi Dewan ABDUL BASITH:** The Hon'ble Minister said that there was no supersession ; then there must be some Chairman of the Board. May I know who is the Chairman of the Board ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government have appointed Maulavi Abdul Wahab Chaudhuri, B. A., as Chairman of the Board.

**Maulavi Dewan ABDUL BASITH:** Under what provision of the Local Self-Government Act has this Chairman been appointed ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government have appointed Maulavi Abdul Wahab Chaudhuri.

†**Maulavi MAHAMMAD ROUFIQUE:** May I know whether there was any resolution from the Board for the appointment of the official Chairman ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** There was no resolution.

**Maulavi Dewan ABDUL BASITH:** Was the Board given a chance to elect another Chairman ? The Hon'ble Minister-in-charge replied that some gentleman has been appointed as a Chairman. But the Board has not been superseded. It means that the Board is functioning in its normal course. But the fact is otherwise.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government have appointed Maulavi Abdul Wahab Chaudhuri.

†**Shri SATINDRA MOHON DEV:** Is it not a fact that the Local Board failed to elect a Chairman ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** The hon. Member is referred to section 12 of the Local Self-Government Act and to rule 21 of the Subsidiary Rules. When the statutory period for election is over, Government has the right to appoint a Chairman. They appointed Maulavi Abdul Wahab Chaudhuri as the Chairman.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** What was the necessity for the Hon'ble Minister to take to this course ?

**The Hon'ble the SPEAKER:** The Board failed to elect a Chairman during the statutory period. That is the reply.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** What led the Hon'ble Minister to appoint a Chairman when the members could elect their own Chairman ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** They failed to exercise their right.

†**Maulavi MAKABBIR ALI MAZUMDAR:** Is it a fact that the members wanted to elect a Chairman, and sent a requisition to the member in charge to call a meeting ? He refused to call a meeting and the door was locked up. The members held a meeting outside the Local Board premises. Here they passed a resolution electing a Chairman.



**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government have no information.

### Salary of Hon'ble Ministers

**Maulavi MAKABBIR ALI MAZUMDAR** asked :

\*7. Will Government be pleased to state—

(a) Whether it is a fact that the salary of the Hon'ble Ministers has been increased three-fold ?

(b) If so, the reasons for such increase ?

(c) Do Government propose to increase the pay of other Government employees accordingly for the same reason ?

**The Hon'ble Mr. BASANTA KUMAR DAS** replied :

7. (a)—No. On the contrary the present Prime Minister has voluntarily surrendered Rs.1,000 per mensem out of his authorised salary of Rs.2,000 per mensem and is taking the same salary as other Ministers.

(b) & (c)—Do not arise.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** May I know what if the salary of other Hon'ble Ministers ?

**The Hon'ble Mr. BASANTA KUMAR DAS:** I would refer the hon. Member to the Assam Ministers' (Salaries and Allowances) Act. If anything can be known from any Government publication, no question is to be put to elicit information with regard to that. This is in the Rules for regulating the procedure and conduct of business of the House.

### Royalty on leases granted to the Assam Oil Company

**Srijut RAJENDRA NATH BARUA** asked :

\*8. Will Government be pleased to state—

(a) Whether rates of royalty can be varied during the continuance of leases granted to the Assam Oil Company ?

(b) The amount of royalty derived up till now by the Government of Assam from these leases ?

(c) Whether there was any other party except the Assam Oil Company at the time of renewal of the leases, viz., Digboi Lease No. 1, Digboi Lease No. 2, Makum Lease, Hansapung Lease and Kharjan Lease ?

(d) The amount of yearly excise duty on Petrol and Kerosene received upto now by the Government of Assam and Government of India ?



The Hon'ble Srijut BISHNU RAM MEDHI replied :

8. (a)—No.

(b)—Figures for the last three years are as follows :—

					Rs.
1943-44	...	...	...	...	9,03,249
1944-45	...	...	...	...	11,50,503
1945-46	...	...	...	...	9,16,243

(c)—No.

(d)—Excise duty realised during the last three years is as follows :—  
This all went to the Central Government.

			Motor Spirit	Kerosene
			Rs.	Rs.
1943-44	...	...	2,20,84,400	46,66,621
1944-45	...	...	2,53,50,000	40,29,630
1945-46	...	...	1,95,35,560	33,39,663

**Land settled with *ex*-tea garden coolies and other immigrants**

Maulavi MAKABBIR ALI MAZUMDAR asked :

\*9. Will the Hon'ble Revenue Minister be pleased to state—

- The area of land held by *ex*-tea garden population and other up-countrymen in each Subdivision of the Province ?
- The total area affected by the present eviction policy of the Government in each Subdivision and the number of evictees affected thereby ?
- The total area under crop seized and the probable outturn confiscated or destroyed ?
- The total number of eviction cases in each Subdivision ?
- The names of officers especially appointed for the purpose ?
- The number of transfers ordered on this account by Government from 1st May onward and those affected or pending and the number of Muslim Officers affected thereby ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

9. (a)—A statement is given below. Figures by subdivisions are not available.

STATEMENT SHOWING THE AREA SETTLED WITH THE EX-TEA GARDEN COOLIES AND OTHER IMMIGRANTS IN THE SURMA VALLEY AND HILL DIVISION AT THE CLOSE OF THE YEAR 1944-45.

1944-45

		Ex-tea garden coolies	Other immigrants	Total
		acres	acres	acres
Sylhet	...	10,874	430	11,304
Cachar	...	27,927	13,649	41,576
		<u>38,801</u>	<u>14,079</u>	<u>52,880</u>



STATEMENT SHOWING THE AREA SETTLED WITH THE EX-TEA GARDEN COOLIES AND OTHER IMMIGRANTS IN THE ASSAM VALLEY DIVISION AT THE CLOSE OF THE YEAR 1944-45

Districts	Ex-tea garden coolies	Other immigrants						Total of other immigrants	Grand total
		Tea garden clerk and other not of the cultivating class	Marwari	Nepalies	Santhals	Mymensingias and Railway coolies etc.			
	acres	acres	acres	acres	acres	acres	acres	acres	
Goalpara .. ..		57	1,594	8,281	43,294	63,720	116,946	116,946	
Kamrup .. ..	16,046	6,347	6,323	11,684	..	229,567	253,921	269,967	
Darrang .. ..	136,621	7,924	10,628	57,140	..	54,542	130,234	266,855	
Nowgong .. ..	23,907	188	2,462	6,645	..	212,959	222,254	246,161	
Sibsagar .. ..	91,872	2,508	..	4,148	..	4,521	11,177	103,049	
Lakhimpur ..	125,187	4,108	9,312	15,702	..	10,846	39,970	165,157	
Garo Hills ..		116	8	43	..	109	276	276	
	393,633	21,248	30,327	103,643	43,294	576,266	774,778	1,168,411	

(b)—The question is not fully understood, but in any case, as the professional grazing reserves are non-cadastral areas, the amount of encroachment has not been surveyed or mapped and the total is not known. Similarly only a few professional grazing reserves have so far been cleared, and the number of evictees therefrom forms only a part of the number to be eventually evicted.

(c)—No crops have been destroyed. Some were already reaped, some were attached and arrangements have been directed for local harvesting, in some cases by the original evictees if they give security for non-return. Some have been illegally reaped after attachment. Figures of all these would take too long to collect. No estimate of outturn is available.

(d)—Figures are not available and there is no time to call for them.

(e)—Mr. A. Ghani, followed by Srijut L. Sarma (with Muslim Colonisation Officer) did the eviction work in Kamrup Sadr and Mr. S. C. Kagti in Barpeta, Rai Sahib R.L. Uzir was the Eviction Officer in Mangaldai and Tezpur Sadr.

(f)—No transfers have been ordered on account of the eviction policy.



**Kulaura-Maulvibazar Public Works Department Road**

**Maulavi Dewan ABDUL BASITH** asked :

\*10. (a) Are Government aware that every year during the rainy season portions of Kulaura-Maulvibazar Public Works Department Road remains under water for a considerable period causing great inconvenience to the travelling public ?

(b) What steps do Government propose to take to remove this difficulty ?

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

10. (a)—Government are aware that flooding occurs in some years and that periods during which the flood remain are of short duration.

(b)—Prevention of these floods is not considered possible. Where raising of the road above flood level is not feasible, spillways on the roads are being introduced.

**Babu PURNENDU KISHORE SEN GUPTA** : Sir, is it not possible to divert the current of Manu in the upper stream through Hakaluki hoar ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : Sir, that is a big question which has to be examined by the Department.

**Babu PURNENDU KISHORE SEN GUPTA** : Sir, will Government please examine the question ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : Yes, Sir, the question will be examined.

**Maulavi Dewan ABDUL BASITH** : Sir, will Government examine the different alternatives to save this area from flood ? We can assure Government that there are alternatives to save both the road and the area and if officers are deputed with information to the Members, we will explain to them what can be done.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : Yes, Sir, we shall undertake to examine this question.

(Starred question No. 11 was not put and answered as the Questioner was absent).

**Officers of Assam Civil Service and Assam Junior Civil Service  
serving in their home Subdivisions**

**Maulavi MAKABBIR ALI MAZUMDAR** asked :

\*12. Will Government be pleased to state the names of those Officers who are serving in their home Subdivisions at present ? (The information is asked for in respect of Assam Civil Service and Assam Junior Civil Service only).



The Hon'ble Srijut GOPINATH BARDOLOI replied :

12. Lists are given below.

#### EXTRA ASSISTANT COMMISSIONERS

Names of officers	Home Subdivision	Place of posting
1. Maulavi Nasib Ali Majumdar	Silchar ...	Silchar (re-employed).
2. Maulavi Md. Madarris Choudhury.	Sylhet Sadr...	Sylhet Sadr.
3. Maulavi Jamiruddin Ahmed (temporary).	Ditto	Ditto— under order of transfer to Jorhat.
4. Mr. Josing Rynjah	... Shillong ...	Additional District Magistrate, Shillong—re-employed—temporary.
5. Mr. B. Westlington Roy	... Ditto	Shillong.
6. Mr. Kevichusa Angami	... Naga Hills ...	Kohima.
*7. Mr. Zahirul Huq	... Gauhati ...	Deputy Commissioner, Kamrup.
8. Srijut Sarat Chandra Kagti	... Ditto	Gauhati.
9. Srijut Kalpanarayan Majumdar.	... Ditto	Ditto.
10. Khan Bahadur Maulavi Lutfur Rahman.	Nowgong ...	Nowgong (re-employed temporary).
11. Maulavi Abbasuddin Ahmed	Mangaldai ...	Mangaldai.
12. Khan Sahib Maulavi Md. Anwar Hussain.	Jorhat ...	Jorhat.
13. Srijut Munikanta Borkataki...	Ditto	Jorhat (temporary).

#### SUB-DEPUTY COLLECTORS

Name of officers	Home Subdivision	Place of posting
1. Srijut Kanakeswar Gogoi	... Jorhat ...	Titabar (Jorhat).
2. Babu Surendra Kumar Chakrabatti.	Silchar ...	Silchar.
3. Srijut Chandra Mohan Deb Goswami.	Nowgong ...	Kampur Circle.
4. Srijut Uma Kanta Sharma	... Gauhati ...	Tihu.
5. Maulavi Md. Firdous Ali	... Sibsagar ...	Sibsagar Circle.
6. Maulavi Matin Uddin Ahmed Choudhury.	Karimganj ...	Karimganj.
7. Maulavi Talmizur Rahman...	Nowgong ...	Nowgong.
8. Srijut Uttam Ch. Deka	... Kamrup ...	Chaygaon Circle.
9. Maulavi Nesur-uddin Khondkar.	Goalpara ...	Gossaingaon Circle.
10. Mr. Osiris Lyngdoh	... Khasi and Jaintia Hills.	Shillong (services placed at the disposal of Cantonment).
11. Maulavi Atibur Roza Choudhury.	North Sylhet	Sylhet Sadr.
12. U Jor Manik	... Shillong ...	Shillong.
13. Maulavi Sajidul Bar Choudhuri.	Sylhet Sadr	Sylhet Sadr.
14. Babu Umesh Ch. Das	... Sylhet ...	Ditto (temporary).
15. Babu Jitendra Lal Das	... Habiganj ...	Habiganj (temporary).

\*Listed post holder.



**Maulavi MAKABBIR ALI MAZUMDAR:** Sir, in the list I find that Maulavi Nasib Ali Mozumdar's name is mentioned. Is he still in the Government employ, Sir ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Yes, Sir, unless he has chosen not to join.

**Maulavi MAKABBIR ALI MAZUMDAR:** Sir, is he drawing his salary ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** If he has joined, he will be getting his salary.

**Maulavi MAKABBIR ALI MAZUMDAR:** Sir, may I know in what capacity ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As a Deputy Magistrate, Sir.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Sir, in the list Mr. Zahirul Haque is shown as serving in his own native district but his home is in Nowgong and not in Kamrup.

**The Hon'ble Srijut GOPINATH BARDOLOI:** But he has a home also at Gauhati. Of course, it is not his home district.

**Maulavi MAHAMMAD ROUFIQUE:** In the list of Sub-Deputy Collectors Maulavi Talmizur Rahman has been shown in Nowgong. Is it not a fact, Sir, that he is under orders of transfer to North Lakhimpur ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** So far as my information goes, Sir, it is a fact that he is under orders of transfer to North Lakhimpur.

#### Grazing Reserves in the Province

**Maulavi MAKABBIR ALI MAZUMDAR** asked :

- \*13. Will the Hon'ble Minister-in-charge of Revenue be pleased to state—
- (a) The total area under the Grazing Reserve in the different Subdivisions of the Province (showing the area separately for each Subdivision) ?
  - (b) The annual revenue derived therefrom in each Subdivision ?
  - (c) The number of graziers who graze cattle in the area and their nationalities and caste ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

13. (a)—The total area of the Professional Grazing Reserves in the Assam Valley (excluding Dibrugarh Subdivision) as given in Mr. Desai's report is as follows :—

The area is approximate only as portions have been eroded, and subsequent to the report, Professional Grazing Reserves were dereserved in Nowgong and



portions of others elsewhere and the area is not available in office but it is not likely to be less than 50,000 B. opened to Immigrants.

Name of Subdivision	Area in Bighas
Kamrup ... ..	2,25,028
Barpeta ... ..	1,21,086
Mangaldai ... ..	43,510
Tezpur ... ..	97,365
Nowgong ... ..	1,70,769
Jorhat ... ..	48,583
Sibsagar ... ..	36,884
Golaghat ... ..	62,672
North Lakhimpur ... ..	59,047
	8,64,944 Bighas

Out of this as I already informed that upto the time the Report was submitted more than 50,000 bighas of land was opened to the immigrants.

(b)—The revenue from each district in 1944-45 from grazing fees was as follows: Figures for subdivision are not available.

Surma Valley		Rs.
Sylhet ... ..		3,690
Cachar ... ..		1,221
Khasi and Jaintia Hills...		9,550
Naga Hills ... ..		177
Lushai Hills ... ..		76
		14,714
Assam Valley		Rs.
Goalpara ... ..		12,296
Kamrup ... ..		70,842
Darrang ... ..		54,023
Nowgong ... ..		10,764
Sibsagar ... ..		17,457
Lakhimpur ... ..		25,926
Garro Hills (Governments' share)...		15,191
		2,06,499

(c)—The information is not available and Government cannot contemplate a census of graziers for the purpose of answering the hon. Members' questions.

**The Hon'ble Mr. BASANTA KUMAR DAS:** With regard to question No. 14, I beg to submit, Sir, that having regard to the importance of the subject, you may be pleased to give me permission to reply to this question under rule 38 of the Assembly Rules. Rule 38 provides: "The Speaker at the request of a Minister may direct that an answer to a question which has been called may be given on the ground of public interest even though the question is not put or the Member in whose name it stands is absent". I therefore crave your permission to reply to this question, Sir.

**The Hon'ble the SPEAKER:** All right, the Hon'ble Minister may reply.

**The Hon'ble Mr. BASANTA KUMAR DAS:** This question relates to the censor of press telegrams and despatches,



### Censor of Press Telegrams and Despatches

†Maulavi ABDUL BARI CHAUDHURY asked :

\*14. Will Government be pleased to state—

- (a) Whether it is a fact that all Press Telegrams and Despatches are being censored by the Press Adviser, Government of Assam under the direction of the Assam Government ?
- (b) Whether it is a fact that all bans on Press Telegrams and Despatches were withdrawn along with the cessation of hostilities ?
- (c) When such ban was re-imposed and what were the grounds of such re-imposition ?
- (d) Whether it is a fact that five Press Telegrams sent by the Shillong representative of the *Daily Azad*, Calcutta in May last were held over by the Telegraph Master in charge under orders of the Government of Assam ?
- (e) Will Government be pleased to lay on the table copies of these telegrams ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

14. (a)—No.

(b)—The control over Press messages and publications which subsisted under the Defence of India Rules has been withdrawn. It would be incorrect to describe that control as a ban or bans. The provisions of the Indian Telegraphs Act, 1885, of course remain in force.

(c)—No ban has been imposed or re-imposed.

(d)—Government are only aware of two such telegrams having been submitted for advice under the Indian Telegraphs Act and deemed objectionable.

(e)—Government are not in possession of a copy of the telegrams mentioned.

Maulavi MAYEEN-UD-DIN AHMED CHOWDRY: With regard to (d), what were the reasons for which Government found those two telegrams objectionable ?

The Hon'ble Mr. BASANTA KUMAR DAS: With regard to this matter I would place before the House the rules framed under the Indian Telegraphs Act. Now, from the rule it would appear that the duty of judging whether a particular message is objectionable or not rests with the Telegraphs Department, and that when there is any doubt the matter is referred to the Press Adviser. If the Press Adviser also says that it is objectionable then it is withheld. The rule is to this effect: "Objectionable telegrams—The Telegraph Office shall refuse to accept or forward any telegram or any part of a telegram if it is objectionable or alarming in character. In case of doubt the matter shall be referred by the Officer-in-charge of the Telegraph office to a Secretary to the Government or other officer nominated by the Provincial Government from time to time for this purpose, if the office is located at the site of Government, or to the Chief Civil or Military Officer if the office is located elsewhere."

Now, when the Telegraph Department raises a doubt it is raised on some good grounds and the Chief Secretary as a responsible officer of Government judges the character of the message. Therefore the Chief Secretary when he finds that a message is objectionable, he advises accordingly. Now, with

† The question was answered under Assembly rule 38 although the Questioner Maulavi Abdul Bari Chaudhuri was absent.



regard to the question why the messages were considered objectionable I can tell the hon. Members that only with regard to one message I have got some recollection, but with regard to other messages I have no recollection. It is perhaps known to some of the hon. Members that a certain message appeared in the Statesman, although it was not forwarded by the Telegraphs Department, to the effect that the Government of Assam were encouraging purchase of tea gardens by Hindus in order to increase the Hindu population of the province of Assam. That was absolutely incorrect and we thought that it proceeded from a sinister motive and was therefore withheld. All the same, it was somehow published in the Statesman and Government had to issue a communique to contradict the same

**Maulavi MAYEEN-UD-DIN AHMED CHOWDRY:** With regard to (e), what prevented the Hon'ble Minister from taking this House into confidence and placing copies of those telegrams before the House?

**The Hon'ble Mr. BASANTA KUMAR DAS:** The copies are not with us. Telegrams are returned to the Telegraph Department and Government have no right to call for them from the Telegraph Department.

**Maulavi MAHAMMAD ROUFIQUE:** Is it not a fact that Press telegrams are censored by the Deputy Commissioners in the districts?

**The Hon'ble Mr. BASANTA KUMAR DAS:** Perhaps that is so. The Rule is that an objectionable message goes to the "Chief Civil or Military Officer if the office is located elsewhere". But unless the Deputy Commissioners are referred to, they have no business to censor messages.

**Maulavi MAHAMMAD ROUFIQUE:** I want to know whether the Deputy Commissioners have been instructed and empowered by Government to censor telegrams if they are referred to them by postal authorities?

**The Hon'ble Mr. BASANTA KUMAR DAS:**—What is done is done under the provisions of the Telegraphs Act.

**Maulavi Mahammad ROUFIQUE:** But the Act says only about the headquarters of the Government.

**The Hon'ble Mr. BASANTA KUMAR DAS:** But in the districts the District Magistrates have got the authority as the Chief Civil officer.

**Maulavi MAHAMMAD ROUFIQUE:** Who has given them the authority?

**The Hon'ble Mr. BASANTA KUMAR DAS:** Government, under the rule quoted.

**Maulavi MAHAMMAD ROUFIQUE:** I want to know definitely whether Government have given that authority to the District Magistrates to censor Press telegrams, because I know that recently in Nowgong a Press telegram of the Orient Press was sent to the District Magistrate for censor. I want to know whether the District Magistrates have been authorised to censor Press telegrams.

**The Hon'ble Mr. BASANTA KUMAR DAS:** With regard to that, I shall require notice. I shall ascertain whether the District Magistrates have got that authority specifically under orders of Government. But I think some power must have been given to them, because the District Magistrate is the "Chief Civil Officer" of a District. But as I have already said, if a message is deemed objectionable it is generally on good grounds that the Government officer will not take the responsibility to say that it is not objectionable.



**Maulavi ABDUL HAMID:** What I gathered from the reply of the Hon'ble Minister is that in doubtful cases a message is referred to the Chief Secretary who I presume, is ultimately responsible for censoring the message. Does the Hon'ble Minister mean to say that the Chief Secretary is outside the authority of this Assembly? I want to know who is ultimately responsible?

**The Hon'ble Mr. BASANTA KUMAR DAS:**—Of course the Government are responsible.

**Maulavi ABDUL HAMID:** Then the Government have got the right to call for such a telegram from the Telegraph Office and place it before the House and the Members will judge whether it was properly censored.

**The Hon'ble Mr. BASANTA KUMAR DAS:** It requires the approval of the Government of India before the Telegraph Department can make over a telegram on requisition by this Government.

**Maulavi ABDUL HAMID:**—As the Government of Assam are ultimately responsible, they have every right to call for a telegram and place it before the House so that the House may judge whether any partisan spirit was introduced in censoring the telegram.

**The Hon'ble Mr. BASANTA KUMAR DAS:** I disagree with the view that the Government are entitled to call for any telegram and place it before the House without permission of the Government of India.

#### Tube-wells in the Municipal town of Golaghat

**Srijut RAJENDRA NATH BARUA** asked:

\*15. Will Government be pleased to state—

- (a) Whether Government are aware that Golaghat Municipality spent a considerable sum in the years 1927, 1928 and 1929 by boring tube-wells for better water supply in the Municipal town of Golaghat and that Government failed to grant the loan promised owing to World-wide trade depression prevailing at that time which affected the financial position of the then Government?
- (b) Whether Government sent letter No.LML.183/44/2 to the Chairman, Municipal Board asking the Board about water works at Golaghat?
- (c) Whether Government received representations from the Local Members of Legislative Assembly and the Municipal Board for water works at Golaghat?
- (d) Whether Government propose to set apart the necessary funds for water works at Golaghat from the Post-War Reconstruction Fund?
- (e) If not, whether Government propose to give a loan to the Municipal Board for this urgent need?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied:

15. (a)—Yes, to the extent of Rs. 8,000 (Grant-in-aid Rs.3,000 and a loan of Rs. 5,000) towards the installation of an experimental tube-well.

Government do not appear to have committed themselves in any way to provide funds for the proposed water works.

(b)—Yes.

(c)—Yes.

(d)—Post-War Schemes to provide funds for such purpose are still under consideration.

(e)—Government may consider when formal proposals are received.

(Starred question No. 16 was not put and answered as the Questioner was absent).



**Export and Import Company, Shillong**

**Srijut RAJENDRA NATH BARUA** asked :

- \*17. Will Government be pleased to state—
- (a) Whether they are aware of a private Company named Export and Import Company, Shillong or any other Company or firm that has started survey and demarcation of boundaries for sugarcane plantation and a sugar mill in Dhondasam Colonisation area in Barpathar Mouza ?
  - (b) The names of the share-holders of this Company ?
  - (c) The area given to this Company ?
  - (d) The area proposed to be left out for settlement of ryots in this area ?
  - (e) Whether Government are aware that mainly for want of suitable drinking water and communications, the area has not attracted sufficient indigenous landless people for settlement ?
  - (f) Whether Government propose to earmark sufficient money for the improvement of communication and water supply in this area to justify the principle of Colonisation Scheme ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

17. (a)—Yes, The Assam Import and Export Service, Shillong, a private company has started survey and demarcation of about 800 acres of land in Dhondasam area under Subdivisional Officer's orders, but this area is not under the Colonisation Scheme.

(b)—The names are not known.

(c)—The Company has been allowed to survey and demarcate 800 acres of land, but settlement has not yet been given to them.

(d)—The total area available for settlement is 20,000 bighas. All these lands are not cultivable. After necessary deductions made for rivers, nullas, beels and grazing grounds—the actual cultivable area available for settlement with ryots will be about 15,000 bighas.

(e)—Yes.

(f)—This will be considered in due course, but the area is understood not to be under the Colonisation Scheme.

On receipt of these questions I immediately suspended all further operations and called for a report to see whether the land could be settled or not.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY**: Sir, with regard to Question No 17(c) it appears that Government is aware of the existence of the Company. May I know, Sir, whether the Hon'ble Minister enquired about the shareholders of this Company ?

**The Hon'ble Srijut BISHNURAM MEDHI**: As soon as these questions were brought to my notice, I suspended any further operation and called for a report to know whether the company was a registered one and who were the members, share-holders, Directors and Managing Directors of the said Company.

**Maulavi MAHAMMAD ROUFIQUE** :—May I know whether the Hon'ble Minister is absolutely ignorant about the promoters of this Company ?

**The Hon'ble Srijut BISHNURAM MEDHI**: Yes, Sir, and that is why I called for a report.



## UNSTARRED QUESTIONS

(To which answers were laid on the table)

**Hailakandi Local Board****Mr. C. W. MORLEY** asked :

27. Will Government be pleased to state—

(a) On what date the Minister-in-charge of the Local Self-Government Department resigned his office of Chairman of the Hailakandi Local Board ?

(b) On what date did the Hon'ble Minister take up his Cabinet office ?

(c) On what date did orders issue to elect a new Chairman and Vice-Chairman of the Hailakandi Local Board ?

(d) Who was invited to preside at the Meeting to elect these office bearers ?

(e) On what date were the Chairman and Vice-Chairman elected to the Hailakandi Local Board ?

(f) Where was the meeting held to elect these office bearers and when was notice issued to Members to attend ?

28. (a) Are Government aware of the great dissatisfaction at the conduct of public business of the Hailakandi Local Board ?

(b) Are Government aware of the Board's practice of closing roads on the plea that there are no funds to keep the roads in repair ?

(c) Are Government aware of the severe public hardship which results from closing roads and ferries ?

(d) Have Government taken any special measures to ensure that the Hailakandi Local Board will maintain communications throughout the Monsoon ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied :

27. (a)—The proceedings of the special meeting of the Board held on 23rd August 1945, electing me as the Chairman was annulled by the previous Government. The question of my resignation, therefore, does not arise.

(b)—On the 11th February 1946.

(c)—Orders issued on 22nd December 1945, were subsequently modified on the 22nd March 1946.

(d)-(f)—No steps were taken to hold the meeting for election of Chairman and Vice-Chairman. These questions, therefore, do not arise.

**Maulavi DEWAN ABDUL BASITH** : From the replies to questions 27 (d) to (f) it seems that no steps were taken to hold the meeting for election of Chairman. But, Sir, in reply to starred Question No. 6 the Hon'ble Minister stated that the Board failed to elect its Chairman. Is it not a fact, Sir, that the Hon'ble Minister has given incorrect information to the House ?**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : Mr. Speaker, Sir, no incorrect information has been supplied by me. It is the duty of the Board to take action for holding the meeting for election of its Chairman and Vice-Chairman and Government fixed the date for the purpose but on that date no meeting was held. Therefore the statutory period for holding the meeting



was over ; in the meantime it was the duty of Government to appoint a Chairman. That was the statement made by me, Sir, and no incorrect information has been supplied to the hon. Members. Will the hon. Member please state what part of my statement is incorrect ?

**Maulavi DEWAN ABDUL BASITH :** The Hon'ble Minister said that the Board failed to elect its Chairman within the statutory period, and then again in reply to Questions 27 (d) to (f) he says that no steps were taken to hold the meeting for election of Chairman. But as far as I know, Sir, it is the duty of Government to appoint the President of the first meeting and initiative for this purpose ought to have come from the Government.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** It is not the duty of Government to appoint the President.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied :  
28. (a)-(d)—Government are not specially aware of dissatisfaction except from the hon. Member. The responsibilities of the Board cannot be shifted to Government for maintenance of its communications.

**Mr. C.W. MORLEY :** With regard to my question No.28, the Hon'ble Minister replies 'Government are not specially aware of dissatisfaction except from the hon. Member'. I want to have an answer to the particular questions Sir.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** The answer is there, Sir. 'Government are not specially aware of dissatisfaction except from the hon. Member, The responsibility of the Board cannot be shifted to Government for maintenance of its communications.'

**Mr. C.W. MORLEY :** Mr. Speaker, Sir, I want to know whether Government are aware of the Board's practice of closing roads on the plea that there are no funds to keep the roads in repair.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** Yes, Sir, Government are aware of the fact that local boards are in difficulty to maintain their roads.

**Mr. C.W. MORLEY** With regard to Question No. 28 (c), are Government aware of this position, Sir ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** No information has been received from the Board that there is any dissatisfaction and that they are unable to maintain their roads. It is only generally known to Government that now-a-days the local boards are finding difficulty in maintaining their roads.

**The Hon'ble the SPEAKER :** The question is : Are Government aware of the severe public hardship which results from closing of the roads and ferries ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** Government are not aware of that, Sir.

**Mr. C.W. MORLEY** Sir, with regard to this final statement that Government are not specially aware of dissatisfaction except from the hon. Member, may I ask the Hon'ble Minister now whether he realises that there is a dissatisfaction about this state of affairs from the number of Members who have spoken to-day ?



**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** It is a question of opinion. Without any enquiry into the matter Government cannot accept the statement of the hon. Member.

**The Hon'ble the SPEAKER** On the basis of Hon'ble Minister's statement the Government will enquire into this matter.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY** Mr. Speaker, Sir, after receiving the questions the Government should have enquired into the matter. Government should have been aware about the actual state of things. We want to know whether Government is going to enquire into the matter and set things right.

**The Hon'ble the SPEAKER** The reply is there that an enquiry will be made.

**\*Maulavi MAKABBIR ALI MAZUMDAR** Are Government aware that there were recently floods in the district of Cachar and many of the roads had been damaged by the floods ?

**The Hon'ble the SPEAKER** That is a new question.

#### Seamen serving abroad during the war

**Maulavi Dewan ABDUL BASITH** asked :

29. (a) Are Government aware that hundreds of seamen belonging to the District of Sylhet lost their lives in the high seas by enemy action during the last war ?

(b) Are Government aware that many of these seamen are still untraced and their families are in the dark about their whereabouts ?

(c) Are Government aware that dependants of many of these seamen have not as yet got compensation and in some cases compensation granted is very inadequate ?

(d) Are Government aware that a great deal of hardship is being experienced by the dependants of the deceased seamen for not receiving their compensation already granted ?

(e) Do Government propose to appoint a seamen welfare officer for the Province of Assam with adequate number of subordinates to be stationed in seamen areas to look to the welfare of the seamen and their dependants in this Province ?

**The Hon'ble Mr. BASANTA KUMAR DAS** replied

29. (a)-(e)—The hon. Member's attention is drawn to the reply given to his starred question No. 35 asked at the Budget Session, 1946.

#### Hindu Holidays

**Dr. EMRAN HUSAIN CHAUDHURY** asked :

30. Will Government be pleased to state—

(a) Whether it is a fact that Hindu holidays are not granted to the Government Muslim employees and *vice versa* ?

(b) If so, why ?



**The Hon'ble Mr. BASANTA KUMAR DAS** replied :

30. (a)—Most gazetted holidays are allowed to all classes, but a few, which are granted wholly on account of religious obligations, are enjoyed only by the followers of the religious persuasion concerned.

(b)—Because the holiday list is overlong in any case, and Government cannot agree to unnecessary interruption of business. The whole matter is to be reviewed by Government in the near future.

### **Introduction of Compulsory Primary Education**

**Maulavi ABUAL MAJID ZIAOSH-SHAMS** asked :

31. Will Government be pleased to state—

(a) Whether Government propose to introduce Compulsory Primary Education in the Province of Assam ?

(b) If so, whether Government have formed any definite scheme regarding (1) age-limit of the students, (2) standard of Primary Education, (3) Finance, (4) Sanction, etc. ?

(c) Whether Government propose to introduce shortly any legislation on this matter ?

(d) If so, when ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

31. (a)—The matter is receiving consideration of Government.

(b)—These have been embodied in the draft Bill by the special officer and are now under the scrutiny of the Government in consultation with the Legal Remembrancer.

(c) & (d)—Yes, Government expect to introduce the Bill in the next Session of the Assembly.

With regard to questions regarding Primary Education and revision of pay of the Municipal teachers, I am to point out that Government have decided to introduce a Bill which is coming before the House on the 18th of this month. Therefore, the replies to these questions should be considered to be modified to imply that all these matters would come within the purview of the Bill itself.

### **Renunciation of Titles**

**Maulavi DEWAN ABDUL BASITH**: On a point of order, Sir. Titles have been renounced by the Moslem League Members but I find Khan 'Bahadur' has been put against the name of Maulavi Abual Majid Ziaosh-shams. I know personally that he has communicated to Government that he has renounced his title. May I ask the Government to correct their records accordingly?

**The Hon'ble the SPEAKER**: No communication was made to the Assembly Department by the hon. Member concerned.

**Maulavi DEWAN ABDUL BASITH**: When Government have been informed regarding the renunciation of the title, we expect that all the Departments are informed of the same.

**The Hon'ble the SPEAKER**: Is the hon. Member aware that Government are constituted of different Departments, *Viz.* Legislative, Executive and Judicial. The Legislative Assembly Department is entirely ignorant of the renunciation.



**Maulavi DEWAN BADUL BASITH:** Is not the Legislative Department a part of the Government?

**The Hon'ble the SPEAKER:** If the hon. Member please points out to the Secretary, Legislative Assembly, we will try to rectify our printed lists.

**Maulavi DEWAN ABDUL BASITH:** All those Muslim Members on this side of the House who had titles have renounced their titles and they have informed the Government accordingly.

**\*The Hon'ble Srijut BISHNU RAM MEDHI:** When there is any change in the designation of hon. Members, information should be sent to the Secretary of the Legislative Assembly by the persons concerned to that effect.

**The Hon'ble the SPEAKER:** The Secretary of the Legislative Assembly has not got any information on that.

**\*Maulavi ABDUL HAMID:** I feel, Sir, the Hon'ble Finance Minister is correct.

**The Hon'ble the SPEAKER:** If information is sent to the Secretary, we will try to correct our lists.

#### All-Assam Municipal Teachers' Association

**Srijut GAURI KANTA TALUKDAR** asked :

32. Will Government be pleased to state—

- (a) Whether they have received copies of the resolutions adopted by the All-Assam Municipal Teachers' Association in their 2nd Annual Conference held at Gauhati on the 28th April 1946 and sent to the Hon'ble Education Minister and the Director of Public Instruction, Assam by the General Secretary of the Association?
- (b) Whether Government have taken these resolutions into their consideration and decided to concede to their requests?
- (c) If so, on which items and to what extent?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied :

32. (a)—Yes.

(b) & (c)—Action on the resolutions will be taken by Government if and when submitted through the proper channel.

**Srijut GAURI KANTA TALUKDAR:** With regard to replies to question 32 (b) and (c), it is said that action would be taken when the resolutions would be submitted through the proper channel. Will Government be pleased to give me some idea as to know what is the proper channel?

**The Hon'ble MAULAVI ABDUL MATLIB MAZUMDAR:** The proper channel is, Sir, the Deputy Commissioner and the Commissioner and also the Director of Public Instruction in the case of Municipalities and in the case of Local Bodies, probably the same authority.



**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** With regard to the answers given by the [Hon'ble Minister to these questions, do Government not admit that they have already received the resolutions and if so, why should they not take them to have been already submitted and take action on those resolutions ?

**The Hon'ble MAULAVI ABDUL MATLIB MAZUMDER:** It is there, Sir, that the resolutions have been received but action will be taken when they come through the proper channel.

**Maulavi MAHAMMAD ROUFIQUE:** This is a resolution passed by an Association and, therefore, it cannot come through the Deputy Commissioner, Commissioner and the Director of Public Instruction. It is a resolution of a body and, as such, there is no meaning that it should come through the proper channel.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** The hon. Member should know that the Association consists of employees of the Local Bodies.

**Maulavi MAHAMMAD ROUFIQUE:** Even so, I do not understand why the resolution should come through the Deputy Commissioner and the Director of Public Instruction.

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** I am afraid the questions of the hon. Member have not been fully answered by the Hon'ble Minister. The teachers are Municipal and Local Board servants, and, therefore, if any action has got to be taken in regard to raising of their pay and prospect, it is the Municipalities and Local Boards who are to send the resolution on them and give information to Government, because Government are to know what improvement can be made consistent with what those bodies have already done for their employees. So, the answer is that in order that Government may give consideration to the resolutions they should come through the Local Bodies and the Local Bodies, of course, are to send the resolutions through the Deputy Commissioner and the Commissioner.

**Maulavi MAHAMMAD ROUFIQUE:** Does the Hon'ble Premier mean to say that the resolution should come through each of the Local Boards and Municipal Bodies ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** Yes. These bodies should say what they have done and what is required to be done, otherwise, Government are not in a position to do what is actually required to be done.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Has Government informed the Association to that effect ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** I think, the Association was informed accordingly. I can personally say that some teachers approached me in the matter and I asked them to send their resolution through those agencies.

**\*Maulavi ABDUL HAI:** Is it necessary to send the resolution through each of the Local Bodies ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** The hon. Member should know that each board has got its own peculiar scales of pay, so, the resolution should be sent through each of the boards.



**\*Maulavi ABDUL HAI:** But the demand is common, that is the increase of pay.

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** Increase of pay is a broad proposition, and on what line the pay should be increased, the Boards should let the Government know.

**Srijut GAURI KANTA TALUKDAR:** Will Government be pleased to ask the different Local Bodies to give their opinion on the resolutions and then come to a decision as to what help Government should render to these Local Board and Municipal Teachers?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** I think, Sir, it is the duty of the Teachers' Association to do so.

**Srijut GAURI KANTA TALUKDAR:** The Teachers' Association, as an all-Assam organisation, has approached the Government. Is it not the duty of Government to ascertain from the Local Bodies what they have done to redress the grievances of the poor teachers and if it is found that no justice has been done to the teachers, should not the Government do something for them?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** The Teachers' Association has been asked to come up to Government through the proper channel.

**Srijut GAURI KANTA TALUKDAR:** Why should not the Government take the initiative?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** Because there are Local Bodies under whom the teachers are employees.

**Srijut GAURI KANTA TALUKDAR:** But why should not Government take the initiative?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot satisfy my hon. Friend with more than what I have already said.

**The Hon'ble the SPEAKER:** The point remains unanswered. Does the hon. Member insist on his question as to why Government should not take the initiative?

**Srijut GAURI KANTA TALUKDAR:** If Government are not prepared to answer my question, what can I do? (*Laughter.*)

### Introduction of Compulsory Primary Education

**Maulavi ABDUL KHALEQU AHMED** asked :

33. (a) Do Government contemplate to introduce Compulsory Primary Education in the Province?

(b) Will Government be pleased to state whether the Special Officer for Compulsory Primary Education submitted his scheme to the Government.

(c) If so, do Government propose to supply a copy of the scheme to each of the hon. Members of this House?

*\*Speech not corrected.*



(d) If not, when do Government expect to have the scheme from the said Special Officer ?

(e) Do Government propose to publish the scheme and invite public opinion on it ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

33. (a)—The matter is receiving consideration of Government.

(b)—Yes : in the shape of a Bill.

(c)—Yes, when the Bill will be complete in all respects.

(d)—Does not arise.

(e)—Yes, the Bill shall have to pass through the Legislature.

### **Introduction of free Compulsory Primary Education**

**Moulana IBRAHIM ALI** asked :

34.—Do Government propose to make a five years scheme for introduction of free Compulsory Primary Education, granting 40 (forty) Lower Primary Schools and Maktabs annually in the Jaintia Parganas on account of its backwardness ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

34.—There is no such proposal before Government at present. Government will, however, bear in mind the suggestion of the hon. Member if and when the Scheme is actually introduced.

### **Discovery of gold deposits in Assam**

**Maulavi ABDUL BARI CHAUDHURY** asked :

35. Will Government be pleased to state—

(a) Whether it is a fact that gold mines with extensive deposits have been discovered in some places in Assam ?

(b) Whether arrangements are already mature for granting prospecting licenses for working out these mines to an industrial magnate of India ?

(c) Whether they propose to confer upon this person a monopoly right for a period of ninety-nine years ?

(d) What benefit in the shape of royalty Assam will receive from such licenses ?

(e) Will Government be pleased to lay on the table a copy of the Agreement that they have entered with the prospective licensee ?

(f) Whether the approval of the Government of India was obtained for granting such licenses ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

35. (a)—No.

(b)—(f)—Do not arise.



### Dumping of Hindu labourers in the Province

**Maulavi ABDUL BARI CHAUDHURY** asked :

36. Will Government be pleased to state whether it is a fact that the Government of Assam have been in liaison between some Indian capitalists and the British section of the Tea Industry in Assam, whereby British Indian assets have been transferred to Indian capitalists with the avowed purpose of dumping of Hindu labourers in the Province ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

36.—No.

The attention of the hon. Member is invited to the Press Communiqué No.LL9F/46/17, dated the 6th June 1946, published in the Gazette of June 12, in reply to an allegation of this kind in the Press.

### Women's College, Sylhet

**Maulavi ABDUL BARI CHAUDHURY** asked :

37. (a) Are Government aware that there is a persistent agitation amongst the Sylhet public for deprovincialising the Women's College, Sylhet, which was only recently taken over by the Government ?

(b) Do Government propose to deprovincialise the College from the next financial year so as to meet the public demand ?

**The Hon'ble Srijut GOPINATH BARDOLAI** replied :

37. (a)—Yes. Government have information about some agitation for deprovincialization.

(b)—The matter is under consideration.

### Regional Transport Authorities

**Srijut RAJENDRA NATH BARUA** asked :

38. Will Government be pleased to state—

(a) How many Regional Transport Authorities are there in the Province and their names ?

(b) The personnel of each Regional Transport Authority and the length of tenure of service of each ?

(c) What necessary qualifications are required of the non-officials nominated to these bodies ?

(d) What are the functions of a Regional Transport Authority and the Provincial Transport Authority ?

(e) The personnel of the Provincial Transport Authority ?

(f) The names of the Chairmen of each of the Regional and Provincial Transport Authorities ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE** replied :

38. (a)—Three, viz., Surma Valley Regional Transport Authority, Lower Assam Regional Transport Authority, and Upper Assam Regional Transport Authority.



## (b)—Surma Valley Regional Transport Authority :—

- (1) The Commissioner of Divisions (*ex-officio*)—Chairman.
- (2) The Superintendent of Police, Cachar (*ex-officio*)—Secretary.
- (3) The Superintendent of Police, Sylhet (*ex-officio*).
- (4) The Superintending Engineer (*ex-officio*).
- (5) Mr. J. R. Wilson.
- (6) Babu Bonwarilal Das, Sylhet.
- (7) Khan Sahib Rashid Ali Laskar, Silchar.

*The Lower Assam Regional Transport Authority*

- (1) The Commissioner of Divisions (*ex-officio*)—Chairman.
- (2) The Superintendent of Police, Kamrup (*ex-officio*)—Secretary.
- (3) The Superintendent of Police, Darrang (*ex-officio*).
- (4) The Superintendent of Police, Goalpara (*ex-officio*).
- (5) The Superintending Engineer (*ex-officio*).
- (6) Mr. E. W. Kenny, M. L. A. of Dimakuchi.
- (7) Maulavi Wajuddin Ahmed, M.A., of Chalantapar.
- (8) Srijut Purna Chandra Sharma, M. L. A., Nowgong.

*The Upper Assam Regional Transport Authority*

- (1) The Commissioner of Divisions (*ex-officio*)—Chairman.
- (2) The Superintendent of Police, Lakhimpur (*ex-officio*)—Secretary.
- (3) The Superintendent of Police, Sibsagar (*ex-officio*).
- (4) The Superintending Engineer (*ex-officio*).
- (5) Mr. C. Henniker Heaton, Secretary, Assam Branch, Indian Tea Association, Dibrugarh.
- (6) Srijut Benudhar Rajkhowa, retired Extra Assistant Commissioner, Dibrugarh.
- (7) Khan Bahadur Maulavi Rahim-uddin Ahmed, retired Deputy Superintendent of Police, Titabar.

The members are appointed for a period of three years and thereafter until their successors are appointed.

(c)—No specified qualification is prescribed for membership of a Transport Authority. No person who has any financial interest whether as proprietor, employee or otherwise in any Transport undertaking can be appointed as or continue as a member of such a body.

(d)—The functions of the Regional Transport Authorities are to control and regulate all Transport Vehicles, in accordance with the principles of the Act by issue of permits with such conditions, as may be deemed necessary. The functions of the Provincial Transport Authority are also laid down in the Act and are to co-ordinate and regulate the activities and policies of the Regional Transport Authorities to perform the duties of a Regional Transport Authority where there is no such authority and if it thinks fit or if so required by a Regional Transport Authority to perform those duties in respect of any route common to two or more regions, settle all disputes and decide all matters on which differences of opinion arise between the Regional Transport Authorities.

## (e)—Provincial Transport Authority—

- (1) The Hon'ble Minister-in-charge of Mechanically Propelled Vehicles (*ex-officio*)—Chairman.
- (2) Inspector General of Police (*ex-officio*).



- (3) Superintendent of Police, Khasi and Jaintia Hills (*ex-officio*)—Secretary.
- (4) The Provincial Motor Transport Controller (*ex-officio*).
- (5) The Senior Chief Engineer (*ex-officio*).
- (6) Srijut Siddhi Nath Sarma, B.L., M.L.A., Gauhati.
- (7) Srijut Lakshesvar Borooah, B.L., M.L.A., Dibrugarh.
- (8) Maulavi Ikram Rasul, retired Superintendent of Excise, Gauhati.
- (9) Mr. Larsing Khyriem, M.L.A., Jowai.
- (10) Mr. Arnold Whittaker, M.L.A., Shillong.
- (11) Babu Kamini Kumar Sen, B.L., M.L.A., Karimganj.
- (12) Maulavi Abu Sayeed Md. Mabarak, B.L., Sylhet.

(f)—The Commissioner of Divisions is the *ex-officio* Chairman of all the three Regional Transport Authorities and the Hon'ble Minister-in-charge of Mechanically Propelled Vehicles is the *ex-officio* Chairman of the Provincial Transport Authority.

**Srijut RAJENDRA NATH BARUA:** As regards Question No. 38, Sir, may I know from Government whether there is any principle regulated by the Act for selection of personnel of the Regional Transport Authority?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** No, Sir.

**Srijut RAJENDRA NATH BARUA:** Then do Government think that the number of members of the Transport Authorities should be increased if it is not embodied in the Act? Because with the progress of motor transport in the Province and in the interest of the public in the function of the Regional Authorities more representation from the public should be given.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** May I know from the hon. Questioner to which particular authorities the question relates, whether the Provincial Transport Authority or the Regional Transport Authorities?

**Srijut RAJENDRA NATH BARUA:** I refer to the Regional Transport Authorities.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** All the Authorities are going to be reconstituted after a few months and the point raised by my hon. Friend will then be considered.

**Maulavi MAHAMMAD ROUFIQUE:** Are Government aware, Sir, that one of the members of the Provincial Transport Authority, Maulavi Ekram Rasul, is invalid and confined to bed and cannot attend any meeting?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Government is not aware of the fact, Sir.

**Maulavi MAHAMMAD ROUFIQUE:** Will Government take steps to replace the gentleman?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** If the member concerned fails to attend the meetings of the said Authority, certainly the gentleman will have to be replaced.



**Maulavi MUHAMMAD ABUL KASHEM:** In answer to question (c), Sir, it has been replied "No specified qualification is prescribed for membership of a Transport Authority". May I ask the Hon'ble Minister how one Maulavi Wazuddin Ahmed was selected as a member of the Transport Authority and on what basis he was selected ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Does the hon. Member think that the University degree may be considered as a disqualification? For membership of any Regional Authority no particular qualification is necessary, so I do not think any one having University degree should be disqualified.

**Maulavi MUHAMMAD ABUL KASHEM:** May I know, Sir, whether the degrees of Universities should be the only criterion for selection ? This is my question.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** There are at least a lakh of persons who may be considered fit, but we cannot accommodate them all. So persons having educational qualifications are generally given preference in selection.

**Maulavi MAHAMMAD ROUFIQUE:** Though no specific qualification is required for membership of the Authority, there ought to be some basis on which selection should be made. Now all that is wanted by the question is what is that basis for selection.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Does the hon. Member think that the gentleman concerned is unsuitable for membership in the Authority ? If so, let him say this and then the matter will be made clear.

**\*Maulavi Dewan ABDUL BASITH:** As the Hon'ble Minister in reply says that there is no standard of qualification or criteria for selecting members of such Authorities, do we presume that while selecting Muslim members for both the Regional Transport Authorities and the Provincial Authority they should be taken from the Jamiat-ul-Ulema party ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** So far as the Regional Transport Authorities are concerned, I think, it will be better if the hon. Member enquires of the position from the Leader of the Opposition, because I was not responsible for the constitution of those bodies. In case of one or two vacancies which have been filled up during last one year or so I nominated the persons to whom no partiality was shown. This much I can say. It is anything but true that they are all Jamiat people.

**Maulavi MUHAMMAD ABUL KASHEM:** But, Sir, I may inform the Hon'ble House that Maulavi Wazuddin Ahmed was appointed during the time of the present Hon'ble Minister and Maulavi Wazuddin belongs to Jamiat-ul-Ulema party.

**The Hon'ble the SPEAKER:** Order, order ; the rule is to seek information on the floor of the House and not to give information.

**Maulavi MUHAMMAD ABUL KASHEM:** I am, Sir, informing the House because of the fact that the Hon'ble Minister referred us to the Leader of the Opposition for an action for which he was himself responsible.



### Reservation of services for War Returnees

**Srijut DANDESWAR HAZARIKA** asked :

39. (a) Will Government be pleased to state why preference in Government services is given to War returnees ?

(b) Do Government propose to change their policy regarding reservation of vacancies for such men in Government services in future ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

39. (a)—The arrangements made by the former Government in consultation with the Government of India were primarily intended to conserve man-power and secure fair treatment of those candidates for ultimate civil employ who had entered the Defence services.

(b)—Government are considering whether any modification should be made in the system, the aim of Government always being fairness to all interests.

**\*Srijut DANDESWAR HAZARIKA**: Regarding (b) Sir, may I know from Government whether any modification has since been made in their policy ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI**: It is under the consideration of Government.

**\*Srijut DANDESWAR HAZARIKA**: Is it not a fact that Government propose to discontinue the concessions that were given to the war returnees ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI**: Nothing has been proposed now.

**Maulavi MAHAMMAD ROUFIQUE**: Is it not a fact that a communique has been issued stating that the concessions which were to be given to the war returnees have been discontinued by Government ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI**: Though such a thing might be out in the Press, Government has not issued any such communication up till now.

**\*Maulavi Dewan ABDUL BASITH**: Sir, is it not desirable to expedite the decision by Government in view of the large number of war-service men in the waiting list ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI**: I quite appreciate that an early decision should be arrived at by Government.

### Nalbari-Balilecha-Barbhag Road

**Srijut GAURI KANTA TALUKDAR** asked :

40. Are Government aware—

(a) That there is no road worth the name to connect the Upar-barbhag Mauza under the Nalbari thana in the Kamrup District with the small town of Nalbari ?



- (b) That the natural situation of the mauza compels its inhabitants to frequent the said Nalbari town where various essential institutions such as Sub-Deputy Collector's office, Police station, Railway station, Public Works Department office, Hospital, High English Schools, Arts College, Sanskrit College and the big bazar, etc., lie ; and that the people have to undergo immense inconvenience for want of a cartable road ?
- (c) That to mitigate this difficulty the inhabitants of the Khata, Balyain and Upar-barbhag Mauza have constructed a road called the Nalbari-Balilecha-Barbhag Road crossing the Pagladia river at Bar-muri-Kona mainly with their own manual labour ?
- (d) That the importance of this road has been recognised by the Gauhati Local Board which has contributed some money in aid of its construction ?
- (e) That it is beyond the capacity of the poor villagers to make the road serviceable by their own exertions even if it be supplemented by a small contribution from the Gauhati Local Board ?

41. (a) Will Government be pleased to state whether they have lately received an application from Srijut Harish Chandra Barua, Secretary, Nalbari-Balilecha-Barbhag Road Committee for inclusion of the road in the Post-War Road Development scheme of the Government ?

(b) Having regard to the importance of the road, do Government propose to include the road in their Road Development scheme ?

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

40. (a)—Yes.

(b)—This may be so.

(c), (d) and (e)—Government have no information.

41. (a)—Yes.

(b)—No, not at present.

\***Srijut GAURI KANTA TALUKDAR** : As regards 41 (b), Sir, will Government be pleased to take the case of this road in the Road Development Scheme in the near future ?

\***The Hon'ble Rev. J. J. M. NICHOLS-ROY** : The case of this road will be placed before the Road Communication Board when it meets next.

### **Jalalpur-Moglabazar Road**

**Maulavi Dewan TAJMUR RAZA CHOUDHURY** asked :

42. (a) Are Government aware of the importance of the Jalalpur-Moglabazar Road within the jurisdiction of North Sylhet Local Board ?

(b) Will Government be pleased to state whether they have included this road in their Post-War Reconstruction Scheme ?

(c) If not, do Government propose to include this important road in their Post-War Reconstruction Scheme ?



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

42. (a)—Yes.  
 (b)—Yes, subject to the approval of Government of India.  
 (c)—Does not arise.

### **Disang and Dikhow Bridges**

**Dr. EMRAN HUSAIN CHAUDHURY** asked :

43. Will Government be pleased to state—
- (a) Whether it is a fact that the Disang and Dikhow bridges of the Sibsagar District were constructed out of a fund given by the Government of India ?
- (b) What were the costs of construction of the two bridges ?
- (c) Whether it is also a fact that tolls are realised on the said bridges ?
- (d) If so, how much has been realised as toll up to date since these bridges were opened to traffic ?
- (e) Whether the toll so realised is credited to the Provincial revenue ?
- (f) If the answer is in the affirmative, will Government be pleased to state what is done with the amount thus realised ?
- (g) Do Government propose to constitute a separate fund from the tolls so realised from all such bridges throughout the Province and utilise the fund for the development and improvement of communication generally in consultation with the Road Board ?

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

43. (a)—Yes (Central Road Fund).  
 (b)—Rs. 2,33,298 and Rs. 2,62,658 respectively.  
 (c)—Yes.  
 (d)—Rs. 2,09,227.  
 (e)—Yes.

(f)—The amount so realised is spent for general administration of the Province along with other provincial revenues.

(g)—We have our programme of improvement of communication generally under the Post-War Reconstruction. A separate fund does not seem to be necessary.

### **Goods train running between Mariani and Kokilamukh**

**Dr. EMRAN HUSSAIN CHAUDHURY** asked :

44. (a) Are Government aware that a goods train runs daily between Mariani and Kokilamukh ?

(b) Are Government aware of the great inconvenience caused to the passengers travelling in buses plying between Jorhat and Mariani as these are always packed up ?

(c) Do Government propose to move the railway authorities to attach a passenger coach to facilitate travelling of passengers between Jorhat and Mariani ?



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

44. (a)—May be.

(b)—May be.

(c)—Government have already moved the Railway authorities in the matter who report that arrangements are being made to open Jorhat-Mariani branch for passenger traffic shortly.

**Fortnightly statement re rice and paddy**

**Babu JATINDRANATH BHADRA** asked :

45. Will Government be pleased to state whether they propose to issue fortnightly statement in the gazette containing the following informations with regard to rice and paddy :—

- (i) Stocks in different godowns in the Surma Valley, and the Assam Valley separately ; (ii) actual prices at principal marts (Hats) as against control price ; (iii) amount exported under license as against surplus stock estimate of the entire valley ; and (iv) amount believed to be smuggled ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE** replied :

45.—No ; labour involved will not be commensurate with the results obtained.

**Babu JATINDRANATH BHADRA** : Sir, does not Government consider that issue of such a statement will be helpful to the public ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE** : I have not challenged that portion, but the thing is this that the labour and cost that will be involved will not be commensurate with the results obtained. Of course, Government will remain in the full know of the facts. If we are to prepare statements of all the stocks in all the godowns and publish the lists every fortnight, in that case we shall require more staff and it will involve huge consumption of paper also. As regards smuggling it is not at all possible to estimate.

**Babu JATINDRANATH BHADRA** : But in view of the fact that the people apprehend scarcity this year, I think Government would do better to publish these informations. Do Government agree ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE** : I could not exactly follow, Sir.

**The Hon'ble the SPEAKER** : Hon'ble Minister could not follow the Question. Will the hon. Member please repeat it ?

**Babu JATINDRANATH BHADRA** : In view of the scarcity apprehended this year by the people of this Province, do Government consider it desirable to give publicity to these informations ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE** : Sir, Government is fully aware of the fact that so far as rice is concerned, there is no chance of running short. When Government is confident about it and they are in full possession of facts, I do not know why there should be any such apprehension in the minds of the people of the Province, and as a matter of fact, Sir, export was



stopped for about two months when there were floods practically throughout the Province, and after visiting some of the districts I have ascertained the fact that there is no chance of our running short of rice. We have sufficient stock at our disposal to meet any situation at present.

**The Hon'ble the SPEAKER:** Order, order, I now pass on to item number 3.

**Adjournment Motion re promulgation of Section 144 of the Criminal Procedure Code in Dhubri subdivision.**

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, there are two Adjournment Motions standing in my name. I beg to move the first one that this House do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence to wit: unwarranted and irresponsible action of the Government in promulgating Section 144 of the Criminal Procedure Code in the Dhubri Subdivision on 30th August 1946 without any cause or justification and their refusal to accord permission to the Secretary, Dhubri District Muslim League to hold the meeting of the Working Committee on 31st August, 1946 which was called long before the promulgation of Section 144 of the Criminal Procedure Code.

Assurance was clearly given that Local Board affairs will be discussed there and the Secretary and the President of the District Muslim League gave assurance to the Deputy Commissioner that no other matters will be discussed and still permission was not accorded. Promulgation of Section 144 was not necessary, because there was no fear of breach of peace and people there are living peacefully and there was nothing to fear that there might be any riots of any sort and this promulgation of Section 144 provokes or may provoke some bitter feelings amongst the communities. This refusal of permission to hold the meeting of the Working Committee on the 31st August, curtailed the right of the League to hold the meeting and moreover the Muslim League is not a banned organisation.

Under the circumstances, I beg leave of the House to move that this House do now adjourn to discuss this definite matter of urgent public importance. I also beg to move the next one.....

**The Hon'ble the SPEAKER:** One by one.

**The Hon'ble Mr. BASANTA KUMAR DAS:** Sir, this Motion suffers from two defects, and is not, therefore, in order. Under Rule 87 of the Assembly Rules, by an Adjournment Motion, only one definite matter can be discussed. But as the Motion stands, it appears that the hon. Member wants to discuss two definite matters. Rule 87(ii) provides that not more than one matter can be discussed on the same Motion and the Motion must be restricted to a specific matter of recent occurrence. Now, the first one is about the promulgation of an order under Section 144 of the Criminal Procedure Code and the next one is refusal of permission by the District Magistrate to hold a meeting of the Working Committee of the Muslim League, which was on a date different from the date on which order under Section 144 Criminal Procedure Code was promulgated.

Then, again Sir, there is a further defect that it wants to discuss a matter which is *sub-judice*. When a District Magistrate promulgates an order under Section 144, he really does it in his capacity as a Judge. He takes into consideration the facts and circumstances of a certain situation prevailing in a locality from which he draws the conclusion that unless an order under Section 144 be promulgated, law and order in that particular area would be in jeopardy. That



is a question of judicial decision and against that decision there are also remedies open to the aggrieved persons; and they can take it up to a higher Court and test that decision.

Now, in the Motion you will find, Sir, that many assumptions have been made. It has been said that the order was unwarranted, it was an irresponsible action, it was done without justification or cause. So, these matters will require investigation into the facts and circumstances which led the District Magistrate to promulgate the order. He did it in exercise of his right under a Statute.

Now, Sir, with regard to the facts and circumstances under which the District Magistrate promulgated this order, I should tell the hon. Members that Government are not as yet aware of the facts and circumstances that led to the promulgation of the order, but I submit, Sir, that having regard to the defect in the Adjournment Motion, making it quite out of order, it is not necessary for me to request you, Sir, to adjourn the discussion of the Motion for the purpose of getting facts, and I submit, Sir, that this Motion may be ruled out of order.

**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, as for the discussion of one specific matter, I would submit that there are no two different matters. One matter has been referred to, because promulgation of Section 144 is meant in my Adjournment Motion and the refusal to accord permission to the Secretary of the District Muslim League was an after-effect. It automatically follows that with the promulgation of Section 144 this refusal took place. So there are not two definite matters, and this promulgation has rather put the public to an inconvenience and difficulty.

As to this matter being *sub-judice*, I would submit, Sir, that the District Magistrate has already promulgated Section 144 and we have a feeling that this promulgation has rather embittered public feeling and this may result in serious disturbances in the peaceful Subdivision of Dhubri and as such this should be discussed and the Adjournment Motion should be allowed for further discussion.

**The Hon'ble the SPEAKER:** I could not follow what the hon. Member wanted to make out. How can promulgation of Section 144, Criminal Procedure Code promote disturbance?

**Maulavi MUHAMMAD ABUL KASHEM:** I may explain, Sir. The public were peaceful and they were running their daily business without any hindrance from the authority. With the promulgation of Section 144 the daily work of the public has been hindered because not more than 5 persons can work together. We are not allowed to move. That is due to promulgation of Section 144, because the Deputy Commissioner was apprehending some trouble. This reminds people of the bitterness of feelings of communities. I submit this embittering of the feelings of the communities is due to the action of the Government.

**The Hon'ble the SPEAKER:** Does the hon. Member know if any person affected by this order took the matter up before the higher authorities? I am just seeking the information from the hon. Member if any of the Members of the public affected appealed against this promulgation of the order to higher authorities.

**Maulavi MUHAMMAD ABUL KASHEM:** Verbal representation was made to the Deputy Commissioner and a deputation waited on him to withdraw this order but no action has been taken. Rather it has been said that he would wait and see for ten days and then he would consider.



**The Hon'ble the SPEAKER:** Has the Hon'ble Minister to add anything ?

**\*The Hon'ble Mr. BASANTA KUMAR DAS:** It clearly appears that these are two distinct actions. Promulgation was done on the 30th August and the refusal to permit the holding of the meeting of the Working-Committee of the League was done on the 31st August. These are the two distinct actions. These two actions make the Adjournment Motion out of order.

**The Hon'ble the SPEAKER:** The decision as to the admissibility of this Adjournment Motion involves to my mind more than a technical point. But by saying this I do not mean that the rules are not to be strictly followed. I agree with the Hon'ble Minister-in-charge of the Home Department that clearly two matters are involved in this Adjournment Motion, but what is still more, can the proceedings, or, in other words, the business of the Assembly, be allowed to be interfered with by Adjournment Motions attacking certain actions of Government officials which were done in lawful discharge of their duties, or in exercise of their duties lawfully invested in them ? In Parliamentary convention the continuity of practice and certainty of procedure are very highly valued in the House of Commons as well as in other Assemblies, and this being a healthy procedure I also propose to follow the same. It has been the practice in this Assembly not to allow Adjournment Motions on matters relating to action of Government officers which they did in lawful discharge of their duties, as well as when certain actions are done in pursuance of certain authority vested in such officers by the law. There is a ruling to this effect given in the Central Assembly also. I read from a Selection from the decisions of the Chair illustrative of the Procedure of the Assembly, 1921 to 1940—at page 21 :—

“Mr. Mohan Lal Saksena sought to move the adjournment of the House to discuss the order of the Police Commissioner, Calcutta, banning processions, meetings and other demonstrations for a period of 7 days, from 29th March to 4th April, 1937, within the city and suburbs of Calcutta with a view to prevent the observance of Hartal on 1st April in pursuance of the Resolution of the Indian National Congress. The Home Member objected to the Motion on the ground that the order was passed by the Police Commissioner under statutory and legal authority vested in him and urged the Chair to rule the Motion out of order following the ruling reported at page 1562, Legislative Assembly Debates, dated 21st September, 1936.”

The President ruled: ‘It is a well established Parliamentary rule that an order passed in ordinary administrations of law, whether by a judicial authority or a magistrate or by any other lawfully constituted authority, cannot be the subject of an Adjournment Motion. As regards facts the Chair has been furnished with information by the Hon'ble the Home Member that the order in question was passed by the Police Commissioner of Calcutta under section..... . If there is any grievance with respect to an order like that, the remedy must be sought under the law under which the order is passed or in a Court of justice, if there is any such remedy. Even if there is no such remedy, that cannot be a ground for moving a motion for an adjournment of the business of the Assembly. The Chair, these pre, rules the motion out of order.’

In the present case the District Magistrate of Goalpara District promulgated Section 144. We have it from the hon. Member seeking leave to move this Motion that the District Magistrate was approached and verbally applied to for withdrawing this order and the District Magistrate said that at least for 10 days he was constrained to maintain this order in force. Nothing has been said to show



as to how a matter of public policy has been infringed upon by this promulgation, or, how Government can be sought to be censured for trying to keep peace and enforcing an order which does not interfere with the daily normal business of the citizens. So considering all these, I hold that this Motion is not in order.

**Maulavi ABDUL HAMID :** Sir, I respectfully bow down to your ruling but may I draw your attention.... ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** I beg to submit, Sir, that there cannot be any discussion on the ruling of the Chair.

**Maulavi ABDUL HAMID :** Sir, I am not going to discuss the ruling of the Chair.

**The Hon'ble Mr. BASANTA KUMAR DAS :** But any discussion now will really mean discussing the ruling of the Chair.

**The Hon'ble the SPEAKER :** Please let us hear what he has got to say.

**Maulavi ABDUL HAMID :** Sir, the Hon'ble Speaker being the custodian of the rights and privileges of the House, whether you are not going to allow any opportunity to this House to discuss arbitrary use of powers by any unscrupulous officer. You, Sir, I am sure, will agree that an arbitrary exercise of power by an officer should be discussed on the floor of the House. There are officers who follow old bureaucratic method and my hon. Members opposite, have got more experience than myself how in the garb of exercising their powers, officers do most dastardly acts. But if you do not, Sir, allow this House to discuss the arbitrary exercise of powers by the officers, it will certainly mean limitation of the rights and privileges of this House. I think, this House ought to be an additional check on the arbitrary exercise of the powers by the officers.

**The Hon'ble the SPEAKER :** What I am at the present moment going to say is not a ruling but as the Hon'ble the Deputy Leader of the Opposition has sought my opinion on a relevant matter, I propose only to express my opinion for whatever it is worth. I very much feel like the hon. Deputy Leader of the Opposition that certain things we ought to be able to discuss, but can we forget for a moment that we have outgrown the stages of a city state of old ? Modern states have got their laws, rules of procedure. Referring to a matter on the analogy of the present one, if an officer does an act which is considered unwise or unwarranted then there is a remedy under the law. If without seeking the remedy under the law in the proper form one rushes to the Legislature to give vent to his feeling and seek remedy, where is the finality ? I am afraid, the hon. Members of this House will agree with me including the hon. the Deputy Leader of the Opposition that sitting 8 hours a day for 365 days a year, we will never be able to finish the business because there are so many officers and so many different people with different view points about their action or conduct. There are many people who will not agree with the particular action of a particular officer but on the other hand there are many who will agree and thus there is no end to it. So the Legislature has enacted laws and also rules thereunder. When an officer's action is sought to be challenged, the established principle followed in all Legislatures including the House of Commons, is that proper remedy is to be sought through proper channel. Therefore, I would request the hon. Members of the House to go through at their leisure, the precedents of the Central Assembly as well as the rulings that have been given by my predecessor in office, in the past ; that will greatly help us all to understand



the practice followed as well as to use the time of the Legislature to the greatest advantage of all concerned. But if we daily create precedents, there will be such a jumble of things that we shall land ourselves in uncertainty of procedure, which will be detrimental to public interests and to all Members concerned. Humanity is progressing and Civilisation is advancing. Discipline, not only of the body but also of the mind, which is the *sine qua non* of our civilisation, has found expression in enactment of laws and rules and we are expected to obey these.

**Adjournment Motion re failure of Government to give protection and shelter to the people of villages Damumara and others on the bank of the Brahmaputra under South Salmara Thana**

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, I beg to move that :

“ This House do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence to wit ; utter failure on the part of the Government to give protection and shelter to hundreds of families in villages Damumara, Madarerchar, Katdanga, Monirchar and other villages on the bank of the Brahmaputra under South Salmara thana, whose houses and lands with the standing crops have been eroded during the recent flood.”

Sir, during the recent flood many villages with homesteads have been eroded and even lands with standing crops have been eroded and the people have become helpless and in some cases almost destitute but Government have not given them any help or assistance or protection in this matter. This, Sir, is a matter of public importance in the sense that this affects a number of people who form part of the people of Dhubri Subdivision, and as such, of public importance and the matter is definite that their homes and their land with standing crops have been eroded and, therefore, I beg leave of the House to move that the House do now adjourn to censure the Government for their failure to give protection and shelter to these families.

**The Hon'ble Srijut BISHNURAM MEDHI:** Sir, this House is quite aware of the fact that on account of the recent flood of which news came to the Members of this hon. House, the Session of the Assembly was adjourned and immediate action was taken and almost all the Ministers went out to visit the affected localities and gave all possible relief to the people in distress. This Adjournment Motion relates to a particular area, and I think I am right in saying that even my hon. Friend the mover of this Motion did not send any information to Government or to the Deputy Commissioner. Recently I had been to Dhubri side and not a single Member of the Legislative Assembly of that locality ever brought to my notice the distress of the people. Sir, if any such reports are received Government will certainly take action to give relief to those people “rendered homeless by flood” as alleged by the hon. Mover. The fact that the hon. Member himself did not inform any Officer will clearly show that the matter is not of any public importance and that there was any urgency. Under the circumstances I submit that the Motion is out of order.

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, before adjournment of the last Session of the Assembly, the Hon'ble Prime Minister said that he would be receiving reports from the Deputy Commissioners and then action would be taken and necessary help given to the people who have been rendered homeless or put to untold sufferings due to the flood. That is why, Sir, it was not our duty to inform the Hon'ble Minister to take action because the Government could not rely on our reports. It was the duty of their Deputy Commissioners to enquire whether those people have been rendered homeless due to the



recent flood. This failure of the Government to take any action in the matter must be censured because we were not responsible for giving any information to the Hon'ble Minister.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, as my hon. Friend has made a reference to me I have got to say a word in this debate. The hon. Member very well knows, and I am sure the whole House know, that we sent a wire to the Deputy Commissioner, Goalpara, enquiring whether there was any need for help in that District in anticipation of flood distress. That was in reply to a certain query made by Maulavi Ziaosh Shams; and the reply that was received was also communicated to the House. The reply was that there was absolutely no reason for fear on that account and not only that, the Deputy Commissioner wired to say that they did not understand the actual meaning of the telegram. I think my hon. Friend knows that the Deputy Commissioner of Goalpara had raised a sum of Rs. 36,000 from among the inhabitants of Goalpara and Dhubri, and had made it over to His Excellency for distribution in flood affected areas and that if there was any necessity for any help, instead of wishing diversion of all the money elsewhere, I see no reason whatsoever, why he should not have kept at least a portion of the money for the relief required, as has been alleged by my hon. Friend over there. We have received no information whatsoever about this distress. If there is really any distress certainly Government will take every step to remedy that. In view of this I consider the method of the Motion its not the right way of approaching the whole matter.

**The Hon'ble the SPEAKER:** The Chair has to decide whether this Motion is in order or not; whether this is a right approach or not is not for me to say. The hon. Members will remember that the House was adjourned last time on the ground that they might go to their respective constituencies to look after the flood-stricken people. If the hon. Member did not consider it his duty to inform Government about these flood-stricken people, certainly he cannot seriously expect the Chair to consider this Motion as of public importance. The hon. Member himself being the representative of those people, if he did not consider it his duty to inform Government perhaps nobody will take exception if the Chair says that it is not for him to consider this Motion as of public importance. So, I think I will hold that this Motion is not in order. And finally, I hope the hon. Member will not take me amiss if I go just a little out of the track to tell him that if he would have sought the advice of the experienced Leader or the Deputy Leader of the party or any other experienced Member of his group, probably he would not have been advised to table this Adjournment Motion.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** May I just make a request to the Hon'ble Prime Minister, Sir? As he has been kind enough to say that every case of hardship is being, and will be, looked into by the Government over which he presides, may I ask him to take this as a notice from the hon. Member of the locality and enquire of the Deputy Commissioner whether it is a fact that there has been erosion and people have been made destitute in that locality, and take relief measures accordingly?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I shall be most glad to do so.



**The Hon'ble the SPEAKER:** I shall now take up item No.3 on the agenda. I authorise the Secretary to announce the message of His Excellency the Governor regarding allotment of days for special Budget Business.

**Governor's Message regarding allotment of days for voting on Demands for Supplementary Grants for the year 1946-47, etc.**

**The Secretary to the ASSEMBLY:** His Excellency's order is as follows:

"For the purposes of section 81 read with sections 78, 79 and 80 of the Government of India Act, 1935, and in pursuance of Rules 18 (2) (a) and 19 of the Assam Legislative Assembly (Governor's) Rules, I, Frederick Chalmers Bourne, hereby appoint the following days, for voting on the demands for Supplementary grants for the year 1946-47 and for the subsequent stages thereof in the Legislative Assembly during its adjourned Session, to be held in September 1946, namely:—

Tuesday, the 17th September	} Voting on Demands for Supplementary Grants.
Thursday, the 19th September and	
Friday, the 20th September	
Monday, the 23rd September ...	

Placing of the authenticated Schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1946-47.

This supersedes my order dated the 10th July, 1946 to the extent to which it refers to the transaction of the kind of business indicated above. The present order shall be subject to my revision, if necessary, from time to time.

SHILLONG:  
The 26th August 1946.

F. C. BOURNE,  
Governor."

**Maulavi ABDUL HAMID:** May I bring to your notice one matter, Sir? This was the order of our Late Governor; as he has now ceased to be the Governor of Assam whether his order is binding on us at the present moment? Whether this order has been endorsed by the present Governor of Assam or not we do not know. This is a matter, Sir, you might look into. The late Governor has nothing to do with Assam now. Whether the present Governor should not have given this order is a matter I desire to be enquired into.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** This order is dated 26th August, and not 9th September.

**The Hon'ble the SPEAKER:** This is an adjourned Session.

**Allotment of days for Private Members' Business by the Hon'ble Speaker**

**The Hon'ble the SPEAKER:** The next item is to announce the number of days allotted for Private Members' Business.

In pursuance of Rule 17 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Prime Minister the following days for Private Members' Business during the present adjourned Session of the Assam Legislative Assembly:—

Tuesday, the 10th September ...	} 1. Private Members' Bills. 2. Private Members' Motions and Resolutions.



Thursday, the 12th September... } Private Members' Motions and Resolu-  
Friday, the 13th September ... } tions.

Monday, the 16th September ... } 1. Private Members' Bills.  
} 2. Private Members' Motions and Resolu-  
} tions.

Private Members' Resolutions will also be taken up on the following days, if time permits, after disposal of Government Business :—

Monday, the 9th and 23rd September.

This order shall be subject to my revision, if necessary, from time to time.

**The Hon'ble the SPEAKER:** Item No.5. The Leader of the House to make a fresh statement about the course of Government business for the current Session.

#### Statement regarding course of Government Business

**The Hon'ble Srijut GOPINATH BARDOLOI:** With your permission, Sir, I desire to make a Statement about the course of Government business during this adjourned Session.

The Government Business which is to be taken up today is shown in the days' agenda, a copy of which has been placed on each Members' table. I need not detail it again. If the Motions for taking into consideration of (1) the Assam Committees of Enquiry (Evidence) Bill, 1946, (2) The Assam Land and Revenue (Amendment) Bill, 1946 and (3) The Assam Local Self-Government (Amendment) Bill, 1946 are accepted by the House today, we propose (i) that these Bills be considered clause by clause and (ii) passed on the 14th September 1946.

If the Motion for reference to a Select Committee of the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946 is also accepted by the House today, we propose, if possible, to present the Report of the Select Committee on the 14th September 1946 and then to move that the Bill as reported by the Select Committee, be taken into consideration. If this Motion is adopted by the House on that day *i.e.*, on the 14th September 1946 we propose to take up the 2nd and the 3rd readings of the Bill on the 21st and 23rd September 1946.

2. On the 14th September 1946 we also propose to take up the following Government business :—

(1) Consideration of the Industrial Statistics (Further Provisions and Validating) Bill, 1946 clause by clause and then to move that the Bill be passed.

(2) Introduction of the Assam Primary Education Bill, 1946 and then to move that the Bill be referred to a Select Committee.

(3) Resolution to request the Central Government to take up legislation to continue the control of prices and distribution of drugs and certain other commodities.

(4) Statement regarding Post-War Development Scheme.

3. After disposal of the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946 on the 21st and 23rd September 1946 we propose to take up any Government business which remains unfinished on previous Government days.



**Presentation of the Appropriation Accounts for 1944-45**

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, I beg to present the Appropriation Accounts for 1944-45. Printed copies of the report have been placed on the table of each hon. Member.

**Election of Members to the Assam Road Communications Board and the Assam Co-operative Development Board**

**The Hon'ble the SPEAKER:** I come to Item No. 7.

Hon. Members are aware as to how the Session was adjourned *sine die* on the 19th July last with the result that the voting for election of a representative each to (i) the Assam Road Communications Board and (ii) the Assam Co-operative Development Board which was fixed to be held on the 20th July, 1946 could not take place on that day. I now fix Thursday, the 12th September 1946 as the date for holding these elections separately. Voting will be held between the hours of 2 P.M. to 4 P.M. in Committee Room No. 1 or as soon as the business of the day is finished, whichever is earlier.

**The Assam Committees of Enquiry (Evidence) Bill, 1946**

**The Hon'ble Mr. BASANTA KUMAR DAS:** Mr. Speaker, Sir, I beg to introduce the Assam Committees of Enquiry (Evidence) Bill, 1946 and to move that the Bill be taken into consideration.

Sir, the Statement of Objects and Reasons of the Bill briefly explains the necessity of the Bill. Now I would only draw the attention of the hon. Members to one outstanding fact with regard to this Bill and that fact is, as would appear from the provisions made, that the Bill seeks to make some provisions relating to the Committees that are appointed by, or in pursuance of a Resolution passed in either House of the Legislature. Now, it would appear, Sir, that these Committees of Enquiry are quite distinct from the Committees of Enquiry that Government may appoint without any reference to either House of the Legislature and independently of it, if regard be had to the provisions of Sub-sections (2) and (4) of Section 71 of the Government of India Act. Therefore, the Preamble of the Bill shows that it has been undertaken under the provisions of section 71(2) and 71(4) of the Constitution Act. Now, Sir, section 71(2) of the Constitution Act provides that a Provincial Legislature has got the right to define its privileges from time to time by an Act of the Legislature and until such privileges are defined a Provincial Legislature is to enjoy the privileges which were enjoyed by the Legislative Council under the old Constitution. But, Sir, there has not been any legislation undertaken for the purpose of defining the privileges of the Legislature and a Provincial Legislature now enjoys the privileges which were established by a convention by the old Legislative Council under the old Constitution and those privileges which a Provincial Legislature has been establishing by developing conventions in that behalf. But with regard to this particular matter I would like to point out that the provisions of the Bill seek to define and secure to the Legislature a privilege by investing its Committees with powers to compel attendance of witnesses and production of documents before them for an effective conclusion of their labours. The Bill further seeks to specify the ways in which these powers can be exercised. Therefore, Sir, this attracts at once a very valued privilege of



the House and I take it that the hon. Members would be anxious to secure that privilege to the Legislature.

Now, Sir, the late Assembly formed a Privileges Committee which duly submitted a Report. This Committee came into existence in pursuance of a Motion carried in the Assembly on the 3rd April, 1939, and from the Report submitted by it, it would appear, Sir, that it recommended certain privileges which the Legislature can enjoy without any legislation and reported to the House that there are certain privileges which cannot be claimed and vindicated without legislation.

In item (14) under the second category of the privileges it pointed out the appointment of Tribunals for matters of urgent public importance on the model of the English Act (George V, Ch. 7, 1921) as one of such privileges. A copy of that Act was annexed to the report, drawing the attention of the House to the fact that the Government of Central Provinces and Berar had already secured to them the right of appointment of such Tribunals by "The Central Provinces and Berar Committees of Inquiry (Evidence) Act V of 1938"; and pointing out also that the Legislature should have that right as a distinct privilege on the lines of the English Act. Now, it would appear from the Act of Central Provinces legislature that it is an Act which relates to Committees of Inquiry that are appointed by the Government by Notifications irrespective of the question whether they are appointed by the Legislature or by Government. But so far as this Government is concerned, our legal advisers are of opinion that there should be two distinct Acts—one with regard to the Committees of Enquiry which are appointed by the Legislature and the other with regard to Committees of Enquiry which are appointed by the Executive Government without any reference to the Legislature, because in the case of Committees of Enquiry appointed by or in pursuance of a resolution passed in either House of a Legislature it is a question aiming to secure a privilege to the Legislature under section 71 of the Government of India Act, whereas in the case of Committees of Enquiry appointed by Government in their own right no privilege of the Legislature comes in. Here I should point out to the hon. House that Committees of Enquiry appointed by or in pursuance of a resolution passed in either House of the Legislature includes also the Select Committee on a Bill. Under rule 60 of the Rules of Business of this House, you will find, Sir, that the Select Committees of Bills have also been given the right to summon witnesses and call for documents from persons who may be interested in the legislation in view of some of their special interests being affected. But I want to point out to the hon. House that although there is this rule giving such a right, it cannot be at all effective unless there is some sanction behind it investing the select Committees of Bills with power to compel attendance of witnesses and production of documents. Therefore, Sir, by this Bill we want to empower a Committee of Enquiry including the Select Committee of a Bill to compel attendance of a person to give evidence and to compel production of documents, which would be necessary for the purpose of basing their findings on.

Now, sub-section (4) of Section 71 provides that provision may be made by an Act of the Provincial Legislature for punishment of such persons who refuse to give evidence or produce documents before a Committee when they are duly required by the Chairman of that Committee so to do. I should draw the attention of the hon. Members to the expression "duly required so to do by the Chairman of the Committee". Sir, it is only when a Committee possesses the power to compel attendance of a witness or production of documents before it that it can duly require attendance of persons or compel production of documents. The provisions of the Bill, therefore, have been so designed as to lay down the procedure to be followed by a Committee of Enquiry in order to duly require



attendance of persons and production of documents before it. We know, Sir, from our past experience how a Committee of Enquiry appointed either by Government or by the Legislature sometimes becomes infructuous on account of the absence of such power. The recent experience of the hon. Members in connection with the Rice Enquiry Committee should convince them of the necessity of such a power. On account of the absence of such a power the Committee was greatly handicapped in getting sufficient materials for basing its findings on. We have got some findings which are not definite enough to enable Government to take action against the persons against whom the enquiry was directed. Now, in the light of this experience it has been felt necessary that there should be a legislation undertaken which would go to remove this handicap. I should also point out to the hon. Members that this Bill has been outlined on the English Act to which reference was made by the Privileges Committee in their report. I have got a copy of that Act but I don't like to read it out. That Act is "Tribunals of Inquiry Evidence Act 1921" (George V, chapter 7). It would appear from the provisions of that Act that a Tribunal of Inquiry appointed by the British Parliament does not get the status of a Court. So when a person refuses to give evidence or does not comply with the requisition to produce documents before such a Tribunal it can commit him to a court of justice. This Bill does not also seek to assume the status and jurisdiction of a court to deal out punishment. It provides for commitment to a court of justice in case of failure on the part of a person required to give evidence or produce a document.

Before I finish, Sir, I should also tell the hon. House that I anticipate an objection to this Bill, which may be raised on the score of there being nothing in the Bill which safeguards production or disclosure of confidential matters. With regard to that, Sir, I beg to draw the attention of the hon. Members to the proviso under sub-section (4) of Section 71 of the Constitution Act. It distinctly provides that any such Act shall have effect subject to such rules for regulating the attendance before such Committees of persons who are or have been in the service of the Crown in India, and safeguarding confidential matters from disclosure, as may be made by the Governor exercising his individual judgment.

#### Statement *re* voting on Demands for Supplementary Grants

**The Hon'ble the SPEAKER:** Before we break up I have to make a statement as regards voting on Demands for Supplementary Grants. His Excellency the Governor has fixed Tuesday, the 17th September, Thursday, the 19th September and Friday, the 20th September 1946 as the dates on which voting on Supplementary Demands for Grants will take place. I have got a time-table prepared for voting on these Supplementary Grants. Copies of the time-table have been circulated to the Leaders of parties. I would request them to examine the same and inform the Secretary their views, if any, on the said time-table on or before 4 p. m. to-day.

#### Adjournment

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

*After lunch*

**The Hon'ble the SPEAKER:** The Hon'ble Mr. Das may continue.

**The Hon'ble Mr. BASANTA KUMAR DAS:** Mr. Speaker, Sir, I was referring to sub-section 4 and its proviso. It would appear from the proviso that so far as Government Officers are concerned, power is given to His



Excellency the Governor to frame rules for regulating their attendance before such Committees and also safeguarding confidential matters from disclosure. These rules have already been framed and are embodied in the Assam Government Hand Book. Now, so far as the private individuals are concerned, I am ready to add a similar clause to the Bill separately when it will be taken up in the next stage. I need not add anything more. But Sir, I only wish to emphasise the fact that this Bill is under Section 71 of the Government of India Act. But, similar provisions for the Committees of Enquiry appointed by Government without reference to or independently of either Houses of Legislature should be done by a separate legislation. Combined provisions for these two categories of Committees of Enquiry have not been advised by the legal advisers of Government. A provision to be made for the second category of such Enquiry Committees would come really under Section 100, and item No. 38 of the Provincial List, given in the Seventh Schedule of the Constitution Act. But so far as provisions relating to Committees of Enquiry, appointed by the Legislature, are concerned, they come under Section 71, and item 12 of the Provincial List. Government have in contemplation to introduce another Bill, so far as other categories of Enquiry Committees are concerned, and that is under preparation and will be introduced before the Assembly in the next Session. With these few words I beg to commend my Motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Motion moved:

That the Assam Committees of Enquiry (Evidence) Bill, 1946, be taken into consideration."

**Mr. W. R. FAULL:** Mr. Speaker Sir, we are in rather a peculiar position in relation to this Bill. We agree with the ends sought; but we disagree almost entirely with the means proposed to attain such ends. We feel that the powers proposed are too vast and that in the present Bill they have not been clearly defined. It is quite possible that some of the objections that we might wish to raise could be adjusted by amendments to the Bill itself, or by having other items included. But we feel that these objections are so great that they cannot be covered by moving amendments or by altering the Bill in the Select Committee, and we would like to move that the Hon'ble Minister should consider circulating the Bill so that public opinion may be elicited.

This Bill may be considered together with the other Bill proposed to be drawn up which will cover both the cases and get over many of the objections which are very apparent in the first reading of this Bill.

**The Hon'ble the SPEAKER:** Is the hon. Member willing to come up with amendments to that effect?

**Mr. W. R. FAULL:** I beg to move that the Bill be circulated for eliciting public opinion.

**The Hon'ble Mr. BASANTA KUMAR DAS:** By which date?

**Mr. W. R. FAULL:** I doubt if we can get public opinion before the end of this session, and not knowing the date of the next meeting of the Assembly, it is difficult to say whether we shall meet before the end of this year. Public opinion might be obtained and presented by the end of this year, *i.e.*, by 31st December, 1946.

**The Hon'ble the SPEAKER:** Amendment moved:

"That the Assam Committees of Enquiry (Evidence) Bill, 1946, be circulated for eliciting public opinion by 31st December, 1946".

**Maulavi MAHAMMAD ROUFIQUE:** Mr. Speaker, Sir, I rise to oppose the consideration of the Bill. I oppose it because the Bill is *ultra-vires* of the Government of India Act. I oppose it because there is absolutely no urgency for bringing in this legislation and I oppose it because there is a sinister motive behind this Bill.



**The Hon'ble Mr. BASANTA KUMAR DAS :** I take exception to the word 'sinister'. This is not Parliamentary.

**Maulavi MAHAMMAD ROUFIQUE :** I oppose it because this Bill has been brought in furtherance of the Party Politics of the Congress Group which is in possession of the Government of the Province. Now, Sir, it is *ultra-vires* of the Government of India Act. This Bill is sought to be enacted under the provision of Section 71 (4) of the Government of India Act. Clause (4) of section 71 says—

"Provision may be made by an Act of the Provincial Legislature for the punishment, on conviction before a Court, of persons who refuse to give evidence or produce documents before a Committee of a Chamber when duly required by the Chairman of a Committee to do...."

Now, this Bill has come before us under the provision of this Section. It not only seeks to punish a man who refuses to give evidence, or produce documents before a Committee, but it also seeks to require any such witness appearing before them to be examined upon an oath. Under the Government of India Act there is no such provision for administration of oath to witnesses appearing before the enquiry committee. If this Bill is within the four corners of the Section 71 (4), the whole Bill has been vitiated by the incorporation of that Section. According to this Bill any such committee may require any such witness appearing before them to be examined upon an oath or solemn affirmation in accordance with the provisions of the Indian Oaths Act and it shall thereupon be lawful for the Secretary to the Committee, or any person authorised by the Chairman of the Committee in this behalf to administer an oath or solemn affirmation to such witness who shall be bound to take such oath or solemn affirmation.

May I ask where has the Hon'ble Minister found the authority to provide for administration of oath to an witness before any Committee set up by this Legislature? The incorporation of this provision has absolutely vitiated the whole Bill and therefore it is illegal and *ultra-vires*.

Now, the Bill is actually not so innocent as my hon. Friend has sought to make out, or as depicted in the Statement of Objects and Reasons. There is a sinister meaning behind it. I will come to it later on. Section 71 (4) of the Government of India Act gives power to make provision for punishment of persons who refuse to give evidence or produce documents. May I know if there has been any necessity for this provision except in the Rice Procurement Enquiry Committee where the object of the enquiry was partially frustrated for want of such a power? I do not know of any other Committee in which this has been required. I say, it may be a privilege, but it is also a power. Now, on the pretext of securing privilege, by this Bill to the Houses, the Government is going to invest themselves with very wide and drastic powers which may be misused, and it cannot be said that it will not be misused by the present Government. The way in which this Bill is being rushed through this House, has some other object. It is clear now to the meanest intelligence that this Government which is intoxicated with power is craving for more power. We have apprehension that this power will be misused and abused by the Government. There is every likelihood that this provision will operate to the detriment of other people who are not represented in this Government. We have already got instances before us how the present Ministry without the slightest hesitation can ride rough-shod over the feelings and sentiments of the minority. All such Committees will be dominated by one party, namely, the Congress Party. Every hon. Member of the House has been in possession of a certain Resolution tabled by a certain Member about the appointing of a Committee of Enquiry to enquire into the so-called atrocities committed in 1942 Movement. As a matter of fact, the District Congress Committees have already collected the



materials and data for holding this enquiry into the excesses committed by the Military on the Congress Organisation. Immediately this Bill is passed they will have an Enquiry Committee appointed and that Enquiry Committee will be dominated by the Congress party. They will call upon anybody they choose to appear before the Committee and administer oath. I give a specific instance. Recently in the Nowgong District the Congress party held a Committee on the atrocities of 1942 movement. I received a letter from the Secretary, District Congress Committee asking me to appear before that Committee. When I met him I asked whether he would also enquire into the excesses committed on the Muslim population, and the destruction of public properties committed by Congress people during that movement and when he said he could not, I refused to go. Had this been a Government Committee, I would have been sent up before a Court of Justice. Now we can see from that that the cat is let out of the bag by that Resolution for punishment for the atrocities which have been committed.

**Srijut PURNA CHANDRA SARMA:** Does the hon. Member want that there should be no enquiry about these atrocities ?

**Maulavi MAHAMMAD ROUFIQUE:** I need not answer that because that Resolution is not before the House.

This Government may appoint any Enquiry Committee which will be dominated by one party. It is only a pretext for power to be secured to this Government.

Now, the provision of this Bill concerns and affects all the people of Assam because any inhabitant of Assam may be affected by this Bill. Therefore, in view of the fact that this Bill is *ultra-vires* there is no urgency for bringing this measure and in view of the fact that the motive behind this Bill is not absolutely *bona fide*, I oppose the consideration of this Bill. You have shown very undue anxiety in bringing this Bill. You have fairly long been in Government. May I ask if you can point out one single instance in which you have given relief to the people ; can you refer to any instance where people have been given any relief ? You have shown undue anxiety for this Bill but you have not shown similar anxiety in giving relief to the people who are suffering for want of cloth, daily articles of food, high prices of essential commodities and many other things. But you are very anxious to assume power and power and more power. Therefore, I am giving you warning that the time may come when your successor may come and all the legislation you make now may fall and recoil on your heads at one time. Your doings will not go unnoticed. All these will come to be scrutinised by somebody who will come after you.

**Babu NIRENDRA NATH DEV:** Mr. Speaker, Sir, as to the assertion made by the hon. Member that the Bill is *ultra vires*, I am sure the Hon'ble Home Minister will give a fitting reply. In the meantime I beg to move that the Bill be referred to a Select Committee consisting of the following hon. Members :—

1. The Hon'ble the Minister-in-charge,
2. Babu Kamini Kumar Sen,
3. Srijut Lakshesvar Borooah,
4. Srijut Moti Ram Bora,
5. Srijut Kameswar Das,
6. Mr. W. R. Faull,
7. Maulavi Abdul Hamid,
8. Maulavi Sayidur Rahman, and
9. Maulavi Mayeenud-Din Ahmed Chowdry.



The Hon'ble Home Minister will act as the Chairman of the Committee and four hon. Members are to form quorum. The report is to be submitted on or before the 31st of January 1947.

**The Hon'ble the SPEAKER:** Amendment moved:

"That the Assam Committees of Enquiry (Evidence) Bill, 1946, be referred to a Select Committee consisting of the following hon. Members:—

1. The Hon'ble the Minister-in-charge,
2. Babu Kamini Kumar Sen,
3. Srijut Lakshesvar Borooah,
4. Srijut Moti Ram Bora,
5. Srijut Kameswar Das,
6. Mr. W. R. Faull,
7. Maulavi Abdul Hamid,
8. Maulavi Sayidur Rahman, and
9. Maulavi Mayeenud-Din Ahmed Chowdry.

The Hon'ble the the Home Minister will act as the Chairman of the Select Committee and 4 hon. Members will form quorum. The report is to be submitted on or before the 31st January 1947."

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to support the motion moved by Mr. Faull for circulating the Bill for eliciting public opinion. Sir, our intention in moving for circulation is obvious. This Bill is a stringent piece of legislation and shall be very far-reaching in character. There is no immediate urgency or necessity about it and there is no justification why we should rush through this Bill in such hot haste. Moreover, it is imperatively necessary that public opinion should be ascertained on this important Bill. I contend, Sir, that the Hon'ble Minister can very well wait for 2 or 3 months.

From the first part of the preamble it appears that the whole frame work of the Bill is based on section 71 of the Government of India Act, 1935; specially it invokes Sub-sections (2) and (4) of that section but on a closer examination it will appear that the section has been intentionally misconstrued and it has been made only an occasion to hoist this stringent Bill on this Assembly. Sub-section (2) of Section 71 of the Government of India Act reads as follows:—

"In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this part of this Act enjoyed by members of the Legislative Council of the Province."

From this section, Sir, it appears that this special privilege of the members should be on the lines of the members of the Legislative Council. What were the privileges that were enjoyed by the members of the Legislative Council under the Act of 1919? That legislation exempted members of all legislative bodies constituted under the Government of India Act of 1919, from liability to serve as jurors or assessors and from arrest or detention under civil process at the time of the meeting of such body. Now has the Bill anything in common with these powers? Frankly speaking, we do not understand how the privileges of the members are going to be protected or enhanced by the present Bill.

Sub-section (4) provides for punishment on conviction before a court of persons who refuse to give evidence or produce documents before a committee of a Chamber. I lay special stress on the words "committee of a Chamber". What is a committee of enquiry and with whom is it constituted? From the section itself and also from section 28 of the Government of India Act it is apparent that such



a committee can only be composed of members of either Chamber, or of their officers meaning the Advocate-General or the Ministers who are not members. The Hon. mover of the present Bill does not confine the scope of the Bill within the definition of a committee of a Chamber. He has got in his mind the Committees of Enquiry appointed by or in pursuance of Resolutions passed in either Chamber of the legislature or any committee appointed by or in pursuance of a Resolution passed by a Chamber. Will these be committees of a Chamber? And are they covered by the sub-section (2) of section 71?

Let us take an example. The Assam Legislative Assembly passed a Resolution or a Motion for holding an enquiry against the Food Grains Syndicates. That was a committee appointed in pursuance of a Resolution of a Chamber. But the members of that committee were not members of either Chamber of the Assam Legislature. Was it a committee of a Chamber? Surely it was not. But such committees are the main subject matter of the present Bill. So as a matter of fact it goes little way to fulfil the provisions of sub-section (4) of section 71.

Let us now turn our attention to sub-section (3) of section 71. It runs as follows:—

“(3) Nothing in any existing Indian law, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as conferring, or empowering any Legislature to confer, on a Chamber thereof or on both Chambers sitting together or any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.”

I do not know how without arrogating to itself the powers of a Court an Enquiry Committee or even a Committee of the Chamber can administer oaths or perform certain other acts under the provisions of this Bill. This is clearly *ultra-vires* of section 71(3) of the Government of India Act. We are rather surprised that the word “privilege” has been confused with “power,” and while the Bill does not make any adequate provision for enhancing the privilege of the members it has sought to invest the Committees of the Chamber or Committees appointed by Government with the powers of a Police Inspector.

Coming to the penal clauses we find that the provisions are as bad as they could be, and these are also extremely stringent. Who is to decide whether the intention of the person deposing is dishonest or genuine? Then, again, when we are going to provide for grave penalties, in all fairness there should have been the right of appeal. But in the body of the Bill there is no such provision.

Last of all, I would like to refer to clause 6 of the Bill. It reads as follows:—

“6. (1) Subject to the proviso to section 71(4) of the Government India Act, 1935, if any person duly summoned under the provisions of this Act to appear or to produce any document, etc., omits, refuses or fails, without reasonable cause, to appear (or having duly appeared departs from the place where he is bound to attend without the permission of the Chairman or the Commissioner as the case may be) or to produce such document, etc., in accordance with the directions given under such summons, he shall be punished with imprisonment of either description which may extend to six months or with fine which may extend to one thousand rupees or with both.



“(2) Any witness who refuses to take oath or solemn affirmation in contravention of the provisions of section 4 or sub-section (1) of section 5 of this Act shall be punished with imprisonment of either description which may extend to six months or with fine which may extend to one thousand rupees or with both.”

The corresponding section of the Indian Oaths Act (X of 1873) runs as follows:—

“If the party or witness refuses to make the oath or solemn affirmation referred to in section 8 he shall not be compelled to make it, but the Court shall record as part of the proceedings, the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it and that he refused it together with any reason which he may assign for his refusal.”

I do not know, Sir, why a provision which is not provided in the Indian Oaths Act should find a place in this Bill.

Finally, Sir, I am not satisfied with the Hon'ble Minister when he says that provision may be made by rules as regards secrecy of documents under the proviso to section 71(4). Sir, this is a very important matter and in all fairness this should find a place in the Bill. I therefore contend that the Bill be circulated before it is passed.

**The Hon'ble Mr. BASANTA KUMAR DAS:** Mr. Speaker, Sir, I am really obliged to the hon. Members who have taken part in the debate. I frankly admit, Sir, that they have raised some points which deserve consideration, although I shall try to show that what they have said as to the *ultra vires* character of the Bill or to the House exceeding its rights in undertaking this legislation is not correct.

Now, with regard to the two amendments moved, I should straight way say that I accept the amendment of my hon. Friend Mr. Nirendra Nath Dev. With regard to the amendment moved by my hon. Friend Mr. Faull I give him the assurance that if he withdraws his amendment I shall take steps to have the Bill circulated for public opinion by the time the Select Committee would meet. That is a procedure which was adopted on a previous occasion in 1937 in connection with, I think, the Sylhet Town Land Tenancy Bill. The Motion for referring the Bill to the Select Committee was accepted and the amendment for having the Bill circulated was accommodated by the then Minister-in-charge undertaking to obtain public opinion before the Select Committee met.

**Maulavi ABDUL HAMID:** May I interrupt the Hon'ble Minister, Sir? I will seriously ask you Sir, whether you should allow a motion for reference to the Select Committee to be accepted and at the same time allow the Bill to be circulated. Once you accept the motion for reference to the Select Committee you accept the principle of the Bill, and it will be paying very scant regard to the people who will be asked to give their opinion. It is quite probable that when you obtain the opinion of the public you may not think it necessary to send the Bill to the Select Committee at all. I therefore, Sir, think public opinion should not be sought in this manner.

**Babu KAMJINI KUMAR SEN:** I think, Sir, the principle of the Bill has been accepted by all the parties. Even from what hon. Mr. Faull has said it appears that he also has accepted the principle of the Bill. So, I do not think there is any harm if Government undertake to circulate the Bill before the Select Committee meets.

**Maulavi ABUAL MAJID ZIAOSH-SHAMS:** May I know if there is any such Act in any other province?



**The Hon'ble Mr. BASANTA KUMAR DAS:** Yes, Sir, I referred to one Act which was passed in 1938 by the Legislature of the Central Provinces and Berar. That was Act V of 1938.

**Babu KAMINI KUMAR SEN:** A more drastic Bill has been passed by the Houses of Parliament.

**The Hon'ble Mr. BASANTA KUMAR DAS:** With regard to what the hon. Deputy Leader of the Opposition has said, I think he is not quite accurate. Now, Sir, even after a Bill has emerged from the Select Committee the House has got the right to reject the Bill. So, on that score there cannot be any difficulty. Also the Select Committee will have before them the opinions that will be obtained by circulation of the Bill and on perusal of those opinions the Select Committee may recommend that the Bill should not be proceeded with. Even if the Select Committee changes some of the provisions of the Bill and prefers to make recommendation to the House to consider the Bill, the House has got the ultimate right to reject the Bill by refusing the Motion to take up the Bill, as reported by the Select Committee, into consideration. So, Sir, I think my Hon. Friend Mr. Faull will see his way to withdraw his Motion. He has accepted the principle of the Bill; but he has said that as very vast powers are sought to be given to the Committees, public opinion should be elicited by the 31st December next. The Select Committee will have to submit their report by the 31st January. So, there will be practically one month's time during which Government would see that opinions are collected before this date.

**Mr. W. R. FAULL:** Mr. Speaker, Sir, I think my point has not been correctly understood by the Hon'ble Minister, who says that I have agreed to the principle of the Bill. I do not think that is quite the case, Sir. I said that there should be some procedure by which people might be called to give evidence or produce documents in case of an enquiry on any urgent matter of public importance. But I did not entirely agree with the means towards this end outlined in the Bill. I do not think, Sir, that in a Select Committee the powers required could be acquired for any other body than Committees of the Assembly. I do not think the hon. Members behind me would object to the powers sought to be given to the proposed Committee of Enquiry, being given to a Tribunal appointed by Government. I think, Sir, powers should be given to the Select Committee for making such alterations in the provisions of the Bill as they might think necessary, and that power should not be given merely to a Committee of the House but it might be granted to a Tribunal appointed by Government, following a Resolution passed in the House. If that is the position, Sir, I am ready to withdraw my motion for circulation of the Bill.

**The Hon'ble Mr. BASANTA KUMAR DAS:** - Indeed I did not quite follow what hon. Mr. Faull said. I agree that a Select Committee of a Bill has every right to change the wordings of the clauses of the Bill. But with regard to the question whether combined provisions can be made for Committees of Enquiry appointed by Government and also Committees of Enquiry appointed by Legislature or appointed in pursuance of a Resolution of the Legislature, I had said at the outset that we were advised not to undertake one legislation. These are two distinct categories of Committees of Enquiry and it will be wise to have two separate legislations.

**Mr. W. R. FAULL:** I am sorry I have not been quite clear, Sir. This Bill proposes to give very extensive power to the Committees of Enquiry. I assume what was meant were Committees appointed by the House consisting of members of the House.



**Babu KAMINI KUMAR SEN:** Not necessarily.

**Mr. W. R. FAULL:** If the Committee of Enquiry consists of Members of the House only then I think the powers are much too extensive and I should oppose it. If this cannot be altered in the discussion in the Select Committee, I would prefer that my Motion for circulation should stand. But if it is possible to suitably alter the wording of clauses of the Bill in a discussion in the Select Committee then I am prepared to withdraw my Motion for circulation.

**Babu KAMINI KUMAR SEN:** Probably he is ready to give extensive powers to a Committee formed not only of members of this House but also of outsiders but he is not ready to give that power to a Committee formed solely of the Members of this House.

**The Hon'ble Mr. BASANTA KUMAR DAS:** My hon. Friend Maulavi Abdul Bari Chaudhury has rather argued quite contrary to what Mr. Faull argued. I agree with Mr. Faull that the Committees of Enquiry that may be appointed by the Legislature may not only consist of the members of the Legislature but also of members from the general public. What my hon. Friend Maulavi Abdul Bari Chaudhury has argued, I think, is not sound. The expression, "Committees of Chambers" does not necessarily mean that the Committee should consist only of the members of a House of the Legislature. That is my interpretation and I agree with hon. Mr. Faull that the Select Committee of the Bill shall have the right to alter the provisions in the Bill in such a way as to make it clear that Committees may also be constituted not only with members of the House of the Legislature but also with members coming from outside the House.

Then Sir, with regard to the point that has been raised by my hon. Friend Khan Bahadur Maulavi Muhammad Roufique (*laughter*). Habit is our second nature, Sir, we have been so long accustomed to call him "Khan Bahadur" and therefore we cannot suddenly alter that habit in order to address him as "Maulavi." (*laughter*). Now, he has laboured to point out that this Bill has not been brought forward with any honest motive on the part of Government. His apprehensions, I should say, are all imaginary. I simply say that the Government deny that they are actuated by any of the motives he has attributed to them. But I shall not emulate the tone of speech he adopted. I may remind the hon. Members that during the last Budget Session there was a persistent demand from all quarters of the House that there should be a Committee appointed for the purpose of enquiring into corruptions which were prevalent in the Province.

At that time I pointed out to the hon. Members that such a Committee would not be of any use unless the Committee be empowered with powers to compel attendance of witnesses and production of documents. There was no objection raised when I made that statement on the floor of the House, rather I felt the House was agreeing with me that Committees of Enquiry appointed for the purpose of inquiring into such matters would not be of any use unless they got sufficient powers for the purpose of collecting all proper materials without any handicap in order to base their findings on. I quite remember that some Hon. Members of this House also really indicated their desire that such a Bill should be brought forward. I can go further, Sir, and say that at a Press Conference when I was asked to take steps to check corruptions I told them that unless such a Committee of Enquiry with all the necessary powers that are contemplated in this Bill was formed it would be impossible to take effective steps to check corruption. All these encouraged me to come forward with this Bill and the Bill does not really go beyond the powers of the Legislature. My hon. Friend



Maulavi Mahammad Roufiqu has referred to sub-section (4) of section 71 and has argued that this provision in the Constitution Act only says that legislation by an Act is to provide for punishment of persons who would refuse to give evidence or refuse to produce documents. I would ask him, Sir, does not the right to provide for punishment carry with it the right that the man to be punished should know that he is being punished for not doing something which he was legally bound to do? The provision of law as embodied in sub-section (4) section 71 of the Constitution Act provides that punishment can only follow when a person duly required by a committee of a Legislature to give evidence or to produce a document fails to do. Therefore the Bill seeks to make provisions as to how a person can be duly required to give evidence or produce a document. I therefore lay stress on the expression duly required so to do and ask the hon. Members to consider its full implications. Procedure as to how a person is to be summoned, how he is to be examined, and how he is to be compelled to produce a document and speak the truth is therefore to be clearly laid down and the provisions of the Bill have been designed to lay down that procedure.

Then, with regard to the question—why should a Committee be empowered to administer oath under the Oaths Act, I would like to tell the hon. Members that unless a man feels that he is bound to give evidence and to speak the truth, he will not give out the truth. Administration of an oath gives the guarantee that a man at least would feel that it is his duty to speak the truth.

Then, it has been argued by my hon. Friend Maulavi Abdul Bari Chaudhury that sub-section (2) only says that privileges can be defined and in this Bill there is nothing to show that a privilege has been defined. He has further argued that “privileges” and “powers” are two distinct things and that it is only privileges that can be given by a legislation undertaken under sub-section (2) and not powers. Certainly, Sir, the Bill gives certain powers to Committees of Inquiry appointed by the legislature or appointed in pursuance of a resolution adopted by it. That these Committees should get these powers is a privilege of the legislature and this Bill providing for these powers to be given to Committees of Inquiry secures the privilege of granting these powers and it is therefore, a legislation which defines the privilege of conferring certain powers on Committees of Inquiry appointed by Legislature.

Then, further it has been argued that the Committees of Inquiry are arrogating to themselves the status of a Court, which means the status for the purpose of punishing persons refusing to come to give evidence or produce a document. But it is not so as the provisions of the Bill would go to show. Just on the lines of the English Act commitment to a Court of justice for punishment has been provided for in the Bill. It is really on a complaint from the Chairman of a Committee that a Court of justice is to take cognisance of a case for punishment. Under sub-section (4) of section 71 which provides for punishment, commitment to a Court is necessary. So, the Bill provides that when a person refuses to appear before a Committee of Inquiry or to give evidence in obedience to their summons, then the duty of the Committee would be to commit him to the court.

So, I submit, Sir, that all these objections are not well founded. Therefore the Bill should go to a Select Committee, where, however, all these points will be considered by them; and before the Select Committee meets, Government undertakes to get public opinion on the Bill by circulating it for the Select Committee to consider.



**\*Maulavi MAHAMMAD ROUFIQUE:** I rise to a point of information, Sir. The explanation is not clear and I am going to ask the Hon'ble the Speaker for clarification. For punishing a man for not producing documents, administration of oath is not necessary. The authority has been derived for this legislation from section 71 of the Government of India Act but the Hon'ble Home Minister has not stated from where he has got the authority for administration of oath and for punishment of a man.

**The Hon'ble Mr. BASANTA KUMAR DAS:** I think I have clearly explained that the authority is given by sub-section (4) of section 71 under which a person should be duly required to give evidence and that there should be administration of oath so that the man may get the necessary urge to speak the truth.

**\*Maulavi MAHAMMAD ROUFIQUE:** It is very difficult to understand what is meant by "duly required" as there is nothing more than that. Does that mean administration of oath to speak the truth?

**The Hon'ble Mr. BASANTA KUMAR DAS:** Sir, I have explained what the expression "duly required" means and have shown why administration of an oath is necessary. However, Sir, all these discussions will find place in the proceedings of the Assembly and the Select Committee will consider all these points, and if they find that there is no necessity for the provision for administration of oath which can be provided for even under the powers of the Legislature for legislation under section 100 of the Government of India Act, then there will be no such provision. Further, Sir, even if the Bill is ultimately passed as drafted, there is the door open for taking it before the Federal Court for a decision that the Legislation is *ultra vires*. Sir, therefore, I submit that the hon. House should agree that the Bill be referred to a Select Committee. In view of all these, I hope Hon'ble Mr. Faull will withdraw his Motion.

**Mr. W. R. FAULL:** Mr. Speaker, Sir, as it is a difficult question are you prepared to give a ruling to what extent the Select Committee can alter the wording of the clauses or if they make any additions to the clauses of this Bill?

**The Hon'ble The SPEAKER:** That point is very well established and I do not feel called upon to give a ruling on that point. It is very well known that the Select Committee, keeping the principle intact of the Bill, can make any alteration they like within the scope of that Bill. Has the hon. member made up his mind what he proposes to do?

**Maulvi ABDUL BARI CHAUDHURY:** Sir, when the Hon'ble Minister has no objection to sending the Bill for circulation for eliciting public opinion I do not understand why he wants the Motion to be withdrawn?

**The Hon'ble Mr. BASANTA KUMAR DAS:** In a manner I have accepted it; I have only suggested a compromise to the effect that the Bill should go to the Select Committee, the Government undertaking to get public opinion before the Select Committee meets.



**Maulvi ABDUL BARI CHAUDHURY** If the Hon'ble Minister has accepted the principle, Sir, I do not see any difficulty in accepting the Motion moved by my hon. Friend Mr. Faull.

**Babu KAMINI KUMAR SEN**: I may point out, Sir, that both the Motions cannot be accepted at the same time.

**The Hon'ble the SPEAKER**: Yes, only one Motion can be adopted.

**Mr W. R. FAULL**: Sir, strictly speaking I am against the principle of the Bill. I object to the powers outlined here being given to committees appointed by the House and so I do not think I am in a position to withdraw my Motion for circulation of the Bill.

**The Hon'ble the SPEAKER**: I then take up the Amendment. The question is:

"That the Assam Committees of Enquiry (Evidence) Bill, 1946, be circulated for eliciting public opinion thereon by 31st December 1946."

The House divided

AYES—28

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|---------------------------------------|---|
| 1. Maulvi Md. Abdullah.               | 15. Maulavi Maycenud-Din Ahmed Chowdry.               |
| 2. Maulavi Abual Mazid Ziaosh Shams.  | 16. Mumtazul Muhaddisin Moulana Md. Mufazzal Hussain. |
| 3. Maulavi Muhammad Abul Kashem.      | 17. Maulavi Nasir-ud-Din Ahmed.                       |
| 4. Maulavi Abdul Bari Chaudhury.      | 18. Maulavi Mahammad Roufique.                        |
| 5. Maulavi Dewan Abdul Basith.        | 19. Maulavi Saiyid Muhammad Saadulla.                 |
| 6. Maulavi Abdul Hai.                 | 20. Maulavi Sayidur Rahman.                           |
| 7. Maulavi Abdul Hamid.               | 21. Maulavi Dewan Taimur Raza Chaudhury.              |
| 8. Maulavi Abdul Khaleque Ahmed       | 22. Mr. C. W. Morley.                                 |
| 9. Maulavi Md. Abdul Latif.           | 23. Mr. W. R. Faull.                                  |
| 10. Maulavi Dewan Abdur Rob Chaudhry. | 24. Mr. E. W. B. Kenny.                               |
| 11. Maulavi Afazuddin Ahmed.          | 25. Mr. H. Patterson.                                 |
| 12. Dr. Emran Husain Chaudhury.       | 26. Mr. A. C. Tunstall.                               |
| 13. Maulavi M. Idris Ali.             | 27. Mr. E. H. Gruning.                                |
| 14. Maulavi Makabbir Ali Mozumdar.    | 28. Mr. J. S. R. Telfer.                              |

Noes—50

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| 1. The Hon'ble Srijut Gopinath Bardoloi. | 5. The Hon'ble Srijut Ram Nath Das.           |
| 2. The Hon'ble Mr Baidyanath Mookerjee.  | 6. The Hon'ble Maulavi Abdul Matlib Mazumdar. |
| 3. The Hon'ble Mr Basanta Kumar Das.     | 7. The Hon'ble Rev. J. J. M. Nichols-Roy.     |
| 4. The Hon'ble Srijut Bishnu Ram Medhi.  | 8. Shri Abala Kanta Gupta.                    |
|  | 9. Srijut Bepin Chandra Medhi.                |
|  | 10. Srijut Bhadra Kanta Gogoi.                |



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| 11. Babu Bidyapati Singha.           | 31. Babu Nirendra Nath Dev.             |
| 12. Srijut Bejoya Chandra Bhagavati. | 32. Srijut Omeo Kumar Das.              |
| 13. Srijut Bejoy Chandra Saikia.     | 33. Srijut Purna Chandra Sarma.         |
| 14. Srijut Bimalaprasad Chaliha.     | 34. Srijut Purnananda Chetia.           |
| 15. Srijut Dandeswar Hazarika.       | 35. Babu Purnendu Kishore Sen<br>Gupta. |
| 16. Srijut Gauri Kanta Talukdar.     | 36. Babu Rabindra Nath Aditya.          |
| 17. Babu Gopesh Chandra Pal.         | 37. Srijut Rajendra Nath Barua.         |
| 18. Srijut Haladhar Bhuyan.          | 38. Srijut Sarat Chandra Sinha.         |
| 19. Srijut Hareswar Das.             | 39. Shri Satindra Mohan Dev.            |
| 20. Srijut Harinarayan Barua.        | 40. Srijut Siddhi Nath Sarma.           |
| 21. Srijut Hem Chandra Hazarika.     | 41. Babu Suresh Chandra Biswas.         |
| 22. Babu Jatindranath Bhadra.        | 42. Maulavi Abdur Rasheed.              |
| 23. Srijut Kameswar Das.             | 43. Moulana Ibrahim Ali.                |
| 24. Babu Kamini Kumar Sen.           | 44. Mrs. Bonily Khongmen.               |
| 25. Babu Khagendra Nath Samaddar.    | 45. Srijut Chanoo Kheria.               |
| 26. Srijut Lakshesvar Borooah.       | 46. Srijut Dalbir Singh Lohar.          |
| 27. Srijut Lakshmidhar Borah.        | 47. Srijut Jiban Santal.                |
| 28. Srijut Mahendramohan Choudhury.  | 48. Mr. Harendra Nath Sarma.            |
| 29. Srijut Manisankar Basumatari.    | 49. Mr. Larsingh Khyriem.               |
| 30. Srijut Motiram Bora.             | 50. Mr. Maniram Marak.                  |

The question was lost.

**The Hon'ble the SPEAKER :** Now, the question is :

"That the Assam Committees of Enquiry (Evidence) Bill, 1946, be referred to a Select Committee consisting of the following Members :—

The Hon'ble Minister-in-charge.

Babu Kamini Kumar Sen.

Srijut Lakshesvar Borooah.

Srijut Moti Ram Bora.

Srijut Kameswar Das.

Mr. W. R. Faull.

Maulavi Abdul Hamid.

Maulavi Sayidur Rahman.

Maulavi Mayeenud-Din Ahmed Chowdry.

Four Members to form a quorum and the report to be submitted before the 31st January 1947."

The question was adopted.

**The Hon'ble Mr. BASANTA KUMAR DAS :** Mr. Speaker, Sir, I am really sorry that my reasonable undertaking to have the Bill circulated at the instance of Government for eliciting public opinion before the Select Committee on the Bill meets was not accepted by my hon. Friend Mr. Faull. I do not mind that. And I give the assurance to the House that I shall take steps to have the Bill circulated for public opinion, so that public opinion might be obtained before the Select Committee meets. (Applause).



**The Assam Land and Revenue (Amendment) Bill, 1946**

**The Hon'ble Srijut BISHNU RAM MEDHI :** I beg, Sir, to introduce the Assam Land and Revenue (Amendment) Bill, 1946, as corrected under Notification No. RR.10/44/124, dated the 9th August, 1946, and to move that the Bill, so corrected, be taken into consideration.

In connection with the Motion that I put before the house.....

**Maulavi ABDUL HAMID :** May I interrupt, Sir ? We have not received the correction slip.

**The Hon'ble Srijut BISHNU RAM MEDHI :** It is only with regard to one item in the Statement of Objects and Reasons. For 'Temples' we have inserted 'religious institutions'. The whole purpose is to give protection not only to temples but also to other religious institutions.

**Maulavi Saiyid MUHAMMAD SAADULLA :** There is one more word—in place of 'realised', it is 'released'.

**The Hon'ble the SPEAKER :** My information is that the Secretary of the Assembly Department sent the correction slip to each and every hon. Member. Is there any hon. Member who has not got it ?

**Babu KAMINI KUMAR SEN :** It is difficult to understand whether there is any amendment to this Bill, because notification is referred to.

**The Hon'ble Srijut BISHNU RAM MEDHI :** One reminded by the hon. Leader of the Opposition and the other that I have mentioned above.

**The ADVOCATE GENERAL :** There is another—after the word 'worship' the words 'or prayer' have been added in the Statement of Objects and Reasons.

**The Hon'ble Srijut BISHNU RAM MEDHI :** The first amendment relates to section 53A which gives the Deputy Commissioner summary powers of registering names in case of succession by inheritance or by transfer or by a co-sharer joining and taking possession. The only amendment that is intended by this clause (2) of section 53A is that previously at any time any one even after the expiry of twelve years might come and object to the mutation made by the Deputy Commissioner. Now the provision is that no one can come beyond the period of three years. If any one has to object to the summary mutation made by the Deputy Commissioner, he can apply within a period of three years of the date of order. The proposed amendment is to insert 'within a period of three years of the date of such order' in between 'may' and 'apply'.

Then the second amendment is that after section 69A of the Land and Revenue Regulation, 69B shall be inserted. The main purpose of the amendment is to protect temples and other properties belonging to a religious institution. Sometimes the Manager, Doloi, Khadim or the Trustees which manage these estates misuse their powers. They misappropriate money and do not deposit Government revenue. According to this amendment there is provision for attaching the property and taking it under the management of the Deputy Commissioner or for letting it out in farm, and realising rents from the tenants and on the trust property after keeping the amount due to Government as laid



down in the proposed amendment. So this amendment is introduced with a view that the property may be managed by the Deputy Commissioner himself. By this second amendment not only the difficulties will be overcome but will also prevent estates of this nature passing into the hands of third parties.

The third difficulty that is felt by all is that under the existing law, only 30 days' time is given for deposit in case of the sale of an estate in public auction for setting aside the sale. Any and every person is not entitled to deposit money. Even co-sharers in certain cases were not allowed to deposit money. Therefore, provision is made that the words as noted below be deleted from the section. The words 'either owning such estate or a part thereof or holding an interest therein by virtue of a title acquired before such sale' shall be omitted. Now, any one can deposit money. The following words shall be added: 'Nothing in this section shall be deemed to create in favour of the person making such deposit any title or right to such estate or part of estate, merely by virtue of the fact that he has made such deposit or that the sale has been set aside at his instance.' Even if a stranger comes and deposits the money he acquires no right, at the same time, the revenue court or the Revenue Tribunal has not to decide who is entitled to deposit the money. In order to obviate this difficulty the amendment is proposed and also in extending the time of depositing the money from the date of sale from 30 days to 60 days, *i.e.*, clause (b) which reads "for the words 'on or before the thirtieth day from the date of sale', the words 'at or before noon on the sixtieth day from the day of sale, reckoning the said day of sale as the first of the said sixty days', shall be substituted". By doing so we will just come in line with the other two provisions *viz.* 79 and 80. The sale is confirmed and made final only after expiry of 60 days of the sale; on the ground of irregularities of sale one can go and submit an application for setting aside a sale within 60 days. So all these sections will be on the same line and there will be practically very rare occasion for submission of application for setting aside a sale on the ground of irregularities and other grounds. Moreover a man whose property has been sold will have a comparatively longer time to be appraised about the same and will have sufficient time for depositing the money and getting the sale set aside. With a view to give these facilities, these amendments are proposed and I hope, the House will accept these amendments.

**The Hon'ble the SPEAKER:** Motion moved:

"That the Assam Land and Revenue (Amendment) Bill, 1946, as corrected under Notification No.RR.10/44/124, dated the 9th August 1946, be taken into consideration."

**Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, I rise to move an amendment to this, namely, that the Bill be circulated for eliciting public opinion by the 31st December 1946. Sir, a legislation while it confers some new rights to the people takes away certain existing rights of a certain section of the public, and, therefore, should not be rushed through. It is only fair that the public concerned should have a say in the matter of such a legislation. Now the Hon'ble Minister has stated that this legislation has been brought forward with three purposes. The first amendment is regarding section 53A. Under the existing law, anyone aggrieved by summary mutation can come up for redress at any time when the wrong done to him is known. Now this right of redress at all times is going to be curtailed now by this amendment limiting the period of redress to three years. In the Statement of Objects and Reasons the Government have given one reason, namely, that there are difficulties of the



settlement holders to get witnesses after a certain length of time. But I beg to submit that these difficulties are only imaginary, and, I think, on this ground alone the people should not be deprived of their existing rights which they have been enjoying since the enactment of the Assam Land and Revenue Regulation.

Then the second Amendment which is proposed after section 69 A in respect of any estate pertaining to religious institutions that is also going not only to interfere with the management of religious institutions but also there is a certain clause, sub-section(2) of section 69B which empowers the Deputy Commissioner to attach any other estate which appertains to that religious institution, that is, any other estate which is not defaulting that is also liable to attachment with the previous sanction of the Provincial Government. This provision seems to me to be an extraordinary one and I do not think there is any parallel to this provision in any other law.

Thirdly and lastly, this amendment proposed for section 78 A extends the period of recovery of the estate to 60 days and offers a relief to the defaulter but places the auction purchaser at a great disadvantage and it also encourages dilatoriness in paying revenue and in redeeming the estate.

**Babu KAMINI KUMAR SEN:** Sir, is it not a fact that a Bill with exactly similar provision was moved by our hon. Friend Srijut Rohini Kumar Chaudhuri in the last Assembly and was accepted by the House. I was myself a member of the Select Committee and it was ultimately accepted.

**Maulavi SAYIDUR RAHMAN:** It might have been, but this is not the same House as the last one.

Besides this, this amendment, I think, renders two other sections of the Assam Land and Revenue Regulation quite redundant, namely, sections 79 and 80 because as the Hon'ble Minister has just mentioned that a sale is confirmed after 60 days. Then again, anyone who has got to complain against the sale on account of irregularity can come up to the authority within 60 days. There will be no necessity for maintaining these provisions. So my submission is this, Sir, that these amendments, though they are not such as will warrant me to oppose, should, I think, be placed before the public as they take away certain existing rights and this is why I move that the Bill be circulated for eliciting public opinion.

**Maulavi ABDUL HAMID:** Sir, I should like to point out to the Hon'ble Minister that in section 78A, the proposed sub-section (3) provides as follows:— "Nothing in this section shall be deemed to create in favour of the person making such deposit any title or right to such estate or part of estate, merely by virtue of the fact that he has made such deposit or that the sale has been set aside at his instance.

I bring to the notice of the Hon'ble Minister that a similar provision obtains in the permanently-settled estates.

**The Hon'ble the SPEAKER:** Is the hon. Member taking part in the debate? In that case, I shall have to put the motion first.

**Maulavi ABDUL HAMID:** No, Sir, I am not taking part in the debate. I am only pointing out to the Hon'ble Minister that there is provision for paying interest to the person who purchased in auction sale but in the present Bill no provision for payment of interest has been made.



**The Hon'ble Srijut BISHNU RAM MEDHI:** The matter will be considered.

**The Hon'ble the SPEAKER:** Amendment moved:

"That the Assam Land and Revenue (Amendment) Bill, 1946, as corrected under Notification No. R. R. 10/44/124, dated the 9th August, 1946, be circulated for eliciting public opinion thereon by 31st December 1946."

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to support the amendment moved by my hon. friend Maulavi Sayidur Rahman.

Sir, I reiterate every word that he has said in support of his motion, and in addition I would like to refer the hon. Members to sub-clause (4) of the proposed section 69B, which reads as follows:—

"The income of every estate attached under sub-section (1) or (2) shall be applied as follows:—

Firstly, to the defraying of the costs of attachment, management and collection in respect of all the estates so attached;

Secondly, to the payment of all sums lawfully due to the Government on account of revenue or otherwise in respect of any of the estates under attachment; and

Thirdly, to the discharge of the arrear for the recovery of which the attachment was made." Then, the Hon'ble Minister states "Should any surplus remain after the appropriations as aforesaid, it shall be paid to the person conducting the daily worship or prayer at the institution concerned on his furnishing such security as the Deputy Commissioner may require".

I submit, Sir, that the cost of management under the Government will be very high, and after deducting from the collections under the first three heads practically nothing will remain for the maintenance of the Sebayets of the temples or the persons worshipping in religious institutions. And this will materially affect all the temples of the province. This is a very serious matter which should be considered by the Hon'ble Minister in charge.

**The Hon'ble Srijut BISHNU RAM MEDHI:** Mr. Speaker, Sir, with regard to the first point that this Bill will interfere with the management of religious property, and worship or prayer, I submit, Sir, that there is hardly any scope for apprehension on that score, because the religious part of such institutions will continue to remain with the trustee who is in charge of religious institution.

(*Voices from the Opposition:*— We wanted to take part in the debate, Sir.)

**Maulavi MD. ROUFIQUE:** Mr. Speaker, Sir, I rise to support the motion for circulating the Bill for eliciting public opinion. The reasons which have been advanced by my hon. friend Mr. Sayidur Rahman are very sound, and I do not see why the Hon'ble Minister in charge of the Bill should not accept the Motion. There is no politics here. It is a simple matter. There is no gainsaying the fact that it affects chiefly the inhabitants of the Assam Valley, both Hindus and Muslims, because by this arrangement the Government are going to control the estates pertaining to different religious institutions. The Muslims have their religious institutions and estates and I don't think public opinion has been taken into consideration in bringing forward this Bill. By this Bill, Government are going



to introduce very drastic changes in the existing arrangement. The arrangement which they seek to introduce looks like arrangement under the Court of Wards Act which is totally unknown to the people of the Assam Valley. Therefore it is up to Government to ascertain the views of the people who are affected, both Muslims and Hindus, as to whether they want the changes to be enacted. Of course there are many things to be said for and against the Statement of Objects and Reasons, but then we should keep our mind free till we know the views of the people in general as to whether they want the changes or not. After obtaining that it will be better to proceed with this Bill. After all our people are conservative and their religious susceptibilities strong and they will not brook any changes introduced against their will. I therefore whole-heartedly support the motion for circulating the Bill for eliciting public opinion and would request the Hon'ble Minister to accept it because it will not adversely affect anybody in any way.

**Srijut LAKSHESVAR BOROAH** : Mr. Speaker, Sir, I rise to oppose the Motion moved by my hon. friend Maulavi Sayidur Rahman. His main objection is that section 53A takes away the longer right of people to appeal against summary assessment. At present the period is about 12 years—by this Bill the Hon'ble Minister wants to curtail the period to 3 years. From my experience in the legal profession I find that this is a salutary provision. As soon as summary mutation is effected, the person affected knows how he is affected, and he may come within 3 years and apply for proper mutation in the Sub-Deputy Collector's Court. Sir, I do not think there should be any premium on indolence. Three year's period should be sufficient for appeal and for this point the Bill should not be circulated. As pleaders we know from our experience that by keeping the record unaltered for a period of 12 years a sort of impediment is created for the due administration of the Department for their not being able to keep the record as much as possible up to date.

Then, Sir, my hon. friend said that the Bill takes away a right of the managers and trustees of lands endowed for religious purposes ; but I think the legislation will benefit the institutions. Hon. members know that the native Kings granted lands to temples, mosques and Satras for their upkeep. We find that the tenants enjoying those lands do not generally pay their revenue and as a consequence the estates fall into arrears. As soon as Government assume power they attach the estates and realise revenue ; after realising revenue and liquidating the debt the estates will be given back to the owners free of encumbrances. So, instead of taking away any right it will confer some benefit to the religious institutions and bring them in line with the spirit of the original donors. We find at present that these religious estates are gradually passing into the hands of individual capitalists on being put up to sale for arrears of land revenue. This Bill will help the management and protect these institutions from falling into the hands of individuals.

And therefore, Sir, on all these grounds, I don't think the Bill should be circulated and hence I oppose the motion of my hon. friend for circulating the Bill for eliciting public opinion and I whole-heartedly support the Bill, Sir.

**Maulavi ABDUL HAMID** : Mr. Speaker, Sir, I have listened to all the points in favour of the motions for consideration as well as for circulation. My hon. friend Srijut Lakshesvar Boroah has very rightly said that there should be some sort of time limit in the matter of mutation proceedings. He has also advocated that estates owned by religious temples, sebais or mosques should pay revenue to Government. But the question before the House is whether the Bill should be circulated or it should be immediately sent to a Select Committee. Sir, the motion for circulation can only be opposed on the ground of urgency of



the matter. If there is no urgency in the matter, I do not see any reason why the very modest proposal for circulation should not be conceded to by members opposite. Sir, our people are very susceptible in matters religious. I think it is desirable that we should know what they have got to say in regard to this piece of legislation. In that view of the case, Sir, I say that Government has not yet been able to make out a case for rushing through this measure in this House ; on the contrary, Sir, there is a very cogent reason for circulation of the Bill. I submit, Sir, rather appeal to the members opposite that it is a small matter and they may agree to the motion for circulation.

**The Hon'ble Srijut BISHNU RAM MEDHI :** Sir, I am glad that even the Opposition sees reasonableness of these amendments and wants only to be convinced that there is urgency in passing this Bill. Now, it may be news to some of my hon. friends on the other side that there are various estates, particularly the religious estates of Hindus and Muslims which will be greatly affected ; these estates will be sold in auction and they will pass into the hands of third parties and they will cease to be parts of religious institutions. So the religious institutions of Hindus, as well as of Muslims will suffer. This is why there is the urgency of passing this legislation.

As regards the apprehension of my hon. friends of the opposite benches that it will be a costly business and that very little will be left for the purpose of worship or prayer, I think there is hardly any ground for entertaining such an apprehension. It may be known to hon. members that these small estates are situated in between other smaller estates and whenever they are attached for arrears of land revenue, the arrears are realised through the help of Mouzadars who only get 5 to 10 per cent. of the total collection of revenue and the balance will go for the benefit of the religious institutions concerned. So, there is hardly any case for apprehension that these religious institutions are likely to suffer and there is hardly any reason to suspect that this legislation purports to interfere with the religious institutions. The administration of the religious institutions as regards worship, prayer, etc., or repair to temples or mosques, etc., will always remain with the managers such as Dolois, Khadims or the managing committee of the respective institutions. So, Sir, I think, there is hardly any cause for any apprehension on this score.

Then, Sir, as regards other points of the Bill regarding Section 53A for instance, it is proposed to introduce a time limit of three years, after which a summary mutation will have the same force and validity as a regular mutation. There are very few cases in which summary mutation is effected now-a-days and if it is for an indefinite period then a lot of complications may arise. This sometimes results in difficulty to the settlement holders after a lapse of many years to substantiate a claim. But if a time limit of three years is enforced it will be easier for any settlement holder to substantiate his claim. So, I think, by introducing this time limit his right is not curtailed. The party desiring to object to summary mutation can go to Civil Court to establish its right even after three years.

As regards the third amendment, it was passed by the Select Committee consisting of the following members :—

The Hon'ble Minister-in-charge,  
Mr. B. Mookerjee,  
Babu Kamini Kumar Sen.  
Srijut Surendranath Buragohain,  
Srijut Rabi Chandra Kachari,  
Srijut Jogendranath Mondal, and  
Srijut Rohini Kumar Chaudhuri.

(A voice from the Opposition—was it accepted by the House ?)



**The Hon'ble the SPEAKER :** I think this was recommended by the Select Committee.

**The Hon'ble Srijut BISHNU RAM MEDHI :** That was the unanimous decision of the Select Committee, Sir. It is said that if this amendment is passed then there will be no necessity of Sections 79 and 80. I do not think so, because under section 79 one can submit application without depositing money for irregularities or other reasons for which there will be necessity for this Section. Sir, it is very difficult, as hon. Members know, to prove irregularities of sale. By accepting this amendment it will be easier for all concerned to have relief in case of sale and no body will suffer if these amendments are accepted to-day or immediately in this session. In this view of the matter, Sir, I oppose this Motion for circulation.

**The Hon'ble the SPEAKER :** The question is :  
"That the Assam Land and Revenue (Amendment) Bill, 1946 ; as corrected under Notification No. R.R.10/44/124, dated the 9th August, 1946, be circulated for eliciting public opinion, thereon by 31st December, 1946.

The question was lost.

Then I put the main Motion as a question.

**The Hon'ble the SPEAKER :** The question is :  
"That the Assam Land and Revenue (Amendment) Bill, 1946 ; as corrected under Notification No. R.R.10/44/124, dated the 9th August, 1946, be taken into consideration".

The question was adopted.

**The Hon'ble the SPEAKER :** The Bill is to be taken into consideration clause by clause on the 14th instant and the last date for submitting amendments is the 10th September, 1946 before 3 P.M.

#### **The Sylhet Non Agricultural Urban Areas Tenancy Bill, 1946**

**Babu RABINDRA NATH ADITYA :** Sir, can we not sit a few minutes more so that we can pass the Sylhet Non-Agricultural Urban Areas Tenancy Bill. Unless we do this now, there is no possibility of going through all the stages of the Bill during the course of this session.

**The Hon'ble the SPEAKER :** Personally I have no objection to sit longer but I shall be guided by the sense of the House.

**Babu RABINDRA NATH ADITYA :** Sir, we can sit till 4-30 P.M. so that we can pass the Sylhet Non-Agricultural Urban Areas Tenancy Bill.

**Maulavi Saiyid MUHAMMAD SAADULLA :** Mr. Speaker, Sir, if the House sits up to 4-30 P.M., we will not be able to finish the discussion as many of the hon. Members on my side want to take part. At least three members have indicated their intention to me. Some of them have come straight from the motor station to-day to the House and they are feeling too tired to sit any longer. I am sorry, the simple request from my hon. Friend is not convenient to some of the hon. Members on this side. Besides there are only 20 minutes to 4-30 P.M., and many hon. Members probably will speak on the subject.



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**Babu RABINDRA NATH ADITYA** : I am sorry, Sir, the hon. Leader of the Opposition has opposed it. Last time also he opposed it.

**The Hon'ble the SPEAKER** : So, there will be no discussion to-day. I have every sympathy with the hon. Chief Whip of the Government Party but cannot help him in the circumstances.

**Adjournment**

The Assembly was then adjourned till 11 A.M., on Tuesday, the 10th September, 1946.

SHILLONG :

*The 23rd October 1946.*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*