

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 Saturday, the 14th September, 1946.

PRESENT

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Statement of works from each Subdivision

Maulavi MAKABBIR ALI MOZUMDAR asked :

- *45. Will Government be pleased to lay on the table a tabular statement of works from each Subdivision specifying the average standard of normal work for each officer and the sanctioned strength for each station ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

45.—If the hon. Member would be good enough to indicate more precisely to what category of officers his questions relate and the classes of work in contemplation, Government will endeavour to collect the information required. Generally speaking no standards are prescribed except for clerical work, and a good deal of work is not susceptible of tabulation.

Scholarships for students studying in Engineering

Srijut LAKSHESVAR BOROOAH asked :

- *46. Will Government be pleased to state—

- (a) The number of Assam scholarships and seats now granted by Government to Assam students for study in Bengal Engineering College, Sibpur ?
- (b) Whether these Assam Scholarships and seats are open to Muslims, Hindus and other communities of the Province ?
- (c) The number of Engineering scholarships and seats now granted by Government for Assam students in the Engineering College of the Aligarh Muslim University ?
- (d) Whether these scholarships tenable at the Aligarh Muslim University and the seats, if any, for Assam students for study in Engineering in that University are open to Muslims, Hindus and other communities of the Province ?
- (e) If not, why not ?
- (f) Whether Hindu students are allowed to join the Muslim University at Aligarh without any restriction or reservation ?
- (g) Whether Government propose to arrange with the Benares Hindu University for reservation of some seats for Assam students in the

Engineering College of that University and to grant scholarships to students in the same way as they have done in the case of students going to the Aligarh Muslim University ?

(h) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

46. (a)—Two scholarships with seats and one extra seat without scholarship.

(b)—Yes.

(c)—Two scholarships with seats.

(d)—Yes.

(e)—Does not arise.

(f)—This Government have no information.

(g)—The matter is under the consideration of Government.

(h)—Does not arise.

Srijut LAKSHESVAR BOROOAH: Sir, regarding the Question No.46(f), will the Hon'ble Premier obtain the information from the University concerned ?

The Hon'ble Srijut GOPINATH BARDOLOI: The recent information is that there is no bar to Hindu students getting admission into the Muslim University of Aligarh.

Maulavi Saiyid MUHAMMAD SAADULLA: Sir, may I come to the rescue of my Hon'ble Friend, the Premier ? Only this morning a Hindu student of Jorhat came to see me and I was pleased to learn from him that he was a student of law of the Aligarh Muslim University. On my enquiry into the details of that University, I learned from him that there were as many as 700 Hindu students out of the total of 3,200 students. On my further enquiry whether there were Hostel arrangements for the Hindu students he said 'Yes', and added that there was no bar to any Hindu student and all kinds of facilities were given to them, at all times.

The Hon'ble Srijut GOPINATH BARDOLOI: I have already said that there is no bar to any Hindu students being admitted into the Aligarh University.

Maulavi ABUAL MAJID ZIAOSH SHAMS: May I know, Sir, from the Hon'ble Premier whether Muslim students are admitted into the Benares Hindu University ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, I know it definitely.

Maulavi ABUAL MAJID ZIAOSH SHAMS: May I know whether there is any hostel arrangements for the Muslim students there ?

The Hon'ble Srijut GOPINATH BARDOLOI: I presume there must be hostel arrangements for the Muslim students also,

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Further Supplementary Questions on Unstarred Questions Nos.91-92†

****Babu JATINDRANATH BHADRA:** Sir, is it not a fact that the Government has taken some action against the officer concerned ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: When certain irregularities committed by the officer were brought to the notice of the Department the matter was investigated and the officer has been kept under suspension.

Sunamganj Subdivision as a deficit area

Babu JATINDRANATH BHADRA asked :

93. (a) Are Government aware that the Subdivision of Sunamganj is a deficit area this year with regard to her food-grains ?

(b) If so, will Government be pleased to state what arrangements they have made or they propose to make to meet the situation ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

93. (a)—Sunamganj Subdivision is not a deficit area with regard to food-grain.

(b)—Does not arise.

****Babu JATINDRANATH BHADRA:** Is it a fact that the Subdivisional Officer of Sunamganj requested the Government to supply a large quantity of paddy to the people of the areas affected by the hail storm ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: No such request from the Subdivisional Officer has been received after the hail storm. But he wanted some paddy for his Subdivision and that was supplied. For the information of the hon. Questioner and other Members I may say that the Government has got sufficient stocks at different places and whenever any requisition will be made from any Subdivision that demand will be met from those reserved stocks.

****Babu JATINDRANATH BHADRA:** Will the Hon'ble Minister please take it from me that the authority there is finding difficulty in procuring paddy for these affected areas ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, I am not going to challenge that statement, but I can say this much that, that might be due to the fault of the authority. We have sufficient stock and we can meet any demand made from any part of the Subdivision.

Report of the Shome Committee

Babu JATINDRANATH BHADRA asked :

†91. (a) Have Government considered the report of the Shome Committee ?

(b) If not, what are the reasons for the delay ?

(c) What action do Government propose to take regarding affairs disclosed by the Committee ?

†92. (a) Will Government be pleased to state whether they have held any enquiry to scrutinise the doings of Mr. Jamini Kumar Dutta Roy in the Supply and Procurement Department ?

(b) If so, what are the findings of the enquiring officer ?

(c) What action do Government propose to take on these findings ?

****Speech not corrected.**

Assam Access Road from Golakganj to North Salmara

Srijut SARAT CHANDRA SINHA asked :

94. (a) Will Government be pleased to state why there has been delay in paying the compensation of lands acquired for Assam Access Road from Golakganj to North Salmara in the district of Goalpara ?

(b) Are Government aware of the fact that various representations have lately been made to the authority concerned for payment of compensation but all to no purpose ?

(c) Will Government be pleased to state how long it will take to pay the compensation ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

94. (a) to (c)—The delay in payment of compensation is due to the delay in preparation of estimates of cost of such lengthy projects. The Assam Access Road runs through Zamindery lands and through Lakheraj and Maurashi Estates having divergent rights and claims and involving many complications between landlords and tenants. Payment of compensation will be made as soon as the estimates are finally prepared and sanctioned by Government. Some advance compensation has been paid to the needy and deserving persons.

Postponement of eviction during Monsoon

Maulavi ABDUL HAI asked :

95. Will the Hon'ble Revenue Minister be pleased to state—

(a) Whether eviction during the monsoon has been postponed from the first of June, 1946?

(b) If so, why in some of the places particularly at Mangaldai this order of postponement has not been carried out ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

95. (a)—Yes, in the case of areas not cleared before that date.

(b)—No fresh evictions have taken place after 1st June, only re-eviction of re-encroachers on areas already cleared.

Maulavi ABDUL HAI: Sir, is it not a fact that in Mangaldai eviction order has been carried out even after the suspension order ?

The Hon'ble Srijut BISHNURAM MEDHI: It is clear from the answer that no fresh eviction has been done after the suspension order. But only in cases

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

91. (a)—Yes.

(b)—Does not arise.

(c)—At present Government is proceeding with an audit and one criminal case lodged by a private person against the Eastern Bengal and Assam Commercial Syndicate has been taken up by the Government and investigation is proceeding.

92. (a)—Certain irregularities committed by this officer have been brought to the notice of Government and Government are instituting an enquiry.

(b)—Does not arise.

(c)—Does not arise at this stage.

of fresh encroachment eviction might have been done in order to clear the fresh encroachers out of the Reserves.

Maulavi ABDUL HAI: Is it not a fact that in Baghbari village eviction is still carried out ?

The Hon'ble Srijut BISHNURAM MEDHI: It is absolutely incorrect.

Maulavi ABDUL HAI: I may inform the Hon'ble Minister that the eviction has been carried out even after the suspension order in this area.

The Hon'ble Srijut BISHNURAM MEDHI: Eviction operation started from April and it continued till fresh re-encroachers came in and they had to be turned out of the reserves.

Maulavi ABDUL HAI: Government passed orders for suspension of eviction during the monsoon. Even in that period eviction was carried out in that village.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, the word 're-eviction' is different from the word 'eviction'.

Maulavi ABDUL HAI: My question is, Sir, they were evicted even after the suspension order.

The Hon'ble Srijut BISHNURAM MEDHI: Eviction in all these 4 reserves were carried out in April and they were turned out when they re-encroached.

****Maulavi ABUAL MAJID ZIAOSH SHAMS:** Is it a fact that re-eviction also causes hardship to the people ?

The Hon'ble the SPEAKER: Order, order, that Question is not permissible.

Village Defence Parties

Srijut DANDESWAR HAZARIKA asked :

96. (a) Is it a fact that many poor villagers of the Village Defence Parties had to watch the Railway lines, Telegraph lines and Bridges at night during the last war without any remuneration ?

(b) Are Government aware that these villagers had to undergo great hardship as they were deprived of their usual duties, they having been so engaged ?

(c) If so, do Government propose to grant some compensations to those persons who were so engaged ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

96. (a)—Not without remuneration. This was given both in money and in clothing and equipment. The total cost came to more than ten lakhs.

(b)—Government are aware that such work involved sacrifice and at times discomfort, which were in general cheerfully borne.

(c)—Compensation has already been given, as stated.

****Speech not corrected.**

****Srijut DANDESWAR HAZARIKA:** May I know from the Hon'ble Minister what amount of remuneration was given to these men per head who actually guarded the railway lines and bridges at night?

The Hon'ble Mr. BASANTA KUMAR DAS: I may refer the hon. Member to the Government Motion that was adopted in the November Session of the Assembly of 1943, on this matter. He will get all the necessary information he requires from there. The Motion was to the effect that the personnel of parties were paid sums running up to Rs. 20 per party, plus their incidental expenses. When the scheme of village responsibility was wound up at the end of October 1945, the men were allowed to retain clothing equipment in their possession. Deputy Commissioners were also authorised to pay bonus for good work done. In addition rallies at Sylhet and Gauhati were held to which the men were invited.

****Srijut DANDESWAR HAZARIKA:** May I know how many persons were paid at Rs. 20?

The Hon'ble Mr. BASANTA KUMAR DAS: A total of Rs. 10,18,463 was spent in connection with the Village Responsibility Scheme since its inception and till the Scheme was closed down, 50 per cent. of this expenditure was borne from Provincial revenues. A further sum of Rs. 3,244 was also borne from Provincial revenues in connection with rallies held when the scheme was closed down. Sir, these are the facts I give. I cannot give the hon. Member the number of persons who were paid.

****Srijut DANDESWAR HAZARIKA:** Is it a fact that the clothes and umbrellas were taken back by Government?

The Hon'ble Mr. BASANTA KUMAR DAS: I cannot reply the Question off-hand, Sir. But I have said that these men were allowed to retain the clothing equipment in their possession.

Erosion of Sunamganj Town by the river Surma

Babu JATINDRANATH BHADRA asked:

97. (a) Are Government aware that the river Surma is gradually penetrating into the town of Sunamganj?

(b) Will Government be pleased to state when and what steps they are going to take to save the said town from erosion by that river?

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

97. (a)—Yes.

(b)—It is proposed to protect the bank of the Surma river by means of floating cages provided, the Sunamganj Municipal Board bear half the cost of Rs. 5,000.

****Babu JATINDRANATH BHADRA:** What will be the fate of the town in case the Municipality is unable to bear half the cost?

****The Hon'ble Rev. J. J. M. NICHOLS-ROY:** That is a difficult Question, Sir, and I leave it to the hon. Questioner himself to reply.

****Speech not corrected.**

Towns having electric supply stations in the Province

Mr. W. D. RUTHERFURD asked :

98. Will Government be pleased to state—

- (a) The names of towns in the Province having an electric supply station ?
- (b) The cost per unit charged to consumers in each of those towns ?
- (c) The names of towns, if any, having an electrical supply scheme worked out but not yet installed ?
- (d) If the machinery for any such installation has been ordered ?

The Hon'ble Srijut RAMNATH DAS replied :

98. (a)—Shillong, Silchar, Sylhet, Dhubri, Gauhati, Jorhat, Tezpur, Dibrugarh.

(b)—The domestic lighting rate is annas eight per unit, except in the case of Sylhet and Silchar where rates are 8 annas and 2 pies and 9 annas respectively subject to rebates varying in the different towns for prompt payment.

The rates for industrial and other purposes differ, according to the conditions of supply in each town.

(c)—Licenses have so far been granted for Nowgong, Tinsukia, Habiganj and Karimganj. There are certain other proposals which have not yet reached this stage.

(d)—Owing to the difficulties in obtaining equipment, time has had to be given to the new licensees, and they are engaged in the endeavour to locate machinery.

Srijut SARAT CHANDRA SINHA: Are Government aware that there are surcharges in some of the towns ?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

Srijut SARAT CHANDRA SINHA: Are Government aware that these charges cause hardship to the consumers ?

The Hon'ble Srijut RAMNATH DAS: It may be so. Government are considering whether this should be withdrawn or not.

Maulavi SAYIDUR RAHMAN: May I know when the Tinsukia license has expired ?

The Hon'ble Srijut RAMNATH DAS: I require notice of that Question, Sir.

Firearms forfeited by Government during the 1942 movement

Raja AJIT NARAYAN DEV of SIDLI asked :

99. (a) Will Government be pleased to state how many firearms were forfeited by Government during the 1942 movement in the district of Goalpara ?

(b) Will Government be pleased to state the number of guns and other firearms forfeited by Government during the years 1945 and 1946 in the district of Goalpara, and the reasons for forfeiting them ?

(c) Will Government be pleased to state the names of the persons whose firearms were forfeited together with (i) number of weapons, (ii) descriptions of weapons and (iii) the approximate price of the respective weapon so seized ?

(d) Is it a fact that some of them were sold ?

(e) Will Government be pleased to state the names and designations of persons who purchased these weapons, the descriptions of the weapons and the prices paid for the respective weapon ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

99. (a)—No gun was forfeited during the year 1942 movement in the Goalpara district.

(b) to (e)—A statement is laid on the library table.

Kamargaon Subsidised Dispensary

Srijut RAJENDRA NATH BARUA asked :

100. Will Government be pleased to state—

(a) Whether Government are aware that the subsidised dispensary at Kamargaon is in a deplorable condition ?

(b) If so, whether Government propose to give a non-recurring grant for building purposes to this dispensary ?

(c) Whether Government propose to engage the doctor of the subsidised dispensary in *Kala-Azar* work, in the neighbourhood, if necessary, by paying some extra allowance ?

The Hon'ble Srijut RAMNATH DAS replied :

100. (a)—Yes.

(b)—Under the rules for the management of subsidised dispensary the Local Committee is responsible for the proper maintenance of the Dispensary. Government cannot promise a grant to any specific Subsidised Dispensary.

(c)—The Doctor in charge is being asked to attend *Kala-Azar* cases in the neighbourhood, by paying an allowance and providing a Peon.

Amendment of the Municipal Act and Local Self-Government Act

Shri ABALA KANTA GUPTA asked :

101. Do Government propose to consider the desirability of amending the Municipal Act and the Local Self-Government Act making Members of the Legislatures *ex officio* members of one Municipal Body and one Local Board only with no right to vote ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

101.—No.

Aided High Schools

Maulavi MUHAMMAD ABUL KASHEM asked :

102. (a) Will Government be pleased to state what steps they propose to take this year for improving the financial conditions of the Aided High Schools ?

(b) Do Government propose to provincialise the Aided High Schools in near future ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

102. (a)—Funds have been proposed in the list of new schemes for the current year through budget schedule.

(b)—No.

Steam-Ferry Service between Dhubri and Fakiraganj

Srijut SANTOSH KUMAR BARUA asked :

103. Are Government aware—

- (a) (i) that the Steam-Ferry Service between Dhubri and Fakiraganj across the Brahmaputra has been totally discontinued long since ;
(ii) that such service is most essentially necessary specially in the monsoon ?

(b) If so, do Government propose to restore the service immediately ?

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

103. (a) (i)—Yes.

(ii)—Yes.

(b)—Steps are being taken to restore the Steam-Ferry Service as soon as possible.

Srijut SARAT CHANDRA SINHA : When will the ferry service be restored ?

****The Hon'ble Rev. J. J. M. NICHOLS-ROY** : The ferry will be brought to operate as soon as possible.

Government Aided High Schools in Assam

Srijut MAHENDRAMOHAN CHOUDHURY asked :

104. Will Government be pleased to state—

- (a) The names of Government Aided High Schools in Assam with their respective grants-in-aid ?
(b) What are the criteria to fix the quota of such Grants-in-aid ?
(c) Whether Government propose to give grants-in-aid to all the Government Aided High Schools on a uniform rate on equitable basis ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

104. (a)—A statement is placed on the Library Table.

(b)—Grants are sanctioned by the Director of Public Instruction to deserving schools in accordance with the Rules in the Education Department Rules and Orders after examining the propriety or otherwise for bringing such schools on the aided list. Special consideration is given to schools which provide for the requirements of backward areas or communities whose private sources cannot produce necessary funds.

(c)—No. Grants cannot be given on a uniform rate to all aided High Schools whether deserving or undeserving.

Projects under the Embankment and Drainage Scheme

Srijut MAHENDRAMOHAN CHOUDHURY asked :

105. (a) Is it a fact that for want of Superintending Engineer no big project under the Embankment and Drainage Scheme has been taken up or is being taken up or will be taken up by Government ?

(b) If so, do Government propose to appoint some one immediately or promote some one from the Assam Engineering Service, Class II to carry on the work ?

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

105. (a)—The Department is handicapped by shortage of staff but some projects are under preparation and some have already been taken up.

(b)—The matter is under consideration of the Government.

Mikir population of the Province

Srijut KHORSING TERANG asked :

106. Will Government be pleased to state the number of Mikir population of the Province, district by district ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

106.—(1) Sylhet	...	...	...	194
(2) Cachar	...	...	...	2,930
(3) Naga Hills	...	...	...	1,753
(4) Lushai Hills...	...	...	...	Nil.
(5) Khasi and Jaintia Hills (British portion)	...	...	...	19,286
(6) Garo Hills	...	...	...	2
(7) Goalpara	...	...	...	1
(8) Kamrup	...	...	...	11,561
(9) Nowgong	...	...	...	70,822
(10) Darrang	...	...	...	2,987
(11) Sibsagar	...	...	...	35,423
(12) Lakhimpur	...	...	...	668
(13) Sadiya Frontier Tract...	...	...	...	Nil.
(14) Balipara Frontier Tract	...	...	...	33

Posts created in Public Works Department since 1939

Maulavi MD. ABDULLAH asked :

107. Will the Hon'ble Minister-in-charge of Public Works Department be pleased to state—

(a) The number of additional posts created in the Public Works Department since 1939 and a statement of additional works undertaken or likely to be undertaken in near future ?

(b) Whether any plan has been drawn up by this Department approved by Government for Post-War Reconstruction ?

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

107. (a)—Number of additional appointments made since 1939 is 388.

About 60 military projects were undertaken since 1942 involving construction and improvement of about 1,500 miles of roads at an estimated cost of Rs. 6.75 crores. These projects are now completed.

A 5-year Provincial Road Programme is now under preparation in addition to a National Highway Programme spreading over 10 years to be financed by Government of India but to be executed by the Provincial Government at 10 per cent. supervision charge.

(b)—The A. R. C. Board in their last meeting recommended certain projects to be included in 5-year programme, a portion of which has been approved by Government to be financed in the current financial year.

The remaining projects are yet under consideration of the Government. These projects when approved by the Provincial Government will have to be further approved by Government of India.

Tura Government High School

Mr. MANIRAM MARAK asked :

108. (a) Are Government aware of the fact that the Tura Government High School is running without a permanent Head Master for the last one year ?

(b) What steps have been taken by Government to place a permanent Head Master there ?

(c) Is it a fact that Government propose to make the present officiating Head Master permanent ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

108. (a)—Yes.

(b)—Proposals have been called for from the Director of Public Instruction.

(c)—Not in the present vacancy.

Corrupt practices in Government Offices

Maulavi Dewan ABDUL BASITH asked :

109. (a) Will Government be pleased to state what steps have been taken by them so far for removing corrupt practices now prevailing in most of the Government offices ?

(b) How many specific cases of corruption among Government servants have been detected up to the 20th June 1946 ?

(c) What procedure is being followed in investigating these cases ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

109. (a)— Besides establishing committees for vigilance and liaison in connection with the supply and distribution of commodities, Government have decided to establish a special branch in the Police Department to scrutinize *prima facie* evidence pointing to corruption.

(b)—It will take some time to obtain figures from all over the Province, and some cases are now under trial or investigation.

(c)—Hitherto, the ordinary system of Police investigation has been followed throughout, after departmental investigation.

****Maulavi ABDUL BARI CHAUDHURY:** May I know from the Hon'ble Minister when this Special Branch will be established ?

****The Hon'ble Mr. BASANTA KUMAR DAS:** It has been established, I think, about two months ago and some officers are still working.

Population figures of Assam

Dr. EMRAN HUSSAIN CHAUDHURY asked :

110. Will Government be pleased to state—

- (a) The present strength of the population in Assam ?
- (b) The number of (1) Muslims, (2) Hindus, (3) Tribal Plains, (4) Tribal Hills and (5) Christians in the Assam and Surma Valley respectively ?
- (c) The number of the Immigrant population in the Province ?
- (d) How many of the Immigrants are Muslims and how many Hindus ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

110. (a)—Total population, according to the 1941 Census, for Assam excluding States 10,204,733.

(b)—					Assam Valley	Surma Valley
1. Muslims	...	...	...	...	1,315,225	2,127,254
2. Hindus	...	...	...	...	2,818,509	1,394,714
3. Tribal Plains	...	...	...	...	1,553,758	235,962
4. Tribal Hills	...	...	...	...	247,692	447,583
5. Christians	...	...	...	...	31,287	6,463

=on the same basis.

(c) & (d)—It is not possible to give these details, since immigrants were not separately recorded as such in the Census compilation.

Veterinary Field Assistants

Maulavi Dewan TAIMUR RAZA CHOUDHURY asked :

111. (a) Are Government aware that the Veterinary Field Assistants receive their monthly salaries after 2 or 3 months intervals ?

(b) Do Government propose to enquire into the matter and take necessary steps so that these Field Assistants may receive their salaries promptly and regularly ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

111. (a)—Yes.

(b)—Yes.

Establishment of Model Tols

Srijut GAURI KANTA TALUKDAR asked :

112. Will Government be pleased to state—

- (a) Whether they have received a five years scheme of establishing some model Tols on the basis of aid and modernisation submitted by the Assam Sanskrit Board in 1944 ?
- (b) Whether the prayer for execution of the said scheme was renewed in 1945 and 1946 ?
- (c) Whether Government have taken any steps to give effect to that scheme ?
- (d) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

112. (a)—Yes.

(b)—Yes.

(c)—Yes. The matter is under consideration of Government.

(d)—Does not arise.

Srijut GAURI KANTA TALUKDAR : Will Government please give us an idea as to how much more time will be required to come to a final decision on this scheme ?

The Hon'ble Srijut GOPINATH BARDOLOI : All I can say is that the matter will be attempted to be expedited.

Srijut GAURI KANTA TALUKDAR : May I know whether any particular Officer has been instructed to examine the scheme ?

The Hon'ble Srijut GOPINATH BARDOLOI : It is in the hands of the Sanskrit Board, Sir.

Sidli-Chapar Road

Srijut SARAT CHANDRA SINHA asked :

113. (a) Will Government be pleased to state if a part of the Sidli-Chapar Road connecting the Assam Access Road and the Basugaon Railway station is maintained by the Public Works Department ?

(b) Is it a fact that the bills presented by the contractors for constructing the temporary bridges on this road are paid before the bridges are completed ?

(c) Is it a fact that the two bridges on this road one over the river Kujiya and the other over the river Kanibhoor were completed towards the last part of December, 1945 ?

(d) Is there any time fixed by the Public Works Department for completing the temporary bridges on a road maintained by the Public Works Department?

(e) Will Government be pleased to state the cost of the two temporary bridges referred to in the Question No. 113 (c) above?

(f) Is it a fact that the above two bridges were washed away in May 1946, i.e., within 5 months of their completion?

(g) Is it a fact that no arrangement was made for crossing the rivers for about a month?

(h) Will Government be pleased to state if the Executive Engineer visited the road during the last four years?

(i) Will Government be pleased to state if the officer just under the Executive Engineer has visited the road during the said period?

(j) If so, whether he has issued any instructions for improvement of the road and the ferries?

(k) Whether any improvement has been affected as a result of his instruction?

(l) Is it a fact that the road Mohurrir who was in charge since 1941 has been found suddenly unfit for the work and has been dismissed?

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

113. (a)—A length of 10·7 miles is maintained by the Public Works Department.

(b)—No.

(c)—Yes.

(d)—No.

(e)—Rs. 888.

(f)—Yes.

(g)—No. Marboats were brought into use as soon as the bridges were washed away?

(h)—Yes. On 31st January 1943, 27th July 1944 and 29th May 1946.

(i)—The Subdivisional Officer inspected the road frequently during the last 4 years.

(j)—Yes.

(k)—Yes, viz., 2·21 miles of the road have been gravelled, four existing bamboo bridges strengthened to carry 6-ton load, and 3 Nos. marboats of 6-ton capacity provided at Kujiya and Kanibhoor.

(l)—No. The service of the Mohurrir was dispensed with after serving him with a month's notice of discharge as he was found negligent in his duties in spite of repeated warnings.

P. W. D. Subdivisional office at Maulvibazar and its staff

Maulav. Dewan ABDUL BASITH asked :

114. (a) Are Government aware that recently the Muslim clerks of the Maulvibazar Subdivisional office were not allowed by the Executive Engineer to say their prayers during office hours?

(b) If so, will Government be pleased to lay on the table a copy of the said order along with all relevant copies of correspondence?

115. (a) Will Government be pleased to state if they have lately received any letter from any organisation making certain definite allegations against the present Executive Engineer, Maulvibazar Division?

- (b) If so, do Government propose to take any action in the matter ?
- (c) Will Government be pleased to state if they have recently received any complaint from the public regarding the use of Government Vehicles and employment of Public Works Department workers in personal work of the Public Works Department staff at Maulvibazar ?

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

114. (a)—There is no recent complaint. The Executive Engineer reports that the Muslim clerks go out every day to say their prayers, as usual.

(b)—Does not arise.

115. (a)—No letter has lately been received but one was received in March 1945.

(b)—An enquiry was made and the allegations have proved to be false.

(c)—No complaint has been received recently, but one was received in December 1945. On enquiry it was found that the allegations were perverted versions of facts and grossly exaggerated, and not even confirmed by the gentleman who is supposed to have written it originally.

Railway connection from Rangapara North to North Lakhimpur

Srijut BIJOY CHANDRA BHAGAVATI asked :

116. (a) Are Government aware that there is no Railway connection from Rangapara North to North Lakhimpur ?

(b) Are Government aware that the distance is of about 128 miles ?

(c) Are Government aware that communications in these areas are the worst for want of Railway connection ?

(d) Are Government aware that bad communication is a great handicap to the progress of Tezpur-Lakhimpur (North) area ?

(e) Do Government propose to move the Railway Board and the Central Government to open a Railway Line from Rangapara North or Tezpur to North Lakhimpur without much delay ?

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

116. (a)—Yes.

(b)—The distance is about 128 miles from Tezpur to North Lakhimpur.

(c)—The area is served by roads as well as by steamer service.

(d)—Yes, to some extent.

(e)—Government have already moved the Railway Board in the matter.

Duty of Police during Strikes

Srijut BIJOY CHANDRA BHAGAVATI asked :

117. (a) Are Government aware that in this Province in the past the Police, Armed Police or the Military used to rush in to take side and help the employer whenever any conflict arose between the employer and the employed or employees or when the employees struck work to redress their grievances ?

(b) Do Government propose to issue necessary instructions to the Police and all officers concerned to observe complete neutrality in lawful strike and similar circumstances ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

117. (a)—No.

(b)—The duties of the Police, which are the preservation of law and order, the protection of life and property, and the prevention and prosecution of cognizable offences are fully provided for in the Departmental manual and perfectly well understood.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware that recently at the Chhatak Cement Company there were posted armed police ?

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, Sir. They were posted on the requisition of the Cement Company authorities in order to preserve law and order and their properties.

Babu PURNENDU KISHORE SEN GUPTA: Was there any apprehension of breach of peace ?

The Hon'ble Mr. BASANTA KUMAR DAS: Of course, the District Magistrate must have been satisfied before sending the armed police ?

Babu PURNENDU KISHORE SEN GUPTA: Is it not a fact that the Police Station is very near the Chhatak Cement Company ? What was the necessity for the armed police ?

The Hon'ble Mr. BASANTA KUMAR DAS: The police there were not sufficient and, moreover, the Cement Company wanted armed police.

Distribution of Yarn to Village Weavers

Maulavi ABDUL HAI asked :

118. Will the Hon'ble Minister-in-charge of Supply be pleased to state :

(a) Whether arrangement has been made to supply yarn to the village weavers who have got handlooms and whose profession is weaving ?

(b) If so, from what date ?

(c) If not, why not ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

118. (a)—Yes.

A copy of the instruction is laid on the Library Table.

(b)—The first Government order regarding distribution of yarn was issued on 9th April 1945 and the revised distribution order was issued on 1st November 1945.

(c)—Does not arise.

****Maulavi ABDUL HAI**: Are Government aware that some villagers in Hajo in the Nalbari Circle, No. 3 Barbala, Natun Chaprapara and others, though they are weavers by profession, the majority of them have not got yarn ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: No, Sir, I am not exactly aware of the fact. But I am aware that there are places where there is need

of yarn but we have not been able to meet it from our resources. If any particular case is brought to my notice, certainly I will make an enquiry and try to accomodate it provided our stock permits. If a case is really hard, certainly I shall try to make provision for it by reducing the quota of some other place.

****Maulavi ABDUL HAI:** Will Government enquire into the matter ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: If that be the desire of the hon. Member, I will enquire into the matter.

****Babu PURNENDU KISHORE SEN GUPTA:** Is it a fact that in distribution of yarn preference is given to outside weavers over the indigenous weavers ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am not aware of that, Sir. But as I said in reply to the debate before, some weavers have arrived here from Bengal and they are black-marketing. This has come to our notice and we are taking necessary steps. But I am not aware that exclusion is made for the indigenous weavers in preference to outside weavers.

****Babu PURNENDU KISHORE SEN GUPTA:** Will Government see that the indigenous weavers get preference over the outside weavers in the distribution of yarn ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, certainly. But as a matter of fact, it is the duty of the Vigilance Committee. If the Vigilance Committee find any such and bring it to the notice of Government, Government will certainly rectify the defect.

****Srijut BELIRAM DAS:** Will Government increase the quota of yarn in view of the fact that it is not sufficient ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, in reply to a Question the other day, I said that we have got an increase of 50 bales of yarn and this will be equitably distributed throughout the Province. This will go to the places where there is the greatest need. Unless we get increased quota, I cannot satisfy all. As I said before and even today, we have got an increase of 50 bales but we are not satisfied with it and trying to increase it.

Habiganj-Shaistaganj Branch Railway line

Maulavi NASIR-UD-DIN AHMED asked :

119. (a) Will Government be pleased to state whether they have got any reply from the Central Government on the correspondence of the 17th July 1946 regarding the immediate restoration of the Habiganj-Shaistaganj Branch Railway Line ?

(b) If so, will Government be pleased to lay on the table a copy of the reply of the Central Government ?

(c) If not, will Government be pleased to state what step or steps they have already taken or propose to take for the immediate restoration of the Habiganj-Shaistaganj Branch line ?

****Speech not corr cted.**

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

119. (a)—Yes.

(b)—A copy of the reply received from the Railway Board is laid on the table.

Copy of letter No. R46C/168, dated 7th August 1946, from the Joint Director, Railway Board, New Delhi, to the General Manager, Bengal and Assam Railway, copy to the Secretary, P. W. D.

Sub.—Restoration of Shaistaganj-Habiganj.

A copy of Assam Government letter No. Railway 10C/7/46/5829, dated 17th July 1946, is sent herewith for information. The Railway Board consider that in view of the importance attached to this project by the Assam Government arrangements should be made to start the investigations at an early date.

(c)—Does not arise.

Technical and business experts for Post-War Development Scheme

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

120. Will Government be pleased to state—

- (a) Whether it is a fact that Government propose to appoint a number of high class technical and business experts for their Post-War Development Scheme ?
- (b) If so, do Government propose to bring all such business and technical experts who are now serving under Government of India and other Provincial Governments back to Assam in the interest of the Province ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

120. (a)—Yes, as and when the proposals of the Government to own or participate in certain major industries materialise.

(b)—The Government have maintained no lists of business and technical experts of Assam now working outside the Province. As appointments will be made in consultation with the Assam Public Service Commission, all such persons will have an opportunity to apply.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Will Government take it from me that there are technical and business experts in Assam who are now serving under the Central and other Provincial Governments ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Most certainly, Sir, the Province is not so very poor ; there are business and technical experts in Assam.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Will Government be pleased to see that the advertisements for such posts reach them in time ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Most certainly, I shall do that.

**Public Works Department Subdivisional Officer's Office at
Maulvibazar**

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

121. Will the Hon'ble Minister-in-charge of the Public Works Department be pleased to state—

- (a) Whether there was any vacancy in the ministerial establishment of the Public Works Department Subdivisional Officer's Office at Maulvibazar during the month of May 1946 ?
- (b) If so, whether that vacancy was advertised ?
- (c) The number of petitions received, community by community, for that post ?
- (d) To which community was the vacancy due and from which community was it filled up ?
- (e) The number of clerks belonging to different communities in the Maulvibazar Division showing the respective number of posts each community is entitled to hold according to the Government circular in force ?

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

121. (a)—Yes, there was a leave vacancy for a short period from 17th May 1946 to 7th June 1946.

(b)—The vacancy was advertised locally.

(c)—Two applications—one from a Hindu and another from a Muslim—were received.

(d)—The vacancy was against a Hindu clerk proceeding on leave. The vacancy was not filled up as the Subdivisional Officer did not require a substitute for this short period of three weeks only.

(e)—

Existing No. of clerks belonging to each community				Number each community is entitled to hold
Caste Hindus	...	...	8	5.25
Scheduled caste Hindus	...	...	2	2.80
Muslims	...	...	13	14.84
Others	...	...	...	.11
Total				23.00

Post-War Reconstruction Grants

Shri ABALA KANTA GUPTA asked :

122. (a) Will Government be pleased to state how the Surma Valley and Sylhet have been treated during their negotiations with the Government of India for Post-War Reconstruction Grants ?

(b) Are these two areas among the grantees in the fund allotted for the Province or are they considered separate ?

- (c) Do Government propose to make separate allotments for these areas ?
 (d) If so, what is the basis intended ?
 (e) What is the total amount that may be available to Assam ?
 (f) How much may be expected for the two areas of Surma Valley and Sylhet ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

122. (a) and (b)—These areas are not being treated separately but as integral parts of the Province of Assam. They will get their due share of the benefits accruing from any grants made by the Central Government for post-war reconstruction and development.

(c)—No.

(d)—Development schemes will be dispersed all over the Province according to the needs and suitability of each area.

(e)—No final commitment has yet been made by the Government of India, but a grant ranging between 11½ and 20 crores is expected in the first post-war quinquennium. In addition to this, loans appropriate to the needs of the Province have been promised for productive (*i.e.*, self-financing) schemes.

(f)—No regional allocations have yet been made.

Imphal-Tamu Road and Imphal Silchar Road

Shri ABALA KANTA GUPTA asked :

123. (a) Do Government propose to take up the improvement of Imphal-Tamu Road to establish the shortest and cheapest communication between India and Upper Burma and thereby draw a part of the traffic which goes *via* Rangoon as also the portion of the Rangoon traffic that is distributed to India through Calcutta for the Province's own advantage ?

(b) Do Government propose to improve and complete the Imphal-Silchar Road built by the Military as the quickest approach to Manipur and the Frontier of India from the plains of the Province of Assam ?

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

123. (a)—This road is provisionally selected as a National Highway and if finally selected the responsibility for improvement and maintenance will rest with the Government of India. If not approved as National Highway it will be beyond the power of Provincial Government to improve and maintain the road from Pael to Tamu as it lies in a State territory.

(b)—No.

Nowgong District Co-operative Federation

Srijut LAKSHMIDHAR BORAH asked :

124. (a) Will Government be pleased to state whether lately Government received any representation from the Nowgong District Co-operative Federation complaining against the Deputy Commissioner's refusal to grant permit for wholesale supply of foodstuffs to the Federation for the affiliated stores ?

(b) If so, when and what order was passed and the date on which the order was passed to it ?

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

124. (a)—No representation on the subject was received from Nowgong District Co-operative Federation.

(b)—Does not arise.

Palashbari Co-operative Stores Limited

Srijut LAKSHMIDHAR BORAH asked :

125. (a) Will Government be pleased to state whether they have received any telegram from the Inspector of Co-operative Societies concerned in connection with the proceedings of a general meeting of the Palashbari Co-operative Stores Limited ?

(b) If so, when and what action has been taken on it and the date on which order was passed on it ?

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

125 (a)—The Registrar did not receive any telegram from the Inspector but from the Society.

(b)—Registrar of Co-operative Societies passed orders on the 7th July 1945 objecting to two of the resolutions passed at the meeting and requesting the Society to convene a special general meeting to reconsider those two items of business.

Assamese in Tarapur Village in Cachar District

Srijut DANDESWAR HAZARIKA asked :

126. (a) Are Government aware that Assamese people residing in the Assamese village Tarapur in the district of Cachar have no land of their own and that they are absolutely at the mercy of the Zamindars who charge exorbitantly high rent from them ?

(b) Do Government propose to provide those landless people with lands in the Sibsagar District if they desire to come back ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

126. (a)—Yes.

(b)—It is the policy of Government to provide landless people with lands if these people are landless and want to settle in Sibsagar District. They may apply to the Deputy Commissioner, Sibsagar, for any available Government land. Deputy Commissioners have been instructed to try to find land for such persons.

Dergaon Charitable Dispensary

Srijut RAJENDRA NATH BARUA asked :

127. (a) Are Government aware that Dergaon is fast becoming an important place and a trading centre ?

(b) Are Government aware that Dergaon Charitable Dispensary is most centrally and conveniently located for treatment of patients of the several

mauzas such as Ahotguri, Messamora, Dergaon, Dhekial, Gurjagonnia, Kakadugga, Rungamatty, etc. ?

(c) In view of the growing importance of the place, do Government propose to raise the status of the Dispensary and equip the same with some beds of the in-door patients and provide a mid-wife for this dispensary ?

The Hon'ble Srijut RAMNATH DAS replied :

127. (a)—Dergaon is a small trading centre.

(b)—Yes.

(c)—Government can undertake no responsibility for improvement of the dispensary at the present, as this is the concern of the Local Board.

Classification of Manipuris

Babu BIDYAPATI SINGHA asked :

128. (a) Are Government aware that the Manipuris were not counted as a separate community in the last Census ?

(b) Are Government aware that the Manipuris have their own separate language, culture, traditions and social conditions ?

(c) Do Government propose to count the Manipuris separately in the next Census as a distinct community apart from the Caste Hindus ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

128. (a)—Yes.

(b)—Yes, within limits.

(c)—Government will consider this question at the time of the next Census.

****Babu BIDYAPATI SINGHA :** What is the meaning of "within limits" ?

****The Hon'ble Srijut GOPINATH BARDOLOI :** I suppose the words are sufficiently explanatory. They mean that the Manipuris have also Hindu customs and some other culture common with some of other communities.

****Maulavi ABDUL HAMID :** May I know if the Manipuris were enumerated separately ?

****The Hon'ble Srijut GOPINATH BARDOLOI :** In the previous census they were perhaps included in "Others". I want notice of this Question, Sir.

Pay of the Lower Primary School Teachers

Babu BIDYAPATI SINGHA asked :

129. Will Government be pleased to state—

(a) Whether Departmental Orders have been issued fixing Rs. 20 as the minimum salary of a Lower Primary School teacher ?

(b) Whether Government are aware that the question of granting increased salary to the Middle Vernacular School teachers is being shelved and whether Government propose to fix the minimum

salary of Middle Vernacular School teachers at a higher rate than that of Lower Primary School teachers ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

129. (a)—Orders have been issued that the total emoluments of primary school teacher including dearness allowance should not be less than Rs. 20 per mensem.

(b)—No, the matter is now under consideration of Government.

Babu PURNENDU KISHORE SEN GUPTA: Will the Hon'ble Premier let us know when these orders were issued for paying Rs.20 as the minimum salary including dearness allowance to the primary school teachers ?

The Hon'ble Srijut GOPINATH BARDOLOI: The amount for the emoluments of primary school teachers was included in the last budget. But I think the orders for direct payment was issued rather late ; but the fact that the provision was made in the budget was known to various Local Boards and some of them made disbursement.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware that the South Sylhet Local Board have not yet received the amount ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, some of the Local Boards have informed us to that effect.

Babu PURNENDU KISHORE SEN GUPTA: Is it not a fact that on 2nd September only a letter was sent by Government to the South Sylhet Local Board as to what amount of money will be required by them to pay the teachers ?

The Hon'ble Srijut GOPINATH BARDOLOI: That may be a fact.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware that before that no order was issued to that Local Board ?

The Hon'ble Srijut GOPINATH BARDOLOI: The fact that the money was provided in the budget was well known and that the Boards who had funds paid the teachers and those who had not got necessary funds could not pay. The formal orders were rather late in being sent to them.

Babu PURNENDU KISHORE SEN GUPTA: How could the Local Boards pay the teachers without the order ?

The Hon'ble Srijut GOPINATH BARDOLOI: The exact position that money was provided in the budget was known to them. There was some delay in communicating the formal orders.

Babu PURNENDU KISHORE SEN GUPTA: Will Government be pleased to say who is responsible for the undue delay in sending the formal orders ?

The Hon'ble Srijut GOPINATH BARDOLOI: The Department was short staffed and was busy with examination matters and the delay must have happened due to these facts.

Babu PURNENDU KISHORE SEN GUPTA: Was the Department so short of staff that the Government orders could not be communicated ?

The Hon'ble Srijut GOPINATH BARDOLOI: Orders have already been communicated.

****Maulavi ABDUL HAMID:** Is it a fact that Primary School teachers got the increase from 1st April last.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, provision made in the last budget, is continuing. The difficulty was that formal orders had to be sent. There was slight delay in sending information to the Local Boards. I have already explained that information was sent by wire to the Boards.

****Maulavi MUHAMMAD ABUL KASHEM:** Is it not a fact that teachers of the Middle Vernacular Schools who are drawing grant from the Government are getting Rs. 16 and not Rs. 20 ?

The Hon'ble Srijut GOPINATH BARDOLOI: That is not our information. I shall see that they do not get less than Rs. 20. That is an information. I shall look into it, if it is a fact.

****Maulavi MUHAMMAD ABUL KASHEM:** That is a fact, Sir.

****Maulavi NURUL HOSSAIN KHAN:** Dearness allowance given to the Lower Primary teachers is purely temporary. May I know from the Government upto what time this privilege will be extended ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is in contemplation of the Government that the allowances which are being given are proposed to be consolidated into pay as soon as war conditions subside. As regards other increases I have already communicated ; along with the training which is given to teachers, we are thinking of giving another increment of Rs.5 to each trained teacher so that conditions of teaching in the Lower Primary Schools may be improved.

****Srijut SARAT CHANDRA SINHA:** Are Government aware that a general strike is being threatened by the teachers ?

The Hon'ble Srijut GOPINATH BARDOLOI: I have received certain information that they are postponing the strike in consideration of what Government will do. I do not know whether this is due to the delay on the part of the Boards in meeting these commitments. It is hoped that with the present financial condition of the Province, it will be appreciated that Government is doing all that is possible for it to do.

I. Sc. Classes of the Cotton and Murarichand Colleges

Srijut GAURI KANTA TALUKDAR asked :

130. (a) Are Government aware that large number of students desirous of joining the I. Sc. classes of the Cotton College and the Murarichand College often have to face disappointment for paucity of seats ?

(b) Are Government aware that training in the I. Sc. Classes is essential for entitling candidates seeking admission in institutions imparting education in Medicine, Engineering, Chemical industries, Pharmacognosics, etc.

(c) Are Government aware that large number of I. A. Classes have, of late been opened in several private Art Colleges of the Province but no provision has been made for teaching Science in any of those private Colleges?

(d) Do Government propose to take early steps to increase the number of seats in the I. Sc. Classes of the Cotton and Murarichand Colleges?

(e) Is it a fact that I. Sc. Classes of the said two Government Colleges are open only to candidates who pass the Matriculation Examination in the First Division?

(f) With a view to satisfy the increasing demand for Scientific training of our youths do Government propose to direct the authorities of the said Government Colleges to admit into the I. Sc. Classes candidates who pass the Matriculation Examination in the Second Division also?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

130. (a)—This might be the case.

(b)—Yes.

(c)—Yes; but the authorities of the Sunamganj College in the Surma Valley have obtained affiliation of the College in Science subjects and the authorities of the Nowgong College are also trying for the same.

(d)—There is already a proposal before Government for the increase of I. Sc. seats of the Murarichand College, Sylhet. If there be an actual necessity for the Cotton College also, Government will consider the matter.

(e)—No.

(In this connection rules of admission in the two Colleges may be seen at pages 40-43 of Education Department Rules and Orders.)

(f)—Does not arise.

Srijut GAURI KANTA TALUKDAR: With regard to (d), will the Hon'ble Premier be pleased to say whether the authorities of the Cotton College brought to the notice of the Government the urgent necessity of increasing the number of seats in the I. Sc. Classes of that College?

The Hon'ble Srijut GOPINATH BARDOLOI: My hon. Friend is late in enquiring about this. Already in both the Colleges the number of seats has been increased by at least 60 per cent. from the original number. In the Murarichand College we have increased from 100 to 200 and in the Cotton College 144 to 216.

Srijut GAURI KANTA TALUKDAR: Then may I know why in reply to my Question which is being answered to-day it is said that "If there be an actual necessity for the Cotton College also, Government will consider the matter"?

The Hon'ble Srijut GOPINATH BARDOLOI: That was not in the Question, Sir.

Srijut GAURI KANTA TALUKDAR: Sir, may I inform this hon. House that my Question in this respect was submitted for the last July Session, then why was not this reply corrected accordingly?

The Hon'ble Srijut GOPINATH BARDOLOI: Correction should have been made by the Questioner himself, as he himself comes from Gauhati.

Srijut GAURI KANTA TALUKDAR: Is it not the duty of the Government to give Answers with accuracy and consistent with facts?

The Hon'ble Srijut GOPINATH BARDOLOI: I can only reply to the Questions as they are put.

* **Maulavi ABDUL HAI:** Is it a fact that seats are increased in both the Colleges by way of special classes?

The Hon'ble Srijut GOPINATH BARDOLOI: Not in the way of special classes. It is made to form the general increase in the Colleges.

* **Maulavi ABDUL HAI:** But my information is that, Sir; there are part-time classes in the Cotton College?

The Hon'ble Srijut GOPINATH BARDOLOI: It may be a temporary arrangement as it may be that they have not been able to complete arrangements of the classes as well as they should do.

* **Maulavi ABDUL HAI:** Are these going to be permanent and regular classes?

The Hon'ble Srijut GOPINATH BARDOLOI: Apparently, Sir.

* **Maulavi ABDUL HAI:** From what date?

The Hon'ble Srijut GOPINATH BARDOLOI: From the date from which they were started. These are temporary arrangements made in reference to plucked students who did not get accommodation elsewhere.

* **Maulavi ABDUL HAI:** Cannot plucked students be admitted into regular classes?

The Hon'ble Srijut GOPINATH BARDOLOI: We never anticipated the number of failures that we had last year.

Abolition of Excise duty on betelnuts

Srijut GAURI KANTA TALUKDAR asked:

131. Will Government be pleased to refer to the speech of the Hon'ble Finance Minister delivered in the Assembly on 1st April 1946 (cf. Assembly Debates pages 700-701) in reply to the Motion moved by Srijut Siddhi Nath Sarma, M. L. A., regarding the abolition of the Excise Duty on betelnuts in the Province and state—

(a) Whether the copy of the debate has been forwarded to the Central Government?

(b) If so, when?

(c) Whether the Government of Assam have urged upon the India Government to repeal this tax?

(d) If so, what reply this Government have received from the Central Government ?

(e) Whether Government propose to refer this matter to the Federal Court for adjudication as regards the legality of this tax ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

131. (a)—Yes.

(b)—On 25th April, 1946.

(c)—Yes.

(d)—The Government of India replied that the matter was under consideration.

(e)—No, not at present as the matter is still under consideration of the Central Government.

Srijut GAURI KANTA TALUKDAR : Do Government propose to send reminders to the Central Government to take steps to abolish the betel-nut tax in the near future ?

The Hon'ble Srijut BISHNU RAM MEDHI : It will be done as soon as Government thinks it necessary. We want the Central Government to stabilise first.

Pay of Primary School Teachers

Mr. P. M. SARWAN asked :

132. (a) Will Government be pleased to state if they propose to raise the pay of Primary School Teachers to Rs. 40 per month ?

(b) If so, when and what steps are being taken in this direction ?

(c) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

132. (a)—There is no such proposal at present.

(b)—Orders have been issued to raise Lower Primary School Teachers pay to a minimum of Rs. 20 per mensem through grants-in-aid to the Boards, etc.

(c)—Government are awaiting fuller consideration of the whole question of Primary Education.

Opening of Dispensaries in Garo Hills

Mr. MANIRAM MARAK asked :

133. Will Government be pleased to state whether there is any proposal to open more dispensaries in Garo Hills ?

The Hon'ble Srijut RAMNATH DAS replied :

133.—A proposal for opening two dispensaries in Bhaitbari and Tikrikhilla on the borders of Garo Hills and Goalpara Districts has been under consideration of Government.

* **Mr. MANIRAM MARAK** : Are Government aware that the Garos in the interior are dying for want of treatment ?

* **The Hon'ble Srijut RAM NATH DAS** : Government cannot admit that for want of treatment Garos are dying. People generally die.

* **Maulavi ABDUL HAMID** : Will the Hon'ble Minister say that provision made for medical arrangement in the Garo Hills is not sufficient to meet the requirement ?

The Hon'ble Srijut RAM NATH DAS : That is why proposal is being made to start two dispensaries.

* **Maulavi MUHAMMAD ABUL KASHEM** : May I know if these dispensaries will be in addition to those already existing in the Garo Hills, or if only some will be shifted ?

* **The Hon'ble Srijut RAM NATH DAS** : These are additional dispensaries for the Garo Hills.

* **Mr. MANIRAM MARAK** : If so, do not Government propose to open dispensaries in the interior parts instead of opening two on the borders ?

The Hon'ble Srijut RAMNATH DAS : Government will consider opening dispensaries in the interior.

* **Maulavi ABDUL HAMID** : May I know if people of these localities are going without medical relief ?

* **Maulavi Saiyid MUHAMMAD SAADULLA** : All these Supplementary Questions are due to this that these places are on the border of Garo Hills and the Questioner wants that these dispensaries should be shifted to the interior.

The Hon'ble the SPEAKER : The Hon'ble Minister has said that it will receive consideration.

* **Mr. MANIRAM MARAK** : Will Government reconsider to open dispensaries at Chakpot, Siju and Rangrengiri at an early date for the benefit of the helpless Garos of these localities ?

* **The Hon'ble Srijut RAM NATH DAS** : That will be considered Sir,

Compulsory Primary Education among the Tribals

Srijut DHARANIDHAR BASUMATARI asked :

134. Will Government be pleased to state whether they propose to enforce Compulsory Primary Education among the Tribals at least in two Districts, viz. Kamrup and Darrang ?

135. (a) Are Government aware that it was said in the last Congress Election Manifesto by the Congress Party that they stand for safeguarding the interest of the Backward and Tribal people ?

(b) If so, will Government be pleased to state what are the steps taken for those safeguards ?

(c) What special care they propose to take for the uplift of the Backward and Tribal people ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

134.—The matter will receive consideration of Government if and when the scheme of Compulsory Primary Education is actually introduced in the Province.

135. (a)—Yes.

(b)—Government besides maintaining proper safeguards in Government service are giving special scholarships and free studentships for the education of the Tribals and are making special allotment from grants for education in Tribal areas.

(c)—Government are considering the desirability of setting up an Advisory Committee with a view to determine in what other way the uplift of the Backward and Tribal people may be undertaken.

Kumarikata Mauza

Srijut DHARANI DHAR BASUMATARI asked :

136. (a) Are Government aware that the newly formed Kumarikata Mauza in the District of Kamrup, which is mainly situated in the Tribal area, has been given to a caste Hindu, a pleader's clerk, who is not a local man ?

(b) If so, why ?

(c) Do Government propose to re-consider the case and act according to the demands of the Tribal people ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

136. (a)—Yes.

(b) & (c)—The appointment was not made by Government but by the Deputy Commissioner and Government have no information yet whether it has been confirmed by the Commissioner as required by the rules. At least one appeal has been filed and Government are not prepared to discuss a case which is *sub-judice*.

If persons aggrieved move the Government in time the Government will consider the matter in all its bearing.

Preferential treatment to Tribal and Backward People in the matters of trade and business

Srijut DHARANIDHAR BASUMATARI asked :

137. (a) Will Government be pleased to state whether preference will be given to the Tribal and Backward people in the matters of trade and business by setting apart a quota for them and granting concessional terms to them in Public Works Department Transport, Excise and Forest Department contracts ?

(b) If not do Government propose to grant them these concessions ?

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

137. (a)—Public Works Department contracts are distributed according to

communal ratio in which the Tribal and Backward people get their due share. In accepting tenders local people are given preference as far as practicable.

(b)—Does not arise.

Assistant Inspector of Schools for Tribal Education

Srijut DHARANIDHAR BASUMATARI asked :

138. Will Government be pleased to state—

- (a) What are the duties of the Assistant Inspector of Schools for Tribal Education ?
- (b) What duty he has got in addition to those of the other Inspectors or School Officers for Tribal areas ?
- (c) Whether Government have taken any special care or interest for spread of education in Backward and Tribal areas ?
- (d) If not, what is the necessity of appointing such an officer ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

138. (a) and (b)—The primary duty of this Officer is to stimulate educational progress amongst the Plains Tribals and to inspect schools situated in this area. He is required to advise the Inspector of Schools, Assam Valley Circle, on all questions affecting the education of the Plains Tribals.

(c)—Yes, (1) by the appointment of an Assistant Inspector, (2) grant of fee remission upto a limit of 50% of the total enrolment of Plains Tribals people reading in Government High and Middle English Schools and also in Aided Schools of the Province and (3) grant of reserved scholarships under the following categories :—

Primary	Middle Vernacular	Middle English	Collegiate
Boys—57	7	15	9
Girls—15	3	3	4

scholarships are reserved for all backward classes.

(d)—Does not arise.

Fencing of Railway Lines

Srijut DALBIR SINGH LOHAR asked :

139. (a) Are Government aware that there is no fencing on either side of the whole Railway line from Dibrugarh to Saikhowa and Ledo and that for considerable length both these lines run parallel to two public highways ?

(b) Do Government propose to move the proper authorities and take early action to see that the necessary fencing is provided in the interest of public safety ?

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

139. (a)—Yes, except at Tinsukia where there is a new fencing.

(b)—Government will bring this to the notice of the Railway authorities.

Srijut DANDESWAR HAZARIKA: Sir, are Government aware that there is no fencing on either side of the Dibru-Sadiya Railway and Bengal and Assam Railway and that this is causing great inconvenience to the public?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, the reply is already there that Government will bring this to the notice of the Railway authorities.

The Hon'ble the SPEAKER: No, he is speaking of other places as well.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am not aware of that, Sir. It is a new Question.

Public playground at Dibrugarh

Srijut DALBIR SINGH LOHAR asked:

140. (a) Are Government aware that there is no suitable public playground at Dibrugarh?

(b) If so, do Government propose to provide the public with one such playground at some central place in the town at an early date?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

140. (a)—Yes.

(b)—The matter is already receiving the consideration of Government.

Italian Sisters attached to the Dibrugarh Civil Hospital

Srijut DALBIR SINGH LOHAR asked:

141. Will Government be pleased to state—

(a) The total amount paid annually as salary to the Italian Sisters attached to the Dibrugarh Civil Hospital?

(b) Out of that amount how much is paid by Government?

(c) Whether Government are aware that sufficient number of Indian Nurses and Midwives are now available to take up those jobs?

(d) If the Answer to the above Question be in the affirmative, whether Government propose to employ Indian Nurses and Midwives in their places and in all future vacancies in the hospitals?

The Hon'ble Srijut RAMNATH DAS replied:

141. (a)—The five Italian Sisters at Dibrugarh are paid one lumpsum grant of Rs. 4,320 per annum jointly for all of them.

(b)—All the above amount is paid by Government.

(c)—Government are not aware that sufficient number of qualified Indian Nurses and Midwives are available at present.

(d)—Does not arise. Whenever possible, Government would like to employ Indian Nurses and Midwives.

Srijut SARAT CHANDRA SINHA: Sir, do Government propose to prepare a register of qualified Indian Nurses and Midwives?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir, there is a register.

Srijut DANDESWAR HAZARIKA : Do Government propose to train some nurses under the Post-War Reconstruction Scheme ?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir.

Construction of a Road connecting Pagla and Sylhet-Sunamganj Road with Biswanath via Jagannathpur

Shri ABALA KANTA GUPTA asked :

142. (a) Are Government aware of the advantages of connecting Pagla and Sylhet-Sunamganj Road with Biswanath via Jagannathpur ?

(b) Do Government propose to construct a short link from near Jagannathpur with the all-year navigable river close by, to help the export and import particularly of paddy during the dry season ?

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

142. (a)—Yes.

(b)—Jagannathpur is proposed to be connected with Inathganj which is situated on the river Kusiara (navigable throughout the year) under Post-War Reconstruction Programme

Sherpur-Nabiganj-Habiganj Road

Shri ABALA KANTA GUPTA asked :

143. (a) Will Government be pleased to state whether the Public Works Department measured the distance from Sherpur to Habiganj via Nabiganj before they ventured on the project of the Sylhet-Habiganj Road via Sherpur-Srimangal, Shaistaganj which is three times the distance of Sherpur to Habiganj via Nabiganj ?

(b) Do Government propose to rectify this by immediately taking up the Sherpur-Nabiganj-Habiganj Road ?

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

143 (a)—It is known to Public Works Department that the distance between Sherpur to Habiganj is too shortest one via Nabiganj.

The survey along the route from Sherpur to Shaistaganj via Srimangal was carried out in connection with National Highway Scheme and not to link Habiganj via this route.

(b)—Sherpur-Nabiganj-Habiganj Road has been included under the interim projects of Post-War Reconstruction and the work is likely to be started next cold weather.

Jaintiapur-Rupnath-Nowgong Bridle path

Shri ABALA KANTA GUPTA asked :

144. (a) Are Government aware that the shortest communication between the two Valleys is through Jaintiapur-Rupnath-Nowgong bridle path which is also the only route for cattle traffic ?

(b) Do Government propose to turn the bridle path into a jeepable road ?

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

144. (a)—Government are not aware of such a bridle path but some sort of a track might be in existence. The shortest route between the two Valleys is apparently from Sylhet to Gauhati *via* Shillong.

(b)—There is no such proposal under consideration of the Government.

Nationalisation of Industries

Srijut SARAT CHANDRA SINHA asked :

145. (a) Will Government be pleased to state whether any of the Industries mentioned in Schedule I of Government Communiqué, dated the 3rd May 1946, is at present in existence in Assam ?

(b) If not, do Government consider it economically profitable not to nationalize those industries which are in existence and have proved to be highly profitable and economical, such as (i) Petroleum, (ii) Tea and (iii) Transport ?

(c) What steps Government have taken so far to give effect to the Nationalization Scheme embodied in the said Communiqué ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

145. (a)—No, except a distillery.

(b)—Government do not consider it advisable or practicable to nationalize these Industries at the present juncture.

(c)—Government have in some cases secured, and are in other cases trying to secure production quotas from the Central Government and are taking steps to place orders for the necessary machinery to be imported from abroad. They have recently appointed a highly qualified and experienced Industrial Adviser to help them in planning and establishing the Industries.

Srijut LAKSHESVAR BOROOAH: Sir, may I know from the Hon'ble Minister whether Sugar Industry has been included in the Schedule I of the Government Communiqué ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

Srijut LAKSHESVAR BOROOAH: Sir, am I to take it that the Government is not aware of the Sugar Industry organised in the Dibrugarh and Golaghat Subdivisions, the former by a public company named Lakhi Sugar Syndicate and the latter by a private concern ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, this point was brought to my notice by the hon. Questioner only yesterday. It might be that most probably the company was started a few years back but there was no activity. I think, Sir, nobody in this House will admit that he has received even an ounce of sugar from this mill. The matter was brought to my notice and I shall enquire into the matter. The existence of the factory was not known to us. It might be that there was some activity previously, but at present there is no activity.

Srijut LAKSHESVAR BOROOAH: Will the Hon'ble Minister recall to his mind a day, about two months back, when I presented to him a petition from this company praying for giving two tractors for cultivation of sugarcane ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, this fact was brought to my notice and the Department was ready to give all possible help. But the fact is that the petition related to sugarcane cultivation and it did not mention that due to want of sugarcane the factory could not function. If that be the case, I shall challenge that, because in the Province there are sufficient sugarcane at least for one factory to run.

Sriji LAKSHESVAR BOROOAH: Sir, I think, the Hon'ble Minister did not go through the petition.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir I went through the petition.

Sriji LAKSHESVAR BOROOAH: But was it not stated there that sugar was manufactured, Sir ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: But it was in an indirect way that they wanted to establish the claim of having some quota of Sugar Industry when the Government wanted to nationalise some of the Industries. They were sleeping so long but when Government took that up they came forward that they had got something and Government should not nationalise this. I could not certainly oblige my Friend. But the fact is that if there was the factory, why there is no sugar? Is it due to the scarcity of sugarcane in the Province? If that be the fact, I am ready to challenge that statement, because we are producing a large quantity of Gur in the Province out of our own sugarcane.

†**Maulavi ABDUL HAMID:** Is the Hon'ble Minister aware that a factory can use sugarcane of certain radius and not all sugarcane of the Province ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: That is only commonsense, Sir. Nobody disputes that. But the fact is that there is sufficient sugarcane cultivation in the Province. It might be, Sir, that when the company was started they did not take proper care of this factor and therefore they failed, and, I think, practically abandoned it. Now when the Government is trying to nationalise the Industry the company has come forward with their proposal. Any way, Sir, if there are any grievances, certainly, Government will look into the same. This much assurance I can give to the hon. Member.

Sriji LAKSHESVAR BOROOAH: Sir, I challenge the statement of the Hon'ble Minister that the sugar factory was not in existence and also that it was a ruse to get Government help. I may say for his information that the mill was in existence from 1934 and had manufactured sugar and obtained gold medal from the Governors in exhibitions.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I did not challenge that statement, Sir. What I said is this that at present there is no activity of the factory.

†**Shri SATINDRA MOHAN DEV:** Will the Hon'ble Minister please say from what agency they are taking steps to take machinery ?

(No reply.)

†**Sriji BELIRAM DAS:** Sir, is it not a fact that Government are

nationalising those Industries that are not in existence and that they have left those Industries already in existence ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir, it has been published in the Communique issued on the 26th August.

Srijut BELIRAM DAS: Is it not desirable that profitable Industries like Petroleum and Tea should be nationalised first ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Government do not think that, Sir, but at the same time I should say that Government are not unmindful of that fact also.

Mr. HARENDRA NATH SARMA: With regard to Question No.145(b), and Government's reply thereto, do Government admit by replying in the way they did that the Tea Industry is also a highly profitable and economical Industry? The Question was "Do Government consider it economically profitable not to nationalise those Industries which are in existence and have proved to be highly profitable and economical, such as (i) Petroleum, (ii) Tea and (iii) Transport? The reply is "Government do not consider it advisable or practicable to nationalise these Industries at the present juncture". I am not concerned with Petroleum and Transport—I am concerned only with Tea. I want to know whether Government admit that Tea Industry is highly profitable and economical as the hon. Questioner wrongly seems to think ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Taken as a whole, it is. It is well-known how much tax we realise from the Tea Industry; if it is properly managed, I think, it is very profitable.

†**Srijut SARAT CHANDRA SINHA:** Are Government aware of the fact that at this stage huge profits are made out of this Industry ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I have already stated that from the figure of tax we realised under the Agricultural Income-tax Act, it is quite evident that there is a profit; whether it should be considered huge or very huge is of course a matter of opinion.

†**Maulavi ABDUL HAI:** What stands in the way of nationalising the Tea Industry, Sir ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, the future of the Industry should be considered very carefully; that is one point, and I think very few Members have got any idea about the huge amount that will be required.

†**Shri SATINDRA MOHAN EV:** With regard to reply (c), may I know what are the qualifications and experience of the Industrial Adviser ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Mr. Guha—the Industrial Advisor's qualifications and experience are :

He is a Chemical Engineer and M. Sc. of the Liverpool University in Industrial Chemistry; got the Empire Marketing Board's scholarship in England for research in Industrial Chemistry. Mr. Guha has had a progressive career and held important and responsible appointments, as (a) Industrial Surveyor to the

Bengal Government, (b) Technical Adviser on Industries to the Government of Ceylon, (c) Joint Secretary of the National Planning Committee, (d) Director of Industries, Central Provinces and Berar, (e) Deputy Industrial Adviser to the Government of India, in the Planning and Development Department. Mr. Guha has got a number of publications on Industrial Survey, Industrial Planning, etc., to his credit.

Srijut BELIRAM DAS: Are Government aware that the Government of Bengal have not in any way even benefited by his services?

The Hon'ble Mr. BASANTA KUMAR DAS: Is the hon. Member in the confidence of the Bengal Government?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I did not expect such a Question from the hon. Member. However Government is not aware of the fact and I am sure it is not a fact.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: With regard to (b), the reply is "Government do not consider it advisable or practicable to nationalize these Industries at the present juncture". Does the Hon'ble Minister mean that Government are not prepared to incur the displeasure of the Europeans at the present political juncture?

The Hon'ble the SPEAKER: Order, order, such Questions are very much undesirable. I have repeatedly requested hon. Members not to raise such Questions. I hope and trust that hon. Members will not by their Questions, insinuation and innuendoes convert this Assembly to some such thing as a school where a teacher will have to pull up school boys often and often. I do beseech the hon. Members to refrain from such things.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am not expected to give any reply to this Question, Sir.

Corruptions among the Land Revenue Department Officers

Mr. P. M. SARWAN asked:

146. (a) Are Government aware of corruptions in the Revenue Department?

(b) Are Government aware that the rural population of the Province is pessimistic regarding the good intentions of the Government to stamp out corruption?

(c) Whether Government have lately received any letter from the Questioner regarding corruption among subordinates of the Land Revenue Department in consequence of which the lands of the raiyats are being alienated and taken possession of by wealthy men and Mahajans?

(d) What action have Government taken on the said letter especially in regard to the alienation of lands of the raiyats in Amguri-Kharikatia Mauza, Titabar Circle, Jorhat Subdivision?

(e) Do Government propose to institute an enquiry into the matter immediately making adequate arrangements, and vesting the Deputy Commissioner, Sibsagar District, with suitable powers to restore the alienated lands to the respective raiyats who originally owned the lands?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

146. (a)—If the hon. Member refers to the Land Records staff, Government admit that complaints against them are from time to time received.

(b)—Government have no information.

(c)—No.

(d) & (e)—Do not arise.

†**Mr. P. M. SARWAN**: With regard to (b), the reply is "Government have no information". Will Government take it from me that it is so.

(A voice : Might be.)

Corrupt practices in Government Departments

Mr. P. M. SARWAN asked :

147. (a) Are Government aware of the general unrest and disaffection in the Province due to corruptions, injustices and discriminations found in the Government Departments among the subordinate officers ?

(b) What steps are Government taking at the present moment to enable the rural masses to get rid of corrupt subordinate officials ?

(c) Do Government propose to start operations to check these corruptions ?

(d) Do Government propose to obtain the assistance of the Criminal Investigation Department (Central) to stamp out corruption in the Province as a first step to allay unrest and disaffection ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

147. (a), (b), (c) & (d)—The hon. Member is referred to the replies given to Unstarred Question No. 109 by Maulavi Dewan Abdul Basith during the current Session of the Assembly.

Fallow lands in the Province

Dr. EMRAN HUSAIN CHAUDHURY asked :

148. Will Government be pleased to state the actual areas of land (in square miles) which are lying fallow in the Province ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

148.—The area of "Current Fallow" in the Province in 1944-45 according to the Agricultural Department statistics was 3,062 square miles. Government have not yet got the figures for cultivable waste land.

Dr. EMRAN HUSAIN CHAUDHURY: Will Government be pleased to state when they will be in a position to give us the figures for cultivable waste land in the Province ?

The Hon'ble Srijut BISHNU RAM MEDHI: We are trying to get these figures as soon as possible. Some figures are coming, but due to the preoccupation of officers with flood relief and other urgent matters, we have not been able to collect all the necessary figures.

Motor Service between Shillong and Gauhati**Maulavi MD. ROUFIQUE** asked :

149. (a) Are Government aware that the present timing arrangement in the Motor Service between Shillong and Gauhati is causing great inconvenience to the travellers ?

(b) Are Government aware that the period of haltage at Nongpoh is unnecessarily long ?

(c) If so, do Government propose to take immediate steps to see that timings are revised for the convenience of the travellers ?

(d) Are Government aware that the cars and buses employed by the Commercial Carrying Company are very old and unserviceable ?

(e) If so, do Government propose to insist on the Company to replace all such old vehicles by new ones ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

149. (a)—Government have had no specific complaints to that effect.

(b)—Experience does not show that the period is unnecessarily long, but it may be noted that the actual time halted is largely dependent on the wish of the traveller. Service Vehicles only halt half an hour.

(c)—Government will be prepared to re-examine the matter when conditions such as the train ferry timings, which determine the main timing on the road, make this possible ; but at present there are many vehicles (including those of private owners) which are not at such a pitch of efficiency as to make a shorter interval possible without causing still more inconvenience.

(d)—Yes.

(e)—Government believe that the Company is prepared to make replacements when the supply position makes this possible.

Maulavi MD. ROUFIQUE : With regard to (a), the reply is "Government have had no specific complaints to that effect". May I know whether Government had any general complaint to that effect ?

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

Maulavi MD. ROUFIQUE : In reply to (b), the halting time is given as half an hour. Will the Hon'ble Minister take it from me that the halting time is not half an hour but nearly one hour, which is responsible for a lot of inconvenience to the travelling public ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : It all depends when a car passes a controlled gate. As far as I know, Sir, the first gate opens at 3 and closes at 4 o'clock. One who crosses the gate at 3 o'clock, will have to wait for one hour at the middle gate, but the car which crosses the first gate at 4 o'clock reaches the middle gate in time and need not have to wait for long. It all depends on when the car passes the first gate. All the cars are not of the same standard and all the drivers are not equally efficient. Therefore this margin has been kept and it all depends on the car-owners ; Government have got nothing to do with it.

Maulavi MD. ROUFIQUE : I am afraid my Question has not been properly understood. Even if a car passes the first gate in time it has got to halt unnecessarily at Nogphoh for a long time. The Hon'ble Minister says that the halting time is only half an hour ; it is not a fact, the halting time is one hour and that causes inconvenience to the people who have got to take a train.

The Hon'ble the SPEAKER : The Hon'ble Minister said that those cars which cross the first gate early, reach the middle gate early. But those cars which cross the first gate at the scheduled time, *i.e.*, 4 o' clock, have got to wait only half an hour according to the scheduled speed and the distance travelled. That was the point made out.

Maulavi MD. ROUFIQUE : My Question referred also to the Service cars. I can understand that those private cars which cross the first gate early have to wait. But the Service cars certainly ply in time and why should they halt for an hour ?

The Hon'ble Mr. BAIKYANATH MOOKERJEE : Now I understand the Question properly, Sir. If it is the contention of the hon. Member that Service cars have to wait for more than half an hour, I shall certainly make an enquiry. That is probably against the rules, and the Company in that case is taking a great risk for themselves and there is risk for the passengers as well, because according to the scheduled speed the Service cars cannot reach before such a long time. When this has been brought to my notice, I shall certainly make an enquiry.

The Hon'ble the SPEAKER : Order, order, the Question hour is over. Shall I pass on to the next item. (*After a pause*). Now I pass on to item No.2.

Statement *re*: food Debate

The Hon'ble Srijut GOPINATH BARDOLOI : Mr. Speaker, Sir, I take it that the statement that was proposed to be made to-day after the Question hour by my hon. Friend Maulavi Mayeenud-Din Ahmed Chowdry is not going to be made.

* * * * *

Maulavi Saiyid MUHAMMAD SAADULLA : May I make a statement on this subject, Sir ?

Sir, the unfortunate episode of yesterday has caused a tense situation. My young Friend, who made those charges was ready with a long list of names to fully substantiate the same and he saw me this morning with this list, but in order to preserve the dignity of the House, its peace, tranquillity and good-will that has so far existed among Members, I have advised him not to make any statement to-day. I have told him that I propose to consult the Hon'ble Premier with the list on Monday next and that in consultation with him we would decide whether this matter should be pursued or not. But, Sir, for the sake of good will and co-operation it is better that the matter be dropped till Monday next when I, in my speech, will make it clear whether the allegations against the Hon'ble Ministers and Members, should not be withdrawn by my hon. Friend. So, let my hon. Friends wait till Monday next.

* * * * *

The Hon'ble Srijut GOPINATH BARDOLOI : I have already made my submission to the Hon'ble Speaker saying that if there are individual cases which require to be looked into, Government are prepared to take note of them. But that has absolutely nothing to do with the sort of statement that was made on

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the floor of the House. That statement, as I have already said, is very objectionable and my submission to the Hon'ble Speaker is that those portions of the proceedings which are really injurious to a healthy debate in the House should surely be expunged from the proceedings. I leave this matter to you, Sir.

The Hon'ble the SPEAKER : Has the hon. the Leader of the Opposition got anything to say ?

Maulavi Saiyid MUHAMMAD SAADULLA : We also leave the matter to you, Sir. The question as to whether any part of the proceedings should be expunged or not may better be taken up on Monday next.

Srijut SARAT CHANDRA SINHA : Is there any difficulty in handing over the list to the Hon'ble Premier ?

The Hon'ble the SPEAKER : Order, order. I have got an uncorrected copy of the proceedings of yesterday wherein I find that grave allegations have been made generally against the Hon'ble Ministers and hon. Members of the House. *****In the interest of the dignity and prestige of this House and in the interest of fairplay between man and man vague or false charge should not be made by any hon. Member although he happens to be privileged. The hon. Members will recollect that I laid myself open to the charges of rather giving an undue latitude to the hon. Member to substantiate the charges by giving time till to-day. I explained to the House that it would be only fair if facts were collected first for basis of such statements—facts should be obtained either by direct correspondence or otherwise. But as far as I am concerned those charges have now gone without being substantiated. And therefore I am to hold that these charges are unwarranted and not maintainable.

* * * * *

I have with most anxious care, heard the speeches on this matter from different sides. I will take the spirit of the different speeches. Time was given to the hon. Member to specify his charges till 12 noon to-day but this has not been done. No statement substantiating the charges made was forthcoming. It is the established principle that when a time limit is appointed to do a certain thing, if it is not done in that appointed time, it is taken for granted that the act is not intended to be done. So, when the charges have not been substantiated in time, I take it that they have been given a go-bye.

So, I shall expunge the offending portions of the proceedings and the portions connected thereto. I do not propose to drag on the unfortunate and unhappy episode.

The Hon'ble Srijut GOPINATH BARDOLOI : In order to allay any kind of apprehension, I should say if the hon. Leader of the Opposition could trust me, I will enquire and look into what he would like me to do.

The Assam Local Self-Government (Amendment) Bill, 1946

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, I beg to introduce the Assam Local Self-Government (Amendment) Bill, 1946, and move that the Bill be taken into consideration.

Sir, it will appear from the Statement of Objects and Reasons that this measure has been designed to facilitate realisation of cart tax by the Local Boards. Hon. Members who are Chairmen of Local Boards must have experienced great difficulties in realising the cart tax. Under the present law delay is inevitable and in order to realise the cart tax some times protracted criminal litigation becomes necessary. Very often after a good deal of expense and trouble, case

are to be withdrawn or compromised and much valuable time of the Criminal Court is wasted by dragging the case from day to day. This matter came to the notice of the Government as far back as 1942, but as the Amendment of the Local Self-Government Act on a large scale was in the contemplation of the Government it was thought that this measure would be adopted simultaneously, but later on in consideration of the changes and developments that are envisaged in the Post War Reconstruction Planning this Amendment seemed premature and it was kept in abeyance. It is understood, Sir, that there may be some delay in the coming of a suitable time for such legislation and it will not be wise to defer this small and simple measure which is calculated to improve the condition of the Local Boards much as they are on the verge of bankruptcy.

The initiative has been taken from a note made by the Commissioner of Divisions in connection with his inspection of the Dhubri Local Board. The case of that Local Board is extraordinary. But from our experience we may easily presume that other Local Boards also are not free from the handicaps, though may be in a lesser degree. Thus, Sir, this measure has been sought to be enacted to facilitate realisation of the cart tax, on the line of section 127 of the Assam Municipal Act. With these words, Sir, I commend this Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Local Self-Government (Amendment) Bill, 1946, be taken into consideration."

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, there has been a good crop of Government Bills this Session. The Hon'ble Minister-in-charge of Local Self-Government, it appears, did not sit idle and nor did he like to be out-witted by his other Hon'ble Colleagues. He thought it fit to come forward with a Bill of his own, whatever might be its intrinsic worth, at this adjourned Session of the Assembly. I have every sympathy with the Hon'ble Minister. But certainly the time of this House is too valuable and a Bill sponsored by a responsible Minister must be worth considering.

The Assam Local Self-Government Act (I of 1915) is as old as our old old grand-father. It was enacted at a time when the idea of Self-Government was in its primitive stages. Since then much water has flown over the Surma and the Brahmaputra. In the meantime the conception of Self-Government has undergone a radical change. There is very little self-governing about the Local Boards in Assam. These Boards are finding it extremely difficult to fulfil their most obligatory charges under the shackles of the old Act.

As a matter of fact, from the beginning of Provincial Autonomy in this Province, there has been incessant demand for a thorough overhaul of the existing Act. It has been realised on all hands that within the frame-work of the present legislation, the Boards cannot efficiently function.

But what is the present Bill? Does it intend to remove the objectionable features of the Local Self-Government Act? Certainly not. Does it provide for improving the financial position of the present Local Boards by legislative enactment? Not at all. The Bill only seeks to incorporate a certain provision of the Assam Municipal Act in the Local Self-Government Act, a provision which has always been recognised as obnoxious by the urban population of Assam—with what purpose we do not know. The Hon'ble Minister forgets for a while that a Local Board is not a Municipal Board. And what is possible for a Municipal Board may not be possible for a Local Board. The jurisdiction of the latter cannot be compared with the jurisdiction of the former.

Sir, in the Statement of Objects and Reasons the Hon'ble Minister states—“The existing procedure by which the Local Board's officers have to file complaints in the criminal courts, has been found to be slow, troublesome and partially ineffective, and does not enable the Local Board to collect the cart tax on its own initiative in the case of wilful default.” With reference to the context of the Bill it hardly makes any meaning. May I know to whom the initiative is sought to be transferred? Practically it is the reverse. According to the Bill, the Boards will not only take the initiative, but it will assume on its own shoulder the responsibility of seizure, sale and disposal of the sale proceeds.

Section 52B, which the present Bill seeks to amend is by itself very exhaustive. It elaborately lays down the procedure of realising the arrear license fee on carriages and carts. There is also the requisite penal clause for pursuing the defaulters. So, is there any real necessity for this extraordinary provision for seizure and sale of unauthorised carts and carriages? In Municipal areas this provision has always been resented by the tax-payers. In the administration of Municipal Boards this particular clause has never proved as helpful. It has never added to their finances. On the other hand, it has led to complications and prolonged litigation.

The jurisdiction of a Local Board is necessarily very extensive. Have the Local Boards adequate staffs to accompany the police officers for the intended seizure to the remotest corners of the Subdivision? The police officers cannot be left to themselves. In such cases it is not unnatural that they will employ their usual tactics in those onerous tasks imposed on them. It is rather curious that the Hon'ble Minister-in-charge considers that with police help, the matter will be more expeditious and effective.

The last portion of the proposed sub-section (7A) (i) reads as follows:—“and all police officers are required, on the application of the Local Board, or of any servant of the Local Board duly authorised in that behalf, to assist in such seizure and detention.” As worded, I am afraid, it will not compel the presence of the police at the time of seizure and as such the whole purpose of the Bill will be nullified. Again by this clause the Local Board is required to make applications for police help. Is it the Superintendent of Police to whom the application is to be made or is it the Inspector or the Sub Inspector in charge of a thana? If it be the Superintendent, how long it will take to get the necessary order? If not, will the Local Board derogate itself to make a formal application to the Thana officer?

I am tempted to ask a very pertinent question to the Hon'ble Minister. Has any Local Board made any complaint or representation over the matter? Have they made any grievance of it in their annual reports? What is the percentage of the license fee that remains unrealised at the close of the year—has he ascertained? If not, what is the justification of the present Bill—a tinkering piece of legislation? And should it alone form the subject matter of a Government Bill?

I am convinced, Sir, that the present Bill will not confer any useful right to the Local Boards. It will only mean additional trouble to the Local Board and harassment to the persons concerned.

I have already submitted that the Local Self-Government Act has grown hackneyed and senile. Under it, self-government has been turned into a mockery. The people of Assam will be grateful to the Hon'ble Minister if he plucks up courage and comes forward with a comprehensive Bill for a thorough revision of the present Act. In this connection I would recommend him the draft Bill prepared by the first Congress Government in the year 1939. That Bill did not see the light of day. But what we could gather from Press reports, there was a new and bold outlook about that Bill.

Apart from the merits and demerits of the Bill under discussion, such tinkering piecemeal legislation is always to be discouraged.

I would humbly request the Hon'ble Minister to drop this Bill and to engage all his energy to come forward with an all comprehensive Bill in the next Session of the Assembly.

Maulavi MUHAMMAD ABUL KASHEM: The Hon'ble Minister for Local Self-Government has brought this Assam Local Self-Government (Amendment) Bill just to give an undue latitude to the Local Boards in the matter of realising cart tax. He is taking these steps to put the carters, many of whom are poor and simple, from the frying pan into the fire. All the carters will be oppressed by the Board for the realisation of this tax. This taxation is unreasonable and we expected the Hon'ble Minister would be rather pleased to bring up an Amendment Bill to abolish this cart tax system. He knows that in the March Session I tabled one Resolution for the abolition of this cart tax as the poorer section is being taxed and there is no justification for it. Taxation should be levied in such a way that the richer section are to pay and the poorer section may derive benefit out of it, but in this cart taxation it is only the poor who will be made to suffer from "julum". We are to see that.....

Srijut MOTIRAM BORA: Are we only to criticise the cart tax, Sir ?

The Hon'ble the SPEAKER: He is discussing the principles of taxation.

Maulavi MUHAMMAD ABUL KASHEM: Sir, the existing system of realising the cart tax is putting the carters in great difficulty because they have to go to the Court very often and this coming and going take a long time and they have to incur a heavy expenditure and these carters, I know personally, have been compelled to sell their cart wheels, buffaloes and bullocks only to pay the tax to the Local Board. The Local Board Tax-Collector, because of his privileged position, whenever he gets a pretext, brings suits falsely for arrears for which the carters are not responsible. These things always happen.

The Hon'ble Minister-in-charge has already mentioned the cases of Dhubri Local Board. I, who represent the constituency of Dhubri, know what oppression is being made on the carters there. I have personally seen that the persons who have no carts have been sued in the court because they are not in good terms either with the Chairman or the officer concerned. If this sort of officers are given the powers of a Magistrate to seize and dispose of the carts, I cannot understand how the carters will be in a position to possess the carts any longer. This is simply with a view to oppress these poorer section of the people that this Bill has been brought forward and by giving the powers, as is proposed in the Bill, it is likely that the officers who are non-gazetted in rank will be utilising their position, rather I should say, misuse this right of seizure and disposal and, as such, they should not be given any such power of seizure and sale. The Hon'ble Minister who comes also as a representative of the public in this House knows from his own area that the carters are already oppressed and if he gives this power to the Local Boards then it will mean additional troubles to them. I, therefore, request the Hon'ble Minister to refrain from bringing in such a Bill and to enact a good Act with a view to helping the poorer people of the country as my hon. Friend Maulavi Abdul Bari Chaudhury has already suggested. We would welcome if he would come up with some constructive measure as is proposed by my hon. Friend, in the next Session, instead of pressing this Bill. If he does not like to concede to our request and by a sheer majority, wants to pass it, then we shall have no way out. But this much I shall say that

if this Bill be passed, each Board shall be a 'Hitler' and each tax collector shall be a 'Goering' and the Facism that is existing in the Assam Congress will be turned to the worst form of Nazism.

Mr. J. S. R. TELFER: Mr Speaker, Sir, my Group welcome this Bill in the hope that it is the beginning of a general tightening up of collection and realisation of revenues due to Local Bodies. We would respectfully ask Government to also consider a similar Bill with effect to bicycles.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Sir, I also associate myself with what has been just now stated by my Friends hon. Maulavi Abdul Bari Chaudhury and Maulavi Abul Kashem. Sir, we know that it is the intention of everybody in this House to stamp out corruption from the Province. Now, Sir, it has not perhaps been envisaged that when this engine of oppression, if I may call it so, is placed in the hands of some of the petty officers to seize the carts under certain circumstances as provided here in this Bill, it will only add to corruption because these carters not knowing the law will be induced, sometimes compelled and terrorised to pay more than their dues when their carts will be seized, because these officers will have enough powers to seize the carts which, are perhaps the carters' only means of livelihood. So they will be compelled to pay much more than their dues. Now, Sir, the existing Law gives enough powers to the Local Boards to tackle the situation. When the Dhubri Local Board has been mentioned specifically by the Hon'ble Minister-in-charge I must say, Sir, that if the officers really responsible, are mindful of their duties then the existing procedure is quite sufficient to deal with the situation, but the fault lies not so much or rather very little with the owners of the carts or the possessors thereof but with the persons charged with the administration of the Law. If they go from village to village and impress upon the possessors of the carts the duty of payment of taxes, I think, Sir, the existing provisions of the Law should be considered enough. But if these petty officials are vested with the powers, as has been proposed, then it will be what I have already stated, a veritable engine of oppression. With these words, Sir, I oppose this piece of legislation.

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

Maulavi ABDUL KHALEQUE AHMED: May I be permitted to speak a few words, Sir ?

The Hon'ble the SPEAKER: If the hon. Member does not repeat what has already been stated.

Maulavi ABDUL KHALEQUE AHMED: Mr. Speaker, Sir, I rise to oppose the Bill introduced by the Hon'ble Minister-in-charge of Local Self-Government inasmuch as it is, in my opinion, aimed at creating unnecessary troubles and miseries to the destiny of the poverty-stricken helpless carters. Sir, since the Local Self-Government Act has been introduced and brought into force in 1915, very few Amending Bills to the main Act have been enacted. The country is progressing towards independence day by day and the time has come now to demand drastic changes in the whole body of the Local Self-Government Act, 1915. I shall welcome such a comprehensive Bill from the Hon'ble Minister-in-charge of Local Self-Government. Sir, from the Statement of Objects and Reasons of the present Bill it is understood that this Bill has been proposed to amend section 52(b) (7) of the Assam Local Self-Government

Act of 1915 in order to bring it into line with section 127 of the Assam Municipal Act of 1923 so as to empower the Local Boards to various seizure and sale of cart of defaulters for arrears of cart tax.....

The Hon'ble the SPEAKER: How long does the hon. Member propose to take ?

Maulavi ABDUL KHALEQUE AHMED: Another 10 minutes, Sir.

The Hon'ble the SPEAKER: Then I adjourn the House till 2 P. M.

Adjournment

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

(After lunch)

Maulavi ABDUL KHALEQUE AHMED: Sir, at least half a dozen Ministries came in and passed away since the Municipal Act of 1923 was brought into force but not a single Hon'ble Minister-in-charge of Local Self-Government could dream of bringing in any Bill like the present one. It is the fertile brain of the present Hon'ble Minister whose attention has been drawn first to the difficulties of the Local Boards in realising cart tax. I thank him, Sir, for his sympathy for the Local Boards of Assam, but I regret for his failure to understand whether the said section 127 of the Municipal Act is properly applicable to the Local Board areas. Sir, before bringing this Bill the Hon'ble Minister ought to have thought hundred times over as to whether a section of the Act so long mainly meant for the Municipal area can be properly applicable to the Local Board area also. He ought to have thought that the Local Boards and the Municipal Boards are not the same thing. He ought to have thought why the previous Ministers did not take into consideration such an important point so long and why the Local Boards of Assam did not give pressure upon the Government to introduce that particular section of the Municipal Act in the Local Self-Government Act also. I must say, Sir, that there must be some reasons. Sir, in Assam there is not a single municipal area which will be more than two to three miles in length and one mile in breadth, where section 127 of the Municipal Act of 1923 can easily and efficiently work out.

Sir, the area of Local Boards is quite different. Area of Local Boards in Assam comprises thousands of acres of land. Sub-section 7A (i) to (iv) deal with seizure and sale of carts of the defaulting carters. The gist of that section is that when a cart without license is found in the possession of a person, the cart will be seized by the Local Board authorities or by the Police and detained in a convenient place by the seizing authority. Then the Local Board concerned shall issue a notice to the effect that after the expiry of 10 days of such notice if the full license fee and all expenses occasioned to the Board by such seizure and detention is not paid, the cart will be sold in auction at such place as the Board may think proper and the Board shall realise from the sale proceeds the license fee and all such expenses for such seizure and after meeting the said demand of the Local Board if there be any surplus it will be paid to the owner of the cart on ascertaining either by the Local Board or a competent court that he is really the owner of the cart. Now, Sir, let us consider what will be the fate of a carter if his cart is seized at a distance of say 20 to 30 miles from his house. The cart will be taken by the seizing authority and detained at a place convenient to the authority at the cost of the carter. There is no knowing, Sir, what will be the cost of such transaction. It may be more than what will be the price of the cart

itself. This will be too much for a poor carter to bear. By this Bill, Sir, carter will be made easy victims to Police harassment. Whenever they go out in the interior they will be in search of opportunities to seize carts and wherever they find any, they will not be slow to create unnecessary harassment to the carters more for the benefit and interest of themselves than for the Local Board concerned. In this consideration also, Sir, the present Bill cannot be supported. Then, Sir, what will be the position of a carter after his cart is sold in auction. It will be absolutely difficult for a poor carter to bear the cost of ascertaining his ownership to draw the excess sale proceeds, if any, from the Government Treasury. This is another hardship.

Sir, before I conclude I earnestly request the Hon'ble Minister-in-charge of Local Self-Government to take the opinion of all the Local Boards in Assam and if he finds that the majority of the Local Boards support such a Bill then and then only let him bring this Bill for the acceptance of this House.

With these words, Sir, I oppose this Bill.

Srijut MOTIRAM BORA: Mr. Speaker, Sir, I cannot associate myself with the observations made by my hon. Friend opposite, rather I am at one with the Hon'ble Minister of Local Self-Government about the utility and urgency of this measure. Sir, it is a measure which has been long overdue — it is a measure which is the outcome of insistent demands made by different Local Boards from time to time. Sir, if you look into the figures of realisations of this tax by different Local Boards you will be simply surprised to find a huge arrear outstanding. If you compare the Local Boards' figures of this tax realised by each Board with the Municipal tax so realised you will be simply surprised to find that realisation of Municipal Boards is much better than that of the Local Boards. What this difference is due to, Sir? The difference, to my mind, is due to absence of adequate powers of the Local Boards and this Bill simply wants to give the same power, that is being enjoyed by the Local Self-Government Institutions of the towns, to the Local Boards. No more power will be given to the Local Boards than what is absolutely necessary.

Sir, of course, some of my hon. Friends have spoken against the tax itself. But we are not concerned with the tax itself. If it is pernicious and if it really causes hardship we should do away with the tax altogether. But so long as the tax is there and when the tax is maintained in the Statute Book we must give adequate powers to the officers concerned to realise this tax.

With these observations, Sir, I request the hon. Members to accept this Motion.

Maulavi NURUL HOSSAIN KHAN: Mr. Speaker, Sir, I rise to speak a few words about the realisation of the cart tax. I have been connected with the Habiganj Local Board for the last 24 years and I do not think that there is necessity for any fresh legislation to realise cart tax by the Local Boards. If some Local Boards failed to realise the cart tax in their areas it was due to the negligence of the Local Board authorities because they did not care to take necessary measures for realising the same. I know personally that at Habiganj there were some difficulties in realising the tax. But some changes were made in the method of realisation and it is working with satisfactory results. As has been stated by my hon. Friend Maulavi Abdul Khaleque, if this piece of legislation is passed it will give the Police and the Local Board subordinate officers some hand to unnecessarily harass the cart owners. Government should not go to do anything

which may increase the difficulties of the cart men. It has been proposed in the Bill that after the cart is sold for non-payment of tax the owner will have to prove his ownership in a court of law to receive the surplus, if any. It is ridiculous and unreasonable that after the cart is sold for realisation of arrear tax of a particular man, he should be required to prove his ownership.

With these words, Sir, I beg to oppose the piece of legislation that has been introduced in this House.

Maulavi ABDUL HAMID : Sir, after hearing various hon. Members who have spoken on this Motion, I would like to speak a few words. Personally I do not think that the measure proposed is unnecessary. But there are very many people outside this House who are connected with the Local Boards and might like to have their say before the measure is passed into law. I, therefore propose that the Bill be circulated for eliciting public opinion by the 31st December.

I am not, Sir, intimately connected with the Local Boards. It has been provided how a cart is to be seized for failure of paying the cart tax. Personally I do not know how this can be done. It appears that the first authority for this job of seizure is the Local Board and next a person, who is authorised for the seizure. For this act of seizure, it is not a practicable proposition for all the members of a Board to act together, nor any one of the members can claim to be a Local Board. So, I think the wording needs change. Another thing I find is about the payment of surplus amount to the cart owner. The rule provides that if there is any surplus proceeds it may be paid to the owner. That means to say, Sir, that it may or may not be paid to him. So, why the wording should not be "shall be paid"? After deducting the arrear tax the surplus must be paid to the owner by the Local Board. In case the matter goes to a civil court and ultimately the cart is auctioned this might fetch a value of about hundred rupees, that is, many times more than the amount of the arrear license fees. So without such a provision for paying the cart owner the surplus proceeds, an unfairness is shown to him. I know Maulavi Nurul Hussain Khan has been connected with a Local Board for the last 10 or 15 years and Maulavi Abdul Khaleque was also Vice-Chairman of the Sunamganj Local Board. Maulavi Abdul Bari Chaudhury is a Chairman of the Sunamganj Local Board for many years. If these gentlemen do not find any necessity for any extra power to be given to the Local Boards then we do not see any justification for bringing forward this piece of legislation. However, before passing this legislation we must be sure of the opinions of other people connected with the Local Boards and who are outside this House. We must know definitely whether they want this extra power for the Local Boards. If any extra power is given to the Local Boards the cart owners will be deeply affected as the cart is the main means of conveyance for the poor cultivators particularly in the Assam Valley. This power might become a source of further harassment to them and might greatly interfere with their work of carrying paddy and rice and other things from the villages to the towns and markets for sale. Moreover, if a cart is seized at a place 50 miles away from the town the cost of carrying the cart would not cover the tax. Further, without meaning to cast any reflection on the officers of the Boards I submit that it is always dangerous to give additional punitive power to the officers of the Boards. Sir, not only Members of this side but also the Members opposite are quite aware how police and other officers having powers harass the poor and ignorant people. So I say that the ground shown for additional power for realisation of cart tax is not sufficient. In some cases the collection of tax may be very bad while in others collection is good and that is because some of the Local Boards fail to collect the taxes. So, Sir, I do not think that additional power is at all necessary.

This will seriously interfere with the poor man's source of conveyance, and as such. I think, Sir, before we proceed to legislate, the opinion of the Local Boards, and not only Local Boards, but also of the public should be taken. I do not think that the Hon'ble Minister-in-charge can urge that the matter is so very urgent that it cannot wait for the next Session. No great harm will be done if it is circulated for public opinion.

The Hon'ble the SPEAKER: Will the hon. Member formally move it?

Maulavi ABDUL HAMID: I have already moved that the Bill be circulated for eliciting public opinion by the 31st December 1946.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Local Self Government (Amendment) Bill, 1946, be circulated for eliciting public opinion by the 31st December, 1946."

Maulavi ABUAL MAJID ZIAOISH SHAMS: May I speak on this Motion, Sir?

The Hon'ble the SPEAKER: Under what rule, please? Hon. Member is an experienced Parliamentarian and he is also a Lawyer. I think he is well conversant with rules of procedure of the House?

Maulavi ABDUL HAMID: Sir, I do not like to encourage the practice. A fresh Motion is before the House, and perhaps Members have a right to speak on the new Motion that I have moved.

The Hon'ble the SPEAKER: Under what rule? I do not find any such rule.

Maulavi ABDUL HAMID: Whenever a Motion is made every Member has got a right to speak. The Motion before the House was that this Bill be taken into consideration. So long discussion was on that matter. Now another fresh Motion is before the House and that is that the Bill be circulated for eliciting public opinion. Of course, the practice is that Members who have spoken on the Motion for consideration should not speak again on that Motion.

The Hon'ble the SPEAKER: The rule is that a Member can speak only once on a Motion.

Maulavi ABDUL HAMID: This is a fresh Motion, Sir, which I moved.

The Hon'ble the SPEAKER: This is not a fresh Motion but an Amendment.

Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I rise to lend my support to the Amendment that has just been moved by the Hon'ble Deputy Leader of the Opposition. So far as this legislation is concerned, it has been amply made out that it is not very urgent. The defect was there for a long time and if it could wait so many years it can as well wait for a few months.

Secondly, there is some difference of opinion about the levy of this cart tax. Of course, as one hon. Member from the Government Benches has said that if cart tax be there there must be efficient means of effective realisation of the same. I agree with him that so long as the cart tax is there, there must be some

effective means of realisation. But what I want to press before the House is that the present Government's mode of approach to this legislation does not appeal to me. This Assam Local Self-Government Act is a piece of anti-diluvian piece of legislation which has outlived its utility. Many a time requests have been made in this House to re-cast this piece of legislation, but nothing has been done so far. I think the present Government should have devoted more time and energy to examining all the defects in the present legislation at a time and to come forward with a complete and comprehensive legislation.

Sir, only the other day, my hon. Friend Srijut Lakeshesvar Borooah came forward with an Amending Bill for amending a very important omission in the Act itself. Now, again to-day the Hon'ble Minister has come forward with another Amending Bill to remove another defect. I am not for this multiplicity of legislations. I think, it is only fair that when we have come to know that this Act has outlived its utility, that the Act should be re-cast and Government should at once make up their mind to come forward with a comprehensive legislation by the next Budget Session. So, the proposal that has just been made, I think, will not affect in the least. Let the Bill go to the public for eliciting expression of opinion and at the same time let the Government take necessary steps to come forward with a comprehensive legislation in the next Budget Session. (Voices: *Hear, hear*). I hope the present Government will take this course.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I have heard the objections raised against the Bill. I would only like to say that there would be no hardship or harrassment to the public. In the Budget Session of the Assembly a Resolution was tabled by one of the Opposition Members. Maulavi Abul Kashem to the effect that cart tax should be abolished altogether as it was an harrassment to the poor carters. At that time I learnt that all the Local Boards in the Province were realising the cart tax excepting the Sunamganj Local Board of which the Chairmar is the first speaker on the Opposition—Maulavi Abdul Bari Chaudhury.

Sir, the benefit and injury of the Amendment can be appreciated more easily by the enjoyer and sufferer than by those at a distance by mere imagination.

***Maulavi ABDUL BARI CHAUDHURY:** On a point of information, Sir. Is it the idea of the Hon'ble Minister that only the Chairmen of Local Boards are to take part in the debate and no other Members?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: My hon. Friend Maulavi Muhammad Abul Kashem has said that there is enough of harassment and hardship to the public by the Dhubri Local Board. But, Sir, as I have already said, we are taking the initiative from the report of the Commissioner on the Dhubri Local Board where pending criminal cases for realisation of cart tax number about 2,000. Instead of coming forward with a legislation for abolishing the cart tax altogether, it will be better for the hon. Member just to facilitate the realisation of the cart tax of the Dhubri Local Board. In order to safeguard the public probably he wants to have a resolution passed that the cart tax should be altogether abolished.

Another important fact, Sir, has been lost sight of. This provision of section 52(B) of the Local Self-Government Act which enables the Local Board to impose cart tax is a mere enabling provision. Sir, this section runs like this: 'The Local Board may from time to time at a meeting convene expressly for the purpose of which due notice shall have been given.....'

On a consideration of this section, Sir, it can not be said that there will be hardship and harassment to the public. Local Boards are constituted of members who are representatives of the public. If it is felt and found that the cart tax has been causing harassment and hardship to the public, it is up to the representatives of the public to discuss the matter in a meeting of the Local Board and abolish the cart tax altogether, as the Local Boards have power to do that. So, Sir, I say that the cart tax or the measure that has been brought just to supplement the provision already in the Local Self-Government Act cannot cause any hardship, and if the members of the Local Boards think that it does, they can abolish it. But so long as the provision is there for realising the cart tax, you cannot allow, Sir, wasting the time of the Criminal Court by the Local Boards hunting after the carts and carriages which may be defaulting.

Sir, the Hon. Deputy Leader of the Opposition raised the point about the carts carrying passengers and goods. Probably, Sir, he does not know that there is a saving clause which runs as "If any carriage or cart for which no license has been taken as required, the Local Board or any person authorised by them, may seize such cart or carriage provided the same be not in the conveyance of any person or goods." So, that contingency does not arise. In view of all these, as I have stated, there is no apprehension of any hardship or harassment being caused to the public and I again request the Hon'ble House to adopt this measure so that the Local Boards may not be in arrear for a large sum which is not in their power to realise or go to the Criminal Court to give them a speedy help and remedy.

The Hon'ble the SPEAKER: I shall take up the Amendment first.
The question is:

"That the Assam Local Self-Government (Amendment) Bill, 1946, be circulated for eliciting public opinion by the 31st December, 1946."

The Assembly was divided

Ayes—22.

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| 1. Maulavi Md. Abdullah. | 13. Maulavi Makabbir Ali Mozumdar. |
| 2. Maulavi Abual Majid Ziaosh-Shams | 14. Maulavi Mayeenud-Din Ahmed Chowdry. |
| 3. Maulavi Muhammad Abul Kashem. | 15. Maulana Mufazzal Hussain. |
| 4. Maulavi Abdul Bari Chaudhury. | 16. Maulavi Nasir-ud-Din Ahmed |
| 5. Maulavi Dewan Abdul Basith. | 17. Maulavi Md. Nazmal Haque. |
| 6. Maulavi Abdul Hai. | 18. Maulavi Nurul Hossain Khan. |
| 7. Maulavi Abdul Hamid. | 19. Maulavi Muhammad Roufique. |
| 8. Maulavi Abdul Khaleque Ahmed. | 20. Maulavi Saiyid Muhammad Saadulla. |
| 9. Maulavi Md. Abdul Latif. | 21. Maulavi Sayidur Rahman. |
| 10. Maulavi Dewan Abdur Rob Choudhury. | 22. Maulavi Dewan Taimur Raza Chaudhury. |
| 11. Dr. Emran Hussain Chaudhury. | |
| 12. Maulavi M. Idris Ali. | |

Noes—57.

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| 1. The Hon'ble Srijut Gopinath Bardoloi. | 29. Srijut Mahendramohan Chaudhury, |
| 2. The Hon'ble Mr. Baidyanath Mookerjee. | 30. Srijut Manisankar Basumatari. |
| 3. The Hon'ble Mr. Basanta Kumar Das. | 31. Srijut Motiram Bora. |
| 4. The Hon'ble Srijut Bishnu Ram Medhi. | 32. Professor Nibaran Chandra Laskar. |
| 5. The Hon'ble Srijut Ram Nath Das. | 33. Babu Nirendra Nath Dev. |
| 6. The Hon'ble Maulavi Abdul Matlib Mazumdar. | 34. Srijut Omeo Kumar Das. |
| 7. The Hon'ble Rev. J. M. Nichols Roy. | 35. Srijut Purandar Sarma. |
| 8. Shri Abala Kanta Gupta. | 36. Srijut Purnananda Chetia. |
| 9. Srijut Beliram Das. | 37. Babu Purnendu Keshore Sen Gupta. |
| 10. Srijut Bepin Chandra Medhi. | 38. Babu Rabindra Nath Aditya. |
| 11. Srijut Bhadra Kanta Gogoi. | 39. Srijut Rajendra Nath Barua. |
| 12. Babu Bidyapati Singha. | 40. Babu Ramesh Chandra Das Choudhury. |
| 13. Srijut Bijoy Chandra Bhagavati. | 41. Srijut Santosh Kumar Barua. |
| 14. Srijut Bejoy Chandra Saikia. | 42. Srijut Siddhi Nath Sarma. |
| 15. Srijut Bimalaprosad Chaliha. | 43. Babu Suresh Chandra Biswas. |
| 16. Srijut Dandeswar Hazarika. | 44. Maulavi Abdur Rasheed. |
| 17. Srijut Gauri Kanta Talukdar. | 45. Moulana Ibrahim Ali. |
| 18. Srijut Haladhar Bhuyan. | 46. Mr. C. W. Morley. |
| 19. Mr. Harendra Nath Sarma. | 47. Mr. W. R. Faull. |
| 20. Srijut Hareswar Das. | 48. Mr. E. W. B. Kenny. |
| 21. Srijut Harinarayan Barua. | 49. Mr. H. Patterson. |
| 22. Srijut Hem Chandra Hazarika. | 50. Mr. E. H. Gruning. |
| 23. Babu Jatindranath Bhadra. | 51. Mrs. Bonily Khongmen. |
| 24. Srijut Kameswar Das. | 52. Srijut Chanoo Kheria. |
| 25. Babu Kamini Kumar Sen. | 53. Srijut Dalbir Singh Lohar. |
| 26. Babu Khagendra Nath Samaddar. | 54. Srijut Dharanidhar Basumatari. |
| 27. Srijut Laksheswar Borooah. | 55. Srijut Jiban Santal. |
| 28. Srijut Lakshmidhar Bora. | 56. Srijut Khorsing Terang. |
| | 57. Mr. Larsing Khyriem. |

The questioner was lost.

The Hon'ble The SPEAKER: Now I am putting the main question. The question is:
"That the Assam Local Self-Government (Amendment) Bill, 1946, be taken into consideration".

The question was adopted.

The Hon'ble the SPEAKER: Consideration clause by clause of this Bill will be taken up on 21st September 1946. Last date for receiving notices of Amendments is therefore before 3 P.M. on 17th September, 1946.

The Industrial Statistics (Further Provisions and Validating) Bill, 1946

The Hon'ble the SPEAKER: We now pass on to item No. 3, i.e., consideration of the Industrial Statistics (Further Provisions and Validating) Bill, 1946, clause by clause. There are two Amendments standing in the name of Maulavi Abdul Bari Chaudhury.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move my Amendment No. 1 that in sub-clause (3) of clause 1 after the word "at once" the words "and shall remain in force till 31st December, 1946" shall be added.

Sir, the Amendment that has just been moved by me requires a little explanation and I want to explain why I want to limit the operation of the Bill. Sir, from the Statement of Objects and Reasons the hon. Members will find that the Bill is intended only to rectify an incidental defect in the procedure on the Central Act. The necessity of a notification under section 3(1) directing that statistics relating to factories be collected was overlooked before notices were actually issued under section 5. From this statement, Sir, it is apparent that the intention of the Government also is to cover a temporary lapse. So to all intents and purposes this Bill should not have the nature of a permanent legislation. Section 3 of the Parent Act reads as follows, I mean the Indian Statistics Act of 1942:—

"The Provincial Government may, by notification in the official Gazette, direct that statistics shall be collected relating to any of the following matters" and after that there is a schedule.

Then, Sir, section 5(1) reads as follows:—

"The statistics authority may serve or cause to be served on any person a notice requiring him to furnish, at such intervals and in such form and with such particulars as may be prescribed, such information or returns relating to any matter in respect of which statistics are to be collected and to such authority or person and in such manner and at such times as may be prescribed."

From these two sections, Sir, it is apparent that before this notice is served on the owners of the factory the notification is to be published in the Gazette. This is a defect. The Government of Assam failed to publish the notification in the Gazette. This matter was objected to by the Government of India and they gave the Provincial Government the direction that this temporary mistake should be covered and with this purpose in view this Bill has been introduced in this House. But I have already submitted, that if the operation of the Bill be not restricted, it shall have the force of a permanent Act and our officers who will be charged to function under the Central Act of 1942 will be encouraged to commit such mistakes in future also because they will know that they have got the necessary brake that whenever they commit a mistake it will be covered by the amending Act. Certainly, Sir, this was not the intention of the Government of India when they directed the Provincial Government to validate their act which was done through mistake. There is still another factor to consider. Labour is a subject in the Federal List and the Provincial Government has got no jurisdiction to legislate over the matter. So without infringing the provisions of the Government of India Act, 1935, we cannot go in for a permanent legislation. Sir, the Bill that is under discussion is non-contentious and we can well foresee that there will be no difficulty in getting this Bill passed in the Upper House within the course of this month. Therefore, Sir, keeping sufficient margin in hand, I have tried to restrict the operation of the Bill to 31st December, 1946. With these words, Sir, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (3) of clause 1, after the words 'at once' the words 'and shall remain in force till 31st December 1946' shall be added".

The Hon'ble Srijut RAMNATH DAS: Mr. Speaker, Sir, I oppose the Amendment. The Bill that we have brought to-day is not intended to remedy a defect temporarily because the proceedings that the Statistics Authority are to take under Section 5(1) of the Parent Act even for the year 1946 will not end by the end of December. That is to say, notices will be served on or before December but the returns as demanded by the notices will be submitted either by January or February. If the force of the notice is allowed to cease by December by this Amendment and if the demand is not complied with either by January or February, then the punishment which is contemplated under the Act cannot be imposed for breach of proceedings having no legal effect since December. So the whole purpose of this Act will be nullified. Therefore, Sir, I cannot but oppose this Amendment.

Maulavi ABDUL BARI CHAUDHURY: May I know from the Hon'ble Minister-in-charge how long it will take for the notification to be circulated and for returns to be submitted to Government?

The Hon'ble Srijut RAMNATH DAS: Notices will be served on or before December.

The Hon'ble the SPEAKER: What does the hon. Member want to do with his Amendment? Does he press it?

Maulavi ABDUL BARI CHAUDHURY: The Hon'ble Minister has already admitted the force of my contention, and I hope he will see to it. I do not press my Amendment.

The Hon'ble Srijut RAMNATH DAS: What is the contention, Sir?

Maulavi ABDUL BARI CHAUDHURY: That it is temporary.

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

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

The Hon'ble the SPEAKER: The question is:

"That clause 1 stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: There are no Amendments to clauses 2 and 3 of the Bill. I therefore put the question straightaway.

"That clauses 2 and 3 stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: There is another Amendment in respect of clause 4 which stands in the name of hon. Maulavi Abdul Bari Chaudhury.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that clause 4 shall be deleted.

My only contention is that this particular clause is redundant. Sir, from a perusal of clauses 3 and 5 it will appear to the hon. Members that the required validity of all the acts done by the Provincial Government have been provided for in those two clauses. For the benefit of the hon. Members I read out those two clauses ; the clauses read as follows :—

“3. Notwithstanding anything contained in the Principal Act and the rules framed thereunder, the Provincial Government may, by notification in the official Gazette, direct that statistics in respect of any of the matters enumerated in sub-section (1) of section 3 of the Principal Act shall be collected with effect from such date as may be specified in such notification and the date so specified may be either prior or subsequent to the date of such notification.” That is to say, Sir, notifications even if issued at a later date come under it ; so, all the acts done by the Government without legal validity will be included under this clause.

Then, again, from clause 5 the hon. Members will find “(a) The appointment of the Statistics authority already made by the Provincial Government purporting to act under section 4 of the Principal Act,

(b) The rules that have been already made and published by the Provincial Government purporting to act under section 12 of the Principal Act,

(c) all notices already served by the Statistics authority purporting to have been issued under section 5 of the Principal Act, and

(d) all other acts already done by any person or authority purporting to act under any of the provisions of the Principal Act shall be deemed to be, and always to have been, validly made, published, served or done, as the case may be, as if the requisite notification under sub-section (1) of section 3 of the Principal Act had been duly made and published, although such notification had, in fact, not been made or published”. Sir, from these two clauses it appears that there is sufficient safeguard for validating the notices under section 5(1) of the Parent Act and the notifications under sub-section (1) of section 3. So, to all intents and purposes clause 4 has no necessity. Clause 4 reads thus: “Notwithstanding anything contained in sub-section (1) of section 3 of the Principal Act, the provisions of that Act shall apply to the collection of statistics in respect of a matter covered by a notification issued under section 3 of this Act with effect from the date specified in such notification”. There is no necessity for this clause, and I hope the Hon’ble Minister will find no difficulty in accepting my Amendment.

The Hon’ble the SPEAKER : Amendment moved :

“That clause 4 of the Bill shall be deleted.”

The Hon’ble Srijut RAMNATH DAS : Mr. Speaker, Sir, I am sorry I cannot accept this Amendment. If clause 4 is deleted, in that case non-submission of any return cannot be punished under sections 8 and 9 of the Parent Act.

Maulavi ABDUL BARI CHAUDHURY : Is it not a fact that the return follows the notices and if the notices are valid the returns also will be valid ?

The Hon’ble Srijut RAMNATH DAS : Suppose returns are not made according to notices and in the way they should be done, in that case if this clause is deleted how can punishment be meted out ? Where is the provision in the present Bill ?

Maulavi ABDUL BARI CHAUDHURY : I am sorry the Hon'ble Minister has not gone through the Parent Act; there is no provision for returns in the Parent Act.

The Hon'ble Srijut RAMNATH DAS : I would like to refer the hon. Member to sections 8 and 9 of the Parent Act.

Maulavi ABDUL BARI CHAUDHURY : I have read those sections. However, I shall not press my Amendment.

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

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

The Hon'ble the SPEAKER : The question is :
"That clause 4 stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : Now as there is no Amendment to clause 5 of the Bill, I am putting the question. The question is :

"That clause 5 stands part of the Bill."

The questions were adopted.

The Hon'ble the SPEAKER : The question is :
"That the Title and Preamble of the Bill stand part of the Bill."

The question was adopted.

The Hon'ble Srijut RAMNATH DAS : Sir, I beg to move that the Industrial Statistics (Further Provisions and Validating) Bill, 1946, be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Industrial Statistics (Further Provisions and Validating) Bill, 1946, be passed."

Mr C. W. MORLEY : Mr. Speaker, Sir, I should like to accord our support to this Bill. On many occasions in the past you will remember, Sir, and particularly the hon. Members who are still here, that Mr. Whittaker had spoken on the necessity for a Bill such as this for an accurate collection of statistics in the Province. It is of course a purely technical Bill. I should, however, like to point out one danger connected with legislation about statistics. We are building up an elaborate system and we are asking Government to call for every conceivable variety of statistics, information, and returns by the hundreds. What is going to happen to all these returns that are received ? Will they go the way of many other official returns unread and unstudied ? I hope not. Statistics are the foundation of modern progress, if properly used, but if not properly used, they are not only waste of time but may become positively harmful and misleading. It is in our view essential therefore that this Government should build up without delay a proper Statistical Department. At present there is hardly any aspect of our economical and industrial life regarding which we have any accurate information

worth-mentioning. We need that information badly, but mere submission of returns will not give it to us. I understand, Sir, that one man has already been sent abroad for Statistical training and we welcome this initial step. Something on a much bigger scale is, however, required. I hope Government will consider the necessity of taking immediate steps to select and train other Statisticians so that full and proper use may be made of this present legislation.

The Hon'ble Srijut RAMNATH DAS : Mr. Speaker, Sir, I thank Mr. Morley for his support to the Bill and for some of his suggestions. He has rightly stated that Government have taken initial step, as we have already decided to send two men abroad for statistical training for a full-fledged Statistical Branch also. We have already appointed an Inspector temporarily for this Branch in the Labour Department.

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

"That the Industrial Statistics (Further Provisions and Validating) Bill, 1946 be passed".

The question was adopted.

The Assam Land and Revenue (Amendment) Bill, 1946

The Hon'ble the SPEAKER : I now come to item No. 4, that is, consideration of the Assam Land and Revenue (Amendment) Bill, 1946, clause by clause.

There is no Amendment to clause 1, and therefore I am putting the question straightaway :

"That clause 1 stands part of the Bill"

The question was adopted.

The Hon'ble the SPEAKER : In respect of clause 2 of the Bill there are two Amendments. The first Amendment stands in the name of hon. Mr. Mayeenud-Din Ahmed Chowdry. Does he move his Amendment ?

Maulvi MAYEENUD-DIN AHMED CHOWDRY : Sir, I am not going to move the *Amendment standing in my name.

The Hon'ble the SPEAKER : There is another Amendment standing in the name of Maulavi Mahammad Roufique. Does he want to move the Amendment ?

Maulvi MAHAMMAD ROUFIQUE : Mr. Speaker, Sir, I beg to move that in clause 2 for the word "three" occurring in the third line, the word "five" shall be substituted.

Sir, it is said that at present there is no limit of time for filing of objection to mutation cases and by this clause the unlimited period is sought to be limited to three years. The Hon'ble Minister has not stated the reason for determining and fixing the period, particularly at three years. From the Statement of Objects and Reasons of the Bill, it would appear that he has done this arbitrarily without assigning any reason as to why the period should be limited to three years. If the provision of this clause is designed to serve a section of the people, it certainly affects adversely a bigger section of the people namely, the illiterate and

*Maulavi MAYEENUD-DIN AHMED CHOWDRY to move :—
That clause 2 should be deleted.

ignorant section of the people at large. Now, Sir, this is a drastic change. The Hon'ble Minister would have done well if he had accepted the Amendment of the Opposition for circulating the Bill for eliciting public opinion thereon and also the opinion of the Bar Associations whose members are always in close contact with this class of litigation. Their advice would have been very valuable in framing the provisions of this Bill instead of relying on his own experience as a lawyer. Personally, Sir, I am against all the clauses of the Bill and by my Amendment I seek to extend the relief to the people. You, know, Sir, there are *pattadars* and it may so happen that one of them is ignorant and illiterate but he has been regularly paying the land revenue without suspecting that his educated and clever co-pattadars got the land mutated in his name. If he does not know of this within three years then his fate is sealed unless he chooses to go to a Civil Court which will mean a costly litigation and a protracted litigation. By my Amendment, Sir, I seek to extend the period of relief by two years more and I hope the Hon'ble Minister will accept this Amendment of mine.

The Hon'ble the SPEAKER : Amendment moved :

"That in clause 2 for the word 'three' occurring in the third line, the word 'five' shall be substituted."

The Hon'ble Srijut BISHNU RAM MEDHI : The Amendment to send the Bill for circulation moved by my hon. Friend Maulavi Mahammad Roufique has come very late. I think he was dreaming when the Bill was discussed in the House. This measure is sought to be provided only in cases of summary mutations just in order to safeguard the interest of Government in the matter of realisation of revenue. After the death of a registered owner of an estate if the successor's name is not substituted even after a reasonable period the Deputy Commissioner finds it difficult in the matter of realisation of Government revenue if the summary mutation is not affected. In such cases alone, the Deputy Commissioner makes a summary mutation and the present piece of legislation is necessary. Three long years for setting aside summary mutations after the death of the registered owner is quite enough and within which period objections if any can be filed to such mutation before the Deputy Commissioner. For these reasons I submit that the Amendment to extend the period to five years brought forward cannot be accepted and I oppose this Amendment.

Maulavi MAHAMMAD ROUFIQUE : On a point of information, Sir. My Friend the Hon'ble Minister said that I was dreaming when the Bill was discussed in the House. It seems the Hon'ble Minister has not followed what I said and it is he who has been dreaming. I simply said that he would have done well if he had accepted the Amendment for circulation moved by the Opposition. I definitely said that he would have done well—not he will do well.

The Hon'ble the SPEAKER : Does the hon. Member press his Amendment?

Maulavi MAHAMMAD ROUFIQUE : I do press, Sir.

Maulavi ABUAL MAJID ZIAOSH SHAMS : Sir, I would like to submit a few words in support of the Amendment of my hon. Friend on my left. Some times this sort of summary mutation is done and very often it is done on the information submitted by the Mandal generally, and the Mandal is

expected to know the law of inheritance of both Muslims—which is much more complicated—and of Hindus. He is not at all conversant with the law of any of the communities. I know of a recent case in which I was connected as a lawyer on behalf of a party which was the case of a Hindu undivided joint family. The Mandal concerned created a mischief in having mutation done in the name of a person whose name should not have come at all after the death of the previous property holder. There may be more cases, Sir, in which the names of the real successors are not put after the deceased owners. For such cases the Mandals should be held responsible. They might do such mischiefs in some cases when at the time the succession opens out the real heir is elsewhere or there is disability owing to minority or otherwise and names may be suggested by Mandals whose names should not have been mutated. In such cases the period of three years might lapse before the real successors happen to know of the fact that their names have not been mutated. It is not provided in the Bill whether the Limitation Act as regards disability will apply so far as minors and disabled persons are concerned. So the period of 5 years in place of 3 years is a harmless one and the difference is very little. The Hon'ble Minister has said that according to the present provision the period is undefined. So what is the harm if the period is fixed at 5 years only which means very little difference. I, therefore, request the Hon'ble Minister to accept the Amendment.

Maulavi MAHAMMAD ROUFIQUE: If the Hon'ble Minister does not accept the Amendment then I do not press it.

Maulavi ABUAL MAJID ZIAOSH SHAMS: The Hon'ble Minister should accept it.

The Hon'ble Srijut BISHNU RAM MEDHI: I do not propose to accept the Amendment. I have heard the case of a Hindu undivided family stated by my Friend Maulavi Abual Majid Ziaosh Shams and I say that if the real owner does not care to register his name or does not care to ascertain whose name has been mutated within the period of three years and does not care to file his objection before Deputy Commissioner within that period, the sooner he ceases any connection with the property claimed the better. Even after the period of three years he can institute a case in the Civil Court for declaration that the mutation was wrong and that his name should have been mutated.

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

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

The Hon'ble the SPEAKER: Now the question is:
“That Clause 2 stands part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER: In respect of Clause 3 there are as many as 22 Amendments. The first is in the name of Maulavi Mahammad Roufique.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, I beg to move that in proposed section 69B(1), after the words “any estate pertaining to a religious institution” occurring in the first and second lines, the words “other than Muslim” shall be added.

Sir, the object of this Amendment is very simple. It seeks to take out the estates pertaining to religious institutions of the Muslims from the operation of

this Bill. In the Statement of Objects and Reasons the Hon'ble Minister generally cited the cases of estates having in view the Hindu religious institutions only. There may be instances in the Province, instances in which due to encumbrances, estates belonging to Hindu Religious Institution may have been lost to the Hindu Society. Even then, Sir, I believe the Government should have ascertained the views of the Hindus too, because this Bill is concerned with the religious susceptibilities of the people, both Hindus and Muslims. The Hon'ble Minister has not cited a single instance where bad arrangement led to the loss of a single estate belonging to Muslim institutions. Muslim estates are generally managed by Khadems with the help of a Committee and the Khadems are liable to removal in case of extravagance or inefficiency. There is therefore little chance for a Muslim Estate being lost on account of mis-management by the Khadems. At any rate, the Muslims will resent a Bill like this which makes arrangements to make over the management of Muslim estates to official hands. It is detrimental to the democratic habits of the Muslims.

The fact remains that Muslim public opinion was not consulted before this provision was made in the Bill to operate on the Muslim estates and the Amendment moved by the Opposition for circulating the Bill for ascertaining public opinion was turned down and I do not know how the Hon'ble Minister can take the responsibility of imposing this Measure on the Muslims too. All the Muslim Members of this House, who are the representatives of the entire Muslim population of Assam, are not prepared to acquiesce in the passing of this Bill, unless this Amendment, seeking to omit Muslim estates from its operation, is accepted. I hope the Hon'ble Minister will listen to reason and not try to impose the will of the majority on the Muslim minority. This will be an acid test for you whether Government have any respect for Muslim opinion. If they have, they will accept the Amendment, if not they will pass the Bill by sheer force of majority.

The Hon'ble the SPEAKER: Amendment moved :

"That in proposed section 69B(1) after the words 'any estate pertaining to a religious institution' occurring in the first and second lines, the words 'other than Muslim' shall be added".

The Hon'ble Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir, I am very sorry that a communal question like this has been raised by my learned Friend on the other side. This legislation, as it will appear, is for the protection of properties relating to religious institutions, and if this is only confined to the Hindu religious institutions, Muslims will again raise a cry that this is a discriminatory legislation applicable only to protect properties relating to Hindu religious institutions, and they have not cared to protect the properties of religious institutions of the Muslims. So, in order to avoid that sort of criticism, we want to introduce this Bill, so that we can protect the properties belonging to the religious institutions of the Hindus, Muslims, Christians, Buddhists or any other religious institutions. It will not, in any way, interfere with prayers or worships that are being carried out in such institutions. It will not interfere with performance of religious rights and duties that are being done in mosques or temples or churches. It is not the intention of the legislation to interfere, in any way, with the religious duties of any community. It is only to protect the properties which are specially endowed for the religious institutions, so that these may not pass into the hands of a third party. With this aspect in view this Bill has been introduced, and I think, in view of this my hon. Friend will withdraw his Amendment.

I can tell my hon. Friend specifically that on various occasions properties belonging to Muslim institutions were sold due to the mismanagement of the

Khadems, and the Deputy Commissioners had to collect revenues with great difficulty. So in order to avoid that difficulty and to protect the rights of the religious institutions as well as to safeguard the interest of the Government regarding realisation of revenues, this Bill has been introduced.

My hon. Friend said that the Khadems are good people, they are good managers and there are no arrears of revenue. In that case there should not be any apprehension that lands will be attached for arrears of revenue or they will be put up to sale. In that case there will be no occasion whatsoever for the application of this Bill if it is passed into an Act so far as Muslim properties relating to Muslim religious institutions are concerned. In view of this I hope my hon. Friend will withdraw his Amendment.

Maulavi MAHAMMAD ROUFIQUE: I am very sorry that I cannot accede to the request of the Hon'ble Minister, because the contention which I have put forward has not been replied to. Therefore, Sir, I do not see how I can withdraw. On the other hand I repeat my request that he should not be indifferent to the opinions of the Muslim Members who represent the entire population of Assam, rather he should accept the Amendment.

The Hon'ble the SPEAKER: Then I put the question.

The question is:

"That in proposed section 69B(1) after the words 'any estate pertaining to a religious institution' occurring in the first and second lines, the words 'other than Muslim' shall be added."

The question was lost.

The Hon'ble the SPEAKER: Hon. Srijut Lakshesvar Borooah to move his Amendment.

Srijut LAKSHESVAR BOROOAH: Sir, I beg to move that in proposed section 69B(1) after the words "religious institution" occurring in the second line, the words "such as temples, mosques, satras, etc.," shall be added.

Mr. Speaker, Sir, my Amendment is illustrative and explanatory in character. My humble opinion is that all legislative measures should be as much self-explanatory as possible and should not leave room for any ambiguity. In the Statement of Objects and Reasons it was stated that the proposed legislation shall be applicable to temples only and hence necessity arose for tabling this Amendment.

The Hon'ble Srijut BISHNU RAM MEDHI: No, that has been amended afterwards. "Temple" has been amended as "religious institution".

Srijut LAKSHESVAR BOROOAH: I have not got that Amendment, Sir, yet. Any way, there is no harm in putting these explanatory or illustrative words, because in future people going through this proposed legislation can get an impression that it applies to temples only. Therefore, Sir, I beg to move my Amendment which is a harmless one and, on the contrary, a helpful one. I hope the Hon'ble Minister of Revenue will please accept my Amendment. With these words, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in proposed section 69B(1) after the words 'religious institution' in the second line, the words 'such as temples, mosques, satras, etc.' shall be added."

***Srijut GAURI KANTA TALUKDAR :** Mr. Speaker, Sir, the Amendment proposed is quite innocent and gives an illustration of religious institutions. There is no harm in accepting the Amendment. I hope the Hon'ble Minister of Revenue will accept it.

Maulavi ABUAL MAJID ZIAOSH SHAMS : I would oppose my hon. Friend who has moved this Amendment. The word "mosque" really detracts much from the words "religious institution". So far as Muslim institutions are concerned the expression "religious institution" is more comprehensive, because there are religious institutions besides the mosque. So, much of the intention of the Hon'ble Minister-in-charge of Revenue in putting the term "religious institution", so far as the Muslims are concerned, will be taken away by the proposed Amendment.

The Hon'ble Srijut BISHNU RAM MEDHI : Sir, I would request my hon. Friend Mr. Lakshesvar Borooah to withdraw this Amendment, because I do not want to bring in the name of 'any religious institution such as mosques, churches, stupas and Buddhist monasteries. The word 'etc.' should not be added in any legislation. Religious institution conveys the entire idea. If it is complete in itself, what is the necessity of bringing in the redundant words such as Satras, Mahapurushiyas and Damodorias, etc. This is simply out of place and what is the necessity of bringing in these words ?

Babu KAMINI KUMAR SEN : Would it not be better to define 'religious institution' ?

The Hon'ble Srijut BISHNU RAM MEDHI : We are not concerned with religious institutions, but with the property, the proceeds of which goes to the benefit of religious institutions. It may be a mosque or a school for religious training of Muslims as well as of Hindus. So this institution is not confined only to a prayer hall, *namghar* or a church ; other institutions may be included in this provision. A *maktab* may also be included in this. The objection raised by my hon. Friend Mr. Ziaosh Shams is reasonable. These names are of great sanctity. What is the necessity of bringing in the name of a mosque in a legislation ?

Srijut LAKSHESVAR BOROOAH : Why are temples brought in ?

The Hon'ble Srijut BISHNU RAM MEDHI : The word 'temples' was substituted by the words 'religious institutions' by an amended notification. Here is the publication (hands over the correction slip).

Srijut LAKSHESVAR BOROOAH : The term in the Statement of Objects and Reasons has been removed by the correction slip published later on, which I have not yet got. So, I beg leave of the House to withdraw my Amendment.

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

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

The Hon'ble the SPEAKER : The third Amendment stands in the name of Maulavi Abdul Hai.

Maulavi ABDUL HAI : Mr. Speaker, Sir, I beg to move that in proposed section 69B(1), after the words "Deputy Commissioner" in the second line, the words "in consultation with the Managing Committee of the religious institution, if any," shall be added.

It is quite in consonance with the desire of the Government in bringing forward this Bill. Government desire to safeguard the interests of the religious shrines and these shrines are not only the property of some particular individual, but it is the property of the whole community concerned. If the object of the Government is really to safeguard the interests of religious institutions, then I hope Government will accept my Amendment as we also want that the interests of shrines should be safeguarded. The Hon'ble Minister-in-charge has already mentioned in connection with his reply to another Amendment the name of Hajo Poa Mecca Darga. I know of religious institutions in the Kamrup District, both Hindu and Muslim, which are managed by some managing committees. I know one Hindu institution ; this is the temple of Kamakhya where there is a *barpujari* and also there is a Managing Committee. There is one such institution for Muhammadans—the Hajo Poa Mecca Darga. I have got some personal connection with this Darga. In this connection I can tell the hon. House that we people are keen to keep the interests of the shrine intact. We do not desire that any individual, *e.g.*, the Khadem should take all advantages. In the Hajo Poa Mecca Darga there is one Khadem ; he is elected by the tenants of the land appertaining to this religious institution and there are several members. Five members are elected by the inhabitants of Hajo proper and six by those of Bhuhibala, where there is land pertaining to this institution, and four persons are nominated by the District Judge. The Khadem happens to be the sole manager of this Dargah, but one of these Khadems previously misappropriated the money of the Dargah. So the people brought a civil suit in the District Court and from that Court to the High Court. There is a scheme approved by the Hon'ble High Court with regard to this Dargah. This Dargah is now governed by its managing committee. But the realisation rests with the Khadem. Often times it is found that the Khadem misappropriates money. This managing committee is anxious enough to safeguard the interests of the Dargah and also try their best. Now when the Government is going to give power to the Deputy Commissioner to safeguard the interest of the shrine, and when there is equally interested party in the representative body of the people, I think, the Government will accept my Amendment which says that not only the Deputy Commissioner will be empowered to attach the property in case of default but that he should do it in consultation with the managing committee which is equally an interested body. If the Government accepts the Amendment it will give efficiency as regards managements and people will have some reliance. With these few words, I commend my Amendment to the acceptance of the House. I hope Government will accept this Amendment.

The Hon'ble the SPEAKER : Amendment moved :

“That in propose section 69B(1) after the words ‘Deputy Commissioner’ in the second line, the words ‘in consultation with the Managing Committee of the religious institution, if any’ shall be added ”.

Srijut BELIRAM DAS : It seems from the speech of Mr Abdul Hai that he is following Maulavi Mahammad Roufique.

The Hon'ble Srijut BISHNU RAM MEDHI : Sir, I am very much impressed with the statement made by Mr. Abdul Hai. I am coming from the same village where the religious institution of Hajo Poa Mecca is situated. I know also the affairs of the Madhab temples. These were so mismanaged that Sebayats had to institute cases before the Judge for forming scheme for proper management of the institutions and in fact schemes of management were framed by the Judge for both the institutions. I am glad that the hon. Member personally knows about of the Khadem as to how he used to misappropriate the money realised. In some cases, the amount misappropriated could not be recovered. In view of all these I draw the attention of hon. Member Maulavi

Mahammad Roufique for his consideration. I need not make any further comment. I am glad to accept that wherever there is a managing committee the Deputy Commissioner will always try to realise the revenue and before attaching the property shall consult the Managing Committee, if there be any. Attachment is the last measure the Government will adopt. It will be the endeavour of Government to see that the Deputy Commissioners will do their best to see that these religious institutions are managed by these committees and trustees. In case they pay the Government revenue there will be no necessity. I am glad to accept this Amendment *viz.*, that after the words "Deputy Commissioner" the words "in consultation with the members of the Managing Committee, if there be any" shall be added.

Babu KAMINI KUMAR SEN: Do we understand, Sir, that the Hon'ble Minister accepts the Amendment because the hon. Member comes from the same village?

The Hon'ble Srijut BISHNU RAM MEDHI: Sir, I come from Hajo and I am a villager. But Mr. Hai comes from the town of Gauhati and is not a villager.

Maulavi MAHAMMAD ROUFIQUE: On a point of personal explanation, Sir. The Hon'ble Minister has drawn my attention to a remark made by hon. Mr. Abdul Hai who said in his statement that the Khadems sometimes misappropriate money, but if the Hon'ble Minister had listened to my speech, he would not have drawn my attention to this. I myself said in my speech that Khadems misappropriate money. Is it a new thing that he has drawn my attention to? I have already stated in my speech that the Khadem is assisted by the Managing Committee. If he misappropriates he is liable to be removed. The remark of the Hon'ble Minister is misplaced. He was probably dreaming instead of following the speech. He should therefore withdraw the remark.

Maulavi ABDUL HAMID: I have got a word to say, Sir, in regard to the words "in consultation with the members of the Managing Committee". Perhaps it will be better to say "after consultation with the members of the Managing Committee."

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, to make things perfectly clear, I think, it would be better to say "the Managing Committee appointed by a Civil Court" because these managing committees have been appointed by the District Court; otherwise, mushroom managing committees will spring up alleged to be appointed by any body.

The Hon'ble Srijut BISHNURAM MEDHI: I have no objection to accept that also, Sir.

Maulavi ABUAL MAZID ZIAOSH SHAMS: Sir, this will bring in complications. (Loud laughter in the Congress Benches.)

The Hon'ble Srijut BISHNU RAM MEDHI: I have no objection in accepting the words "Civil Court". But as there is difference of opinion, I do not accept it.

The Hon'ble the SPEAKER : The question is :
"That in proposed section 69B(1), after the words 'Deputy Commissioner' in the second line, the words 'after consultation with the Managing Committee of the religious institution, if there be any' shall be added."
The question was adopted.

The Hon'ble the SPEAKER : The House stands adjourned till 11 A.M. on Monday, the 16th instant.

Maulavi ABDUL BARI CHAUDHURY : Mr. Speaker, Sir, we want to sit a bit late.

The Hon'ble the SPEAKER : Just a moment, please. I have already declared that the House stands adjourned. There is a suggestion to sit late. Is it the sense of the House that the House sits a little longer? Personally I have no objection. (*Voices : No, no*). No, the hon. Members object.

Adjournment

The Assembly was then adjourned till 11 A.M. on Monday, the 16th September, 1946.

*Shillong,
The 15th November 1946.*

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