

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 21st September, 1946.

PRESENT :

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

QUESTIONS AND ANSWERS

SHORT-NOTICE QUESTIONS

(To which answers were laid on the table)

Village Roads included in the Post-War Reconstruction Scheme in Sibsagar District

Srijut DANDESWAR HAZARIKA asked :

1. (a) Will Government be pleased to state the names of the village roads to be taken up in the Post-War Reconstruction Scheme in the Sibsagar District during the current year ?

(b) Is it a fact that the Athgaon Ali in the Golaghat Subdivision is included in this year's project ?

(c) If so, when the work will commence and how long will it require to complete the same ?

(d) What amount of money has been allotted to this Road ?

(e) Is it a fact that the local authorities have selected some other village road in place of Athgaon Ali to be taken up this year and have started preliminary works though that road is not included in the list ?

(f) If so, do Government propose to direct the local authorities to take up the Athgaon Ali road immediately and to commence the work ?

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

1. (a)—The following roads are proposed to be taken up for improvement :—

(1) Nagora Ali.

(2) Improvement of Charigaon Road.

(3) Improvement of Jogduar Ali.

(4) Athgaon Ali.

(5) A road from 96th mile of Dhodar Ali to Ladaigarh through Lelera and Haloagaon.

(6) A road from Dhodar Ali (86th mile) to Nahore Ali across Railway line through Hatipukhuri and Langpatiagaon.

(7) Netaiali from Demau-Dehing road to Dehing Bund.

(8) A road from Netai Ali near Rajbaribam to Dhari Ali near Dhaibari.

* The Question was replied by the Hon'ble Mr. Baidyanath Mookerjee in the absence of the Hon'ble Rev. J. J. M. Nichols-Roy.

(b)—Yes.

(c)—In 1946-47. Completion of the work depends on availability of the requisite staff, materials and machinery.

(d)—It is not possible to supply the figure in the absence of detailed estimate which is under preparation. But funds required to complete the project will be allotted in full.

(e)—Government have no such information.

(f)—Does not arise.

Srijut DANDESWAR HAZARIKA : With regard to (e), Sir, may I know from the Government that after receipt of the notice of the Short-Notice Question whether they were pleased to enquire into the matter.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Government did not feel any necessity to enquire into the matter when Government knows it full well that they have not authorised the local authorities to take up the road. In the circumstances the local authorities cannot take up any road. If they do so, they do it at their own risk.

Srijut DANDESWAR HAZARIKA : Is it not the duty of the Government to see that the public money is not wasted, particularly when a question has been put by an hon. Member of the House to the effect that some other road has been taken up already ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Most certainly, Sir, it is the duty of Government to see that public money is not wasted. But, Sir, even to-day 5 minutes before 11 A.M. I enquired about it from the Chief Engineer and I was definitely told that no instruction whatsoever has been given to take up any such road.

Srijut DANDESWAR HAZARIKA : Will Government take it from me that some preliminary works in some other road have been taken up.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : If that is a fact, Sir, the local authorities will pay for it ultimately.

STARRED QUESTIONS

(To which oral answers were given)

Maulavi Nasib Ali Mazumdar, retired Extra Assistant Commissioner

Maulavi MAKABBIR ALI MOZUMDAR asked :

*65. (a) Is it a fact that the services of Maulavi Nasib Ali Mazumdar, retired Extra Assistant Commissioner were dispensed with before the expiry of his stipulated period ?

(b) Will Government be pleased to state whether the services of other temporary Extra Assistant Commissioners have been similarly terminated ?

(c) If not, why a discrimination was made in the case of Maulavi Nasib Ali Mazumdar ?

(d) Is it a fact that he was re-employed as Treasury Officer, Silchar, for a year ?

(e) When did he join the said post and when he was asked to make over charge ?

(f) Is he not entitled to pay for the un-expired portion of his term ?

(g) Will Government be pleased to state whether the opinion of the Advocate General was obtained in the matter ?

(h) If not, do Government propose to do so now ?

(i) Will Government be pleased to state whether Maulavi Nasib Ali Mazumdar made any representation in the matter ?

(j) Who are the retired temporary officers whose services have still been retained ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

65. (a) to (d)—The attention of the hon. Member is invited to the replies given to similar questions [Unstarred Questions No.314 (a)—(e)] by Maulavi Md. Abdullah at this Session. As this question has not yet come up, Sir, I think, it is necessary to read the questions and replies of Unstarred No.314. (*Unstarred Question No.314.*)

(a) When was Maulavi Nasib Ali Mazumdar, Retired Extra Assistant Commissioner discharged ?

(b) Whether he was discharged before the termination of his contract period ?

(c) Whether any temporary Extra Assistant Commissioner or Sub-Deputy Collector has been discharged ?

(d) If not, why this discrimination was made in respect of this Officer ?

(e) Whether Government has come to any decision in respect of other temporary Officers, viz., Additional Deputy Commissioners, Extra Assistant Commissioners and Sub-Deputy Collectors ?

The replies are :—

(a)—On the 28th March 1946.

(b)—Yes, because on it being indicated that Government must have the right, should the exigency of the public service so require, to transfer this Officer to another station, he was not prepared to accept this condition and did not join.

(c)—Yes, three other re-employed Extra Assistant Commissioners were discharged.

(d)—Does not arise.

(e)—Yes, in all cases the employment has been restricted to the period up to 31st December 1946, in anticipation that by then recruitment will be completed.

Then, Sir, so far as the replies to (e) to (j) of the Question No.65 of my hon. Friend Maulavi Makabbir Ali Mozumdar are concerned, they are as follows :—

(e)—He joined on the 7th December 1945 and the orders dispensing with his services were communicated through the Commissioner on the 8th March 1946.

(f)—Government granted him the usual one month's pay in lieu of notice, and do not consider any more is due.

(g)—No.

(h)—Government see no reason to do so.

(i)—Yes.

(j)—Mr. Josingh Rynjah and Rai Sahib Suresh Chandra Sen.

Maulavi ABDUL BARI CHAUDHURY : May I know from the Hon'ble Prime Minister whether it is a fact that Maulavi Nasib Ali Mazumdar was re-employed specifically as the Treasury Officer at Silchar.

†**The Hon'ble Srijut GOPINATH BARDOLOI :** There can be no question of anybody being appointed for any particular place or any particular work. It is a fact that when he was first appointed he was appointed as the Treasury Officer at Silchar.

Maulavi ABDUL BARI CHAUDHURY : May I know whether it is a fact that the Chief Secretary to the Government of Assam in his letter No.AAA.33/42/57, dated 23rd July 1946 informed the Commissioner of Divisions that this particular officer was specifically appointed as Treasury Officer as the Government thought that there were definite objections to his re-employment in any other capacity in his own town ?

†**The Hon'ble Srijut GOPINATH BARDOLOI :** I am not aware of that, but it is a fact that he was granted an extension of service and was asked to act as Treasury Officer.

†**Maulavi MAKABBIR ALI MOZUMDAR :** Was it extension or re-employment, Sir ?

†**The Hon'ble Srijut GOPINATH BARDOLOI :** It was re-employment. The whole matter was rendered difficult by the attitude of the officer himself ; he might have been allowed to act till the period of re-employment, but he refused to be employed except on his own terms. But Government could not accommodate anybody on those terms because administrative arrangements required that other actions should be taken.

Maulavi ABDUL BARI CHAUDHURY : May I know whether it is a fact that this particular officer was removed from service without assigning any reason or without imposing any condition ?

†**The Hon'ble Srijut GOPINATH BARDOLOI :** No, Sir, I have already explained the whole fact.

The Hon'ble the SPEAKER : I want to call out the next question.

Maulavi ABDUL BARI CHAUDHURY : One point has been missed, Sir.

The Hon'ble the SPEAKER : May be. But the Hon'ble Prime Minister said that the officer wanted to serve on his own terms and Government could not allow that.

Maulavi ABDUL BARI CHAUDHURY : That is not a fact, Sir.

The Hon'ble the SPEAKER : May not be, but that is what the Government say.

†Speech not corrected.

Sub-Registry Office at Ratabari

Maulana MUFAZZAL HUSSAIN asked:

*66. (a) Are Government aware that the people of Ratabari in the Karimganj Subdivision are to register their documents at the Patharkandi Sub-Registry Office which lies at a distance of 15—20 miles and that they are required to cross a Beel and a hillock ?

(b) If so, do Government propose to start a Sub-Registry Office at Ratabari with a view to give relief to the suffering public ?

The Hon'ble Mr. BASANTA KUMAR DAS replied:

66. (a)—Yes.

(b)—Government do not propose to start a Sub-Registry Office at Ratabari.

Maulavi ABDUL BARI CHAUDHURY: Is it not a fact that formerly there was a Sub-Registry Office at Ratabari ?

The Hon'ble Mr. BASANTA KUMAR DAS: It may be that, that Sub-Registry Office was not paying and that is why it was withdrawn.

Maulavi ABDUL BARI CHAUDHURY: Will Government be prepared to establish a Sub-Registry Office at Ratabari on a commission basis ?

The Hon'ble Mr. BASANTA KUMAR DAS: This is asking for an action, Sir.

Maulavi MUDABBIR HUSSAIN: Will Government be pleased to enquire whether the number of documents coming from Ratabari justifies re-opening of the Sub-Registry Office which was in existence before ?

The Hon'ble the SPEAKER: How is it relevant, please ?

Maulavi MUDABBIR HUSSAIN: It is relevant, Sir, because the reply was that Government did not propose to re-establish the Sub-Registry Office at Ratabari.

The Hon'ble the SPEAKER: But the supplementary question does not relate to that answer. The question was "(a) Are Government aware that the people of Ratabari in the Karimganj Subdivision are to register their documents at the Patharkandi Sub-Registry Office which lies at a distance of 15-20 miles and that they are required to cross a Beel and a hillock, and (b) if so, do Government propose to start a Sub-Registry Office at Ratabari with a view to give relief to the suffering public". The reply is "(a) Yes, and (b) Government do not propose to start a Sub-Registry Office at Ratabari".

Maulavi MUDABBIR HUSSAIN: A supplementary question put by hon. Maulavi Abdul Bari Chaudhury was whether there was formerly a Sub-Registry Office at Ratabari. Government replied that the Ratabari Office was not paying and that is why it was abolished. My next question was whether Government would make an enquiry to see whether the number of documents coming from Ratabari justified re-opening of the office.

The Hon'ble the SPEAKER : If the supplementary questions are allowed to multiply in that way, one will lead to another and there will be no finality.

Maulavi MUDABBIR HUSSAIN : But that is a pertinent question, Sir.

The Hon'ble the SPEAKER : It has been my misfortune to point this out to the hon. Members who are perfectly aware of the relevancy of a question both in their professional as well as parliamentary capacities.

Treatment of *Kala-azar* Cases in Golaghat

†**Srijut RAJENDRA NATH BARUA** asked :

*67. Will Government be pleased to state—

- (a) Whether *Kala-azar*, of late, is on the increase at Golaghat ?
- (b) Whether they are going to introduce legislation to effectively stop quacks tinkering with the *Kala-azar* patients ?
- (c) Whether they are aware that owing to *Kala-azar* cases being handled by the quacks the same become resistant and do not respond to the ordinary course of treatment by Doctor Brahmachari's Urea Stabimine ?
- (d) How many cases have been cured by Urea Stabimine and still Bimidine (M.N.B. 744) in the Golaghat Subdivision during 1945-46?
- (e) The latest discovery of the source of infection of *Kala-azar*?

The Hon'ble Srijut RAMNATH DAS replied :

67. (a)—Yes.

(b)—Government are of opinion that no legislation can be effective unless comprehensive in scope against all forms of quackery, whether dealing with *Kala-azar* or other diseases. Government will examine the problem of legislation to deal with such matters.

(c)—Yes.

(d)—No detailed records are maintained at all the Dispensaries where *Kala-azar* is treated. Besides, many cases do not complete their course of treatment. Hence it is not possible to give definite information.

(e)—Up to the present state of knowledge, a sandfly is considered to be the vector concerned with the propagation of *Kala-azar* Fever.

The Hon'ble the SPEAKER : What does the Hon'ble Minister mean by "up to the present state of knowledge" ?

The Hon'ble Srijut RAMNATH DAS : I meant present knowledge, Sir.

Doctors of the Public Health Department

†**Srijut RAJENDRA NATH BARUA** asked :

*68. Will Government be pleased to state—

- (a) Whether they are aware of dissatisfaction in the service so far as Public Health doctors are concerned that their pay and prospects are not the same as those of doctors of similar qualifications in the Medical Department ?

†The question was put by Srijut Lakshesvar Borooah on authorisation.

- (b) Whether they contemplate removing the grievances of the Public Health doctors ?
- (c) If so, how ?
- (d) If not, why not ?

The Hon'ble Srijut RAMNATH DAS replied :

68. (a)—It is incorrect that the pay and prospects of the Doctors in Public Health and Medical Departments are not the same. Government are however considering the question of revision of scales for Doctors in both Departments.

(b)—Does not arise.

(c) - This will depend upon several conditions concerning which Government have not reached final conclusions.

(d)—Does not arise.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

(Further Supplementaries on Unstarred Question No 224)†

Srijut LAKSHESVAR BOROOAH: With regard to (c), the answer is "This information is not available". This information being very important I hope the Hon'ble Prime Minister will supply the information when available to the hon. Questioner and also to the hon. Labour Members.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, I will bear the hon. Member's suggestion in mind.

I also want to correct my reply to 224(a) ; the information given here is, I think, very back-dated. In the meanwhile I have been informed by the Secretary of the Party that the number of such schools in the Assam Valley is 242 and in the Surma Valley about 65, which brings the total to about 300.

Schools run by the garden authorities

Srijut CHANOO KHERIA asked :

†224. Will Government be pleased to state—

- (a) The number of schools at present run by the tea garden authorities for the tea garden Labour boys and girls in the Province ?
- (b) The total number of boys and girls at present reading in these schools ?
- (c) How many students (both boys and girls) appeared in the Lower Primary Examination and how many of them came out successful from the very beginning since those schools were started ?
- (d) Whether Government are taking any step for the education of the children of Tea Garden labourers ?
- (e) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

224. (a)—About 130 schools of which 56 is "C" Class and 74 "B" Class.

The B Class schools receive a direct grant of Rs. 10 a month each for maintenance from Government which is supplemented by funds from respective garden authorities to run these institutions.

(b)—4,300 approximately.

(c)—This information is not available at present.

(d)—Yes.

(e)—Does not arise.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware of the daily attendance of students in these schools ?

The Hon'ble Srijut GOPINATH BARDOLOI: That is also where information is lacking.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware that children are compelled to go to work instead of to school ?

The Hon'ble Srijut GOPINATH BARDOLOI: We are not aware of that. I would like to inform the hon. Members that there has not been such inspection of these schools as was desirable. I hope all this information will be readily available when a better system of inspection is made possible.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware that if the children do not go to work their rations are also cut ?

The Hon'ble Srijut GOPINATH BARDOLOI: Government are not aware of this also. I have already stated that unless closer inspection is made possible it will not be possible to give these replies. We shall have to devise a more effective system of inspection than has been possible hitherto.

Babu PURNENDU KISHORE SEN GUPTA: Sir, will the Hon'ble Minister be ready to take it from me that it was reported to the Assistant Labour Commissioner that in some tea gardens in the Surma Valley the children of the labourers were compelled to go to work instead of going to schools. The teachers are given extra pay over Rs. 10 from the Government and they are compelled to work in other garden works and not the school work. Children had to obey such orders for fear of losing their ration concessions.

***Maulavi ABDUL HAMID:** Sir, is there no machinery in the tea gardens to inspect the gardens ?

The Hon'ble Srijut GOPINATH BARDOLOI: There is the usual machinery but this machinery has not been able to function. As I have replied just now in reply to a supplementary question, even our own schools have not been adequately inspected for want of proper inspecting staff. The Government during the last 8 or 10 years have increased the number of schools in the Province but they have not been able to increase the inspecting staff to the extent to which the number of schools justify.

Maulavi SAYIDUR RAHMAN: Sir, is it not a fact that in the existing rules there is no provision for allowing the inspecting staff to inspect the tea garden schools unless the managers permit them to do so ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware of this, Sir, but I am prepared to take it that it might be so. I do not think that the managers can prevent the inspecting staff from inspecting the tea garden schools.

***Srijut DANDESWAR HAZARIKA:** Will Government be pleased to appoint some special Inspectors to inspect those tea garden schools ?

The Hon'ble Srijut GOPINATH BARDOLOI: The suggestion will be considered, Sir.

***Maulavi ABDUL HAMID:** May I know why special permission is necessary from the tea garden managers to inspect the schools in those areas?

The Hon'ble Srijut GOPINATH BARDOLOI: That is a matter which will be looked into. At present I am not in a position to give a reply off-hand.

Schools run by tea garden authorities

Srijut CHANOO KHERIA asked :

225. Will Government be pleased to state—

- (a) How many schools are at present catering to the needs of the *ex-tea* garden labour boys under the tribal and labour welfare organisation under Mr. B. K. Bhandary?
- (b) How many of them have been taken over by the Local Boards since the above organisation came into existence?
- (c) Whether Government propose to grant necessary fund for running these schools efficiently and to open more schools under the same organisation?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

225. (a)—28 Lower Primary Schools.

(b)—15 schools of which 14 by Local Boards and one by Government with direct grants-in-aid.

(c)—Government have already sanctioned a sum of Rs.2,040 to be given annually to the Harijan Sevak Sangha for organisation of primary education among the *ex-tea* garden labourers. The Sangha can organise new schools only in accordance with the limitation of its existing annual grants and when its financial responsibility in respect of its old schools is transferred to either Boards or Government. The Sangha can organise at least 8 new schools annually at a monthly cost of Rs.20 per Pandit. Government have under consideration the question of increasing the grant for more education-work in these lines.

Educational Institutions in Garo Hills

Mr. MANIRAM MARAK asked :

226. Will Government be pleased to state whether there is any proposal for opening more educational institutions in Garo Hills and to make any one of the existing Government Aided Middle English Schools fully Government Schools?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

226.—As regards the first part of the question the reply is—no proposal has been received by Government, and as regards the second part—the question may be considered by Government if concrete suggestions are received from the Department.

Cloth scarcity in Tea Gardens

Srijut CHANOO KHERIA asked :

227. (a) Are Government aware of the cloth scarcity prevailing in the tea gardens?

(b) Are Government aware that the tea garden labourers suffer more than village people for cloth, because tea garden labourers do not possess Tat-Sal?

(c) Do Government propose to grant additional quota of cloth in place of yarn to tea garden labourers ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

227. (a)—There is no special scarcity in tea gardens as such not shared by general public due to paucity of the quota.

(b)—Government have no such information.

(c)—Under the present circumstances it is not a practicable proposition, but as soon as any increased quota of cloth is obtained the tea garden will be given their due share.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware Sir, that non-working labourers and their dependents in the tea gardens are not given their quota of cloth ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: It may be Sir, that those people are not getting cloth at concessional rate.

Babu PURNENDU KISHORE SEN GUPTA: They are not given cloth even at controlled rate, not to speak of at concessional rate, Sir.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am not aware of that fact, Sir.

Babu PURNENDU KISHORE SEN GUPTA: Are Government ready to take it from me that those people are not given any cloth at all ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am not ready to take, it, Sir, by hearing from one side. But I am ready to make an enquiry.

Babu PURNENDU KISHORE SEN GUPTA: Recently there was an inspection of those localities by the Subdivisional Officer of South Sylhet and by the Assistant Labour Commissioner and they found the fact to be true.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I have not received any report, Sir, to that effect.

Mr. E. W. B. KENNY: Mr. Speaker, Sir, may I ask how the Hon'ble Minister reconciles his reply to (a) with his previous admission that there are separate scales of issue to urban and rural workers ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, the position is perfectly clear that it was considered by the previous Government and even by the present Government that the people of the urban areas require more cloth than the people of the rural areas. So, Sir, some distinction has been made. But in spite of that the urban people are not getting the quantity they require. Hence there is the scarcity. I do not find any inconsistency in my reply. The scarcity is not only in the rural areas but throughout the Province. It is due to the small amount of quota that has been allotted to this Province.

Srijut SARAT CHANDRA SINHA: Is it a fact that the quota of cloth for the labourers is generally issued to the garden authorities, say the managers ?

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

Srijut SARAT CHANDRA SINHA: Are Government aware that the scarcity that is reported to have prevailed in the tea gardens is due to mal-distribution by the authorities, at least, in some gardens ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, the scarcity is not due to mal-distribution. But there may be some difficulty in the method of such distribution. The scarcity is always there and everywhere. Of course in some places the scarcity might be due to mismanagement.

Srijut SIDDHI NATH SARMA: Sir, as the Hon'ble Minister of Supply says that he has not received that information with reference to question (b), may I ask the Hon'ble Minister-in-charge of Labour whether he has got any such information as it concerns his Department also?

The Hon'ble Srijut RAMNATH DAS: No, Sir, I have not received any such information.

Mr. E. W. B. KENNY: Mr. Speaker, Sir, are Government aware that the nature of Tea Garden employees' duties, which require them to work in all sorts of weather amongst close grown tea bushes, which inevitably damage clothes more severely, does qualify them for an issue of cloth at least equal to urban workers?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am ready to accept that fact, Sir. In some places extra amount of cloth is required at the time of plucking and pruning in the tea gardens especially. But the Government at the expense of the poor villagers cannot give more quota to the tea garden labourers on that ground for a particular Industry.

Mr. E. W. B. KENNY: Mr. Speaker, Sir, has the Hon'ble Minister received an intimation from the Surma Valley Branch Indian Tea Association, requesting a larger quota of cloth in this connection?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Not only from that Association but from various quarters also, I have received such requests for increase of cloth quota.

***Srijut DANDESWAR HAZARIKA:** May I know from the Hon'ble Minister whether the inspecting staff of Textile and Standard cloth under Government are allowed to check the distribution of cloth in the tea gardens?

The Hon'ble the SPEAKER: How that question can arise?

Sr'jut SARAT CHANDRA SINHA: That question arises, Sir, in view of mal-distribution of cloth in those areas.

***Srijut DANDESWAR HAZARIKA:** Because, Sir, the question of scarcity is due to mal-distribution in those areas.

Mr. E. W. B. KENNY: I challenge that statement regarding mal-distribution, Sir.

The Hon'ble the SPEAKER: Of course, it is easy to throw the challenge on the floor of the House, but probaly the country-wide knowledge will be different. Any way, we should deprecate the practice of throwing up challenges on the floor of the House.

Srijut GAURI KANTA TALUKDAR: Sir, may I know whether the Textile Department has not got any right to inspect the distribution of cloth in the tea gardens?

The Hon'ble the SPEAKER: The hon. Member is perfectly entitled to have that knowledge, but the procedure adopted at the present moment is not in order.

Srijut GAURI KANTA TALUKDAR: The allegation is that scarcity is not only due to mere shortage of cloth but due to some mal-distribution in the tea gardens also. That being so, this question is relevant, Sir.

The Hon'ble the SPEAKER: The hon. Member may be right, but how does that supplementary question arise? There are rules relating to relevancy or otherwise in regard to admissibility of supplementary questions.

Srijut GAURI KANTA TALUKDAR: The Hon'ble Speaker may be pleased to permit such questions to be answered by the Hon'ble Minister as this question is of great importance?

The Hon'ble the SPEAKER: If the Chair allows questions like that, probably sometimes, hon. Members themselves will feel tired. The rules are very reasonable and great latitude has been given to hon. Members in putting supplementary questions.

Babu PURNENDU KISHORE SEN GUPTA: Do Government propose to set up Vigilance Committees to see that there is equitable distribution?

The Hon'ble the SPEAKER: I do not know how does the question of Vigilance Committee come in. It is a question of shortage of cloth.

Dhubri College

Raja AJIT NARAYAN DEV of Sidli asked:

228. Will Government be pleased to state—

- (a) If it is a fact that the Deputy Commissioner, Goalpara, has realised Rs. 2,000 as subscription for proposed Dhubri College from each recipient of wholesale licenses for textile?
- (b) If it is a fact that the payment of this subscription was a condition precedent to receiving such a licence?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied:

228. (a)—No.

(b)—Does not arise.

Srijut SARAT CHANDRA SINHA: Is it a fact that subscription was realised for the college by the previous Deputy Commissioner?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: The answer is perfectly clear, Sir. The answer to (a) is 'No', and to (b), 'Does not arise'. So there is no scope for any supplementary question.

Srijut SARAT CHANDRA SINHA: There is a scope, Sir. The question is,—Is it a fact that the Deputy Commissioner, Goalpara, has realised Rs. 2,000 as subscription for proposed Dhubri College from each recipient of wholesale licenses for textile? Now omitting the last part of the question, say "from each recipient of wholesale"

The Hon'ble Mr. BAIDYANATH MOOKERJEE: He wants to omit it and put a new question, Sir.

The Hon'ble the SPEAKER: Has the hon. Member got any other question?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: There is no scope, Sir. (*Laughter*).

***Maulavi ABDUL HAMID:** From the answer 'no' are we to understand, Sir, that Government do not know whether the subscription was realised or whether it is a fact that the Deputy Commissioner did not realise?

The Hon'ble the SPEAKER: The answer is—it is not a fact. The hon. Deputy Leader may rather ask from where the Hon'ble Minister got the information.

Cloth control and its price

Babu JATINDRA NATH BHADRA asked:

229. Will Government be pleased to state—

- (a) How in the matter of the settlement recently made about cloth control the difference between *ex-mill* price and the retail price is made up?
- (b) How much of the difference is the cost of transit, how much is profit for authorised importer and how much for retail dealers?
- (c) The said figures for all the previous settlements in past years?
- (d) Whether Government incurred any financial liability by these arrangements?
- (e) If so, how?
- (f) Whether Government considered the fact that the lowest tenders from the aforesaid licensed importers would automatically ensure the lowest price for the consumer?
- (g) Why the lowest tender system was not followed?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied:

229. (a)—The difference between the *ex-mill* price and retail price is explained by the Procuring Agent's margin of $10\frac{1}{2}$ per cent. which includes the mill quota holders' commission and all costs of handling, transport, freight insurance and other charges and their profits till destination stations in Assam; margin allowed to the Subdivisional societies, wholesalers and retailers.

(b)—The cost of transit varies from destination to destination in Assam. The authorised importers' profit is between $\frac{1}{2}$ to 1 per cent. and the retail dealers' margin is $8\frac{1}{2}$ per cent.

(c)—Previously the Procuring Agents were allowed a profit of $\frac{3}{4}$ per cent above all actual expenses but as this contained loopholes and resulted in varying charges between consignment to consignment and as between different stations it was abolished.

(d)—No.

(e)—Does not arise.

(f)—The Government also had to consider the safest rate in view of the very high cost of transport and handling and the fact that the consumer has to pay 20 per cent. above the *ex-mill* price in any case as fixed by the Government of India.

(g)—It was found that no party in Assam could be able to operate on a rate lower than $10\frac{1}{2}$ per cent. without risking failure.

Babu JATINDRA NATH BHADRA: May I know, Sir, which are the destination stations for the cloth procuring agents in Assam?

The Hon'ble Mr. BAIDYNATH MOOKERJEE: It is not one station, Sir. According to demand allotments to particular concerns are booked. In some cases it is Dhubri, and in some cases it is Gauhati and so on.

Babu JATINDRA NATH BHADRA: Only the district Headquarters?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: It all depends on the railway head and the steamer head.

Babu JATINDRA NATH BHADRA: Is there any order from the Government of India that the consumers must pay at least 20 per cent above the *ex-mill* price?

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

Babu JATINDRA NATH BHADRA: May we know why it was so ordered?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Government of India calculated and arrived at a decision that if black-marketing and profiteering are to be stopped some reasonable margin should be given to the dealers, and that is why this was done, but unfortunately for Assam it became extremely difficult to keep at this rate. It so happened that during the previous years the margin was even 25 per cent.

***Maulavi M. IDRIS ALI:** In answer to (g), it is stated that it was found that no party in Assam could operate on a rate lower than $10\frac{1}{2}$ per cent. without risking failure. How did Government get the idea?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Government calculated this, Sir, because it was in the mind of the Government whether Government would take up the procurement themselves. And therefore, we calculated all the necessary expenditure that will be required, and it was found that it was impossible for anyone without any risk to procure at a lower rate than this.

***Maulavi ABDUL KHALEQUE AHMED:** According to Government calculation, what is the minimum cost?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: In some cases it might be 9 and in some cases it will be more than $9\frac{1}{2}$ per cent. We have already received representations based on actual calculation that even this rate, in some cases, is giving no margin.

Babu JATINDRA NATH BHADRA: Are Government aware that in all cases, people do not get $8\frac{1}{2}$ per cent.?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am not aware of that, because that margin is fixed by the Central Government.

Babu JATINDRA NATH BHADRA: As a matter of fact, the retailers of distant places are not getting $8\frac{1}{2}$ per cent. in many places in our Subdivision.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am quite ready to accept that, Sir. In some cases he gets $8\frac{1}{2}$ per cent. including the transit cost and in some cases the transit cost might be say, eight annas per bale, and in some cases it might be four rupees per bale.

Taxi charges in Shillong Town

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

230. (a) Are Government aware of the high taxi charges at Shillong town prevailing still now ?

(b) If so, do Government propose to take necessary steps to reduce the charges.

(c) In view of the increase in the population of the Shillong town, do Government propose to increase the number of town buses in order to provide cheaper conveyance facilities to the poorer section of the people?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

230. (a) & (b)—The revision of the taxi fares in Shillong is under the consideration of the Provincial Transport Authority.

(c)—Action is being taken to increase the number of passenger-carrying vehicles in Shillong. These will be placed on the road as soon as the vehicles are available.

Provincial Criminal Investigation Department

Babu JATINDRA NATH BHADRA asked :

231. (a) Will Government be pleased to state the strength of the present Provincial Criminal Investigation Department ?

(b) For what particular crimes the Central and the Provincial Criminal Investigation Department personnels are employed ?

(c) Whether Government have considered the necessity of employing the Criminal Investigation Department staff to investigate crimes relating to price control and rationing ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

231. (a)—203 officers and men including the Intelligence Branch at present.

(b)—The particular province of the Provincial Criminal Investigation Department is the investigation of those cases which on account of their special difficulty, the length of time involved, the intricacy of the law involved (*e. g.*, specialized crime) or the importance of the crime (*e. g.*, crime against the State) are beyond the capacity of the ordinary district staff.

In alluding to the Central Criminal Investigation Department the hon. Member presumably alludes to the Special Police Establishment. So far as the Government of Assam are aware, the duties of this establishment concern corruption and embezzlement committed in relation to supplies and contracts of the Defence Department.

(c)—Yes, when the nature of the case is such as to require their assistance.

Damage to crops by wild animals in Jowai Subdivision**Mr. LARSING KHYRIEM** asked :

232. (a) Are Government aware that damage is caused every year to standing crops, gardens and property by wild animals such as elephants, bears, etc., to the agricultural villages in the interior of the Jowai Subdivision ?

(b) Are Government aware that most of the people in the affected areas do not possess guns to protect their crops, etc., from damages by wild animals ?

(c) Do Government propose to grant license for keeping guns by villagers of the aforesaid areas for protecting their crops from damages by wild animals ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

232. (a)—Yes.

(b)—There are 320 guns licensed in the Subdivision.

(c)—Applications for arms licenses must be made under the rules to the District Magistrate, who will always give consideration to needs for crop protection.

***Mr. LARSING KHYRIEM:** In answer to (b) it is stated, there are 320 guns license. in the Subdivision. Will Government be pleased to state how many of these guns are owned by Government and how many possessed by private individuals ?

***The Hon'ble Mr. BASANTA KUMAR DAS:** That is a new question, Sir, and I cannot reply off-hand.

The Hon'ble the SPEAKER: The Hon'ble Minister cannot reply to this question off-hand.

***Mr. LARSING KHYRIEM:** Are Government aware that of these guns most of them are Government guns ?

***The Hon'ble Mr. BASANTA KUMAR DAS:** That is also a new question, Sir.

The Hon'ble the SPEAKER: Perhaps the hon. Member wants that the Government should take note of it.

***The Hon'ble Mr. BASANTA KUMAR DAS:** Then let him make a question properly.

Government action on anonymous letters**Mr. LARSING KHYRIEM** asked :

233. (a) Are Government aware that recently some anonymous letters from Jowai were addressed to the Heads of some Departments ?

(b) Are Government aware that action has been taken on such letters ?

(c) Do Government take any step on the strength of anonymous letter ?

(d) If not, do Government propose to issue orders to Heads of Departments not to entertain such letters ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

233. (a) & (b)—Government have no information.

(c)—The recognized practice is to take no notice of anonymous communications.

(d)—Government have no reason to think that such instructions are necessary.

Mr. LARSING KHYRIEM : Will Government take it from me that there were such letters addressed to the Heads of Departments and action was taken on them ?

The Hon'ble Mr. BASANTA KUMAR DAS : Were they anonymous letters ?

Mr LARSING KHYRIEM : Yes, Sir.

The Hon'ble Mr. BASANTA KUMAR DAS : I cannot say off hand. Will the hon. Member give an instance where action was taken on anonymous letter ?

Maulavi ABDUL HAMID : Do Government take action on anonymous letters ?

The Hon'ble Mr. BASANTA KUMAR DAS : No, no action is taken.

Public Works Department Mohurrirs of the Maulvibazar Division

Maulavi Dewan ABDUL BASITH asked :

234. Will the Hon'ble Minister-in-charge of Public Works Department be pleased to lay on the table an up-to-date list of the names of those Public Works Department Mohurrirs in the Maulvibazar Division who were promoted as Work-Charged Overseers and their qualifications in each individual case ?

235. (a) Is it a fact that the services of the Public Works Department Mohurrirs are purely temporary ?

(b) If so, do Government propose to make these posts permanent in near future ?

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

234.—A statement is placed on the Library table.

235. (a)—Yes.

(b)—The matter is under consideration of Government. Necessary details are being worked out to arrive at a decision.

Maulavi MAYEENUD-DIN AHMED CHOWDRY : May I know how long Government will take to arrive at a decision on this matter ?

***The Hon'ble Mr. BAIDYANATH MOOKERJEE** : Government have taken up the matter in right earnest, but cannot give any definite time when they will be able to come to a decision. There are other urgent matters and all these are being dealt with simultaneously. I can assure the hon Member that Government are mindful in the matter and it will not be left over.

*The Hon'ble Mr. Baidyanath Mookerjee replied the Supplementaries in the absence of the Hon'ble Minister-in-charge.

Srijut MAHENDRAMOHAN CHOUDHURY: May I know from the Hon'ble Minister definitely at what stage the matter is resting?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: It is impossible to say for me, Sir, as I am not conversant with the art of thought reading, nor I can see what is happening in other places.

Srijut MAHENDRAMOHAN CHOUDHURY: Have Government any concrete proposal in this matter?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes

Labourers under Public Works Department

Maulavi Dewan ABDUL BASITH asked:

236. (a) Is it a fact that the labourers in the Public Works Department are termed as "Coolies" in the Muster Rolls?

(b) If so, do Government propose to replace the word "Coolies" by the word "Labourers"?

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

236. (a)—Yes.

(b)—Yes.

Institution for imparting Telegraph training

Srijut GAURI KANTA TALUKDAR asked:

237. Are Government aware—

- (a) That there is no institution in Assam for imparting telegraphic training?
- (b) That the youths of the Province desirous of obtaining such training have to go to Calcutta or elsewhere for the purpose?
- (c) That very few young men from Assam can, therefore, afford to obtain such training for financial difficulties?
- (d) That young men of Assam are very much handicapped in seeking posts of Station Masters or Assistant Station Masters of the Bengal-Assam Railway for lack of telegraphic training?

238. With a view to obviate these difficulties and to give full facilities to the youths of Assam in obtaining telegraphic training to entitle them for services in the Bengal-Assam Railway, do Government propose to start immediately a Telegraph Training School at Gauhati and get it recognised by the Bengal-Assam Railway?

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

237 & 238.—The questions relate to the administration of Posts and Telegraphs Department which is a Central subject and over which the Government of Assam have got no control. This Government is however representing the matter to the Posts and Telegraphs Department.

Maulavi MAYEENUD-DIN AHMED CHOWDRY : In view of the importance of the matter, will Government take special care for establishing a Telegraph Training School in Assam ?

***The Hon'ble Mr. BAIDYANATH MOOKERJEE :** As I have already stated, we shall represent the matter to the Central Government ; but is it the desire of my hon. Friend that we should not only send a letter to the Central Government but also pursue it ?

Maulavi MAYEENUD-DIN AHMED CHOWDRY : Yes, that is what we desire, Sir.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Then we shall do that.

Srijut GAURI KANTA TALUKDAR : Sir, I want to know what prevents this Government from starting a Telegraph Training School of their own ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Because it is a Central subject and under the Government of India.

Srijut GAURI KANTA TALUKDAR : Do we understand that without the permission of the Post and Telegraph Department the Assam Government is debarred from starting a school of their own ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : For what purpose shall we start, Sir ?

Srijut GAURI KANTA TALUKDAR : For the training of the youths of Assam.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : They can receive the training in the existing schools of the Department. Unless the authority employ the youths, there is no use in starting a school of our own, and no case has been made out for it.

Srijut GAURI KANTA TALUKDAR : Sir, cannot the Government of Assam start a school of their own and get it recognised by the Authorities of the Bengal-Assam Railway ? Is there any bar to that ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : It will be an act of foolishness on the part of the Assam Government to start a school without the recognition or sanction of the Central Government or the Railway authority who are to employ the students after training.

Srijut GAURI KANTA TALUKDAR : Sir, I want the information whether this Government is entitled to start a school, or whether there is any bar ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Government are incapable because they think, it will be an act of foolishness to start a school as suggested by the hon. Member.

***Maulavi ABDUL HAMID :** Will it not be wise to start the school and then ask the Government of India to take it over ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : It is a new question, Sir.

***The Hon'ble Mr. Baidyanath Mookerjee** replied the Supplementaries in the absence of the Hon'ble Minister-in-charge.

†Speech not corrected,

Srijut GAURI KANTA TALUKDAR : Sir, I want to know whether the rules and regulations of the Post and Telegraph Department stand as a bar ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I have already replied, Sir.

The Hon'ble the SPEAKER : I see the hon. Member is side-tracking the question.

Srijut GAURI KANTA TALUKDAR : No, Sir, I want to know whether there is any bar for the Government to start a school in the Province under the rules and regulations of the Post and Telegraph Department ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : There is no legal bar, but it will be fruitless, and that is the bar.

Srijut GAURI KANTA TALUKDAR : I am satisfied that the Hon'ble Minister has admitted that there is no bar.

The Hon'ble Mr. BASANTA KUMAR DAS : There may be other bars except legal bar.

The Hon'ble the SPEAKER : Is the hon. Member satisfied ?

Srijut GAURI KANTA TALUKDAR : I am not satisfied. This is a matter which need not be referred to the Post and Telegraph Department ; but it should be referred to the Bengal-Assam Railway Authority.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : That will be done.

The Hon'ble the SPEAKER : Is there any other Supplementary Question ?

Srijut GAURI KANTA TALUKDAR : Do Government propose to take early step to start a Telegraph Training School in the Province ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I cannot give an assurance regarding that. But so far as taking steps are concerned, it will be done at the earliest opportunity.

Dighirparbazar-Aloha-Aghiun-Athangiri Road

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

239. (a) Are Government aware that there is no road connecting Athangiri, Aghiun and Kagabala in the Maulvibazar thana with other parts of the Sub-division ?

(b) If so, do Government propose to take up the Dighirparbazar-Aloha-Aghiun-Athangiri Road and include it in the Post-War Reconstruction Scheme ?

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

239. (a)—Yes.

(b)—The Assam Road Communications Board in the first meeting have not selected this road for inclusion in the Post-War Reconstruction Scheme. This will be put up to the Board in the 2nd meeting for consideration.

Maulavi MAYEENUD DIN AHMED CHOWDRY : May I know when the Government propose to hold the second meeting of the Assam Road Communications Board ?

***The Hon'ble Mr. BAIDYANATH MOOKERJEE** : I cannot say off-hand. Generally one meeting is held every year, that is the general practice but considering the amount involved in all these projects, it might be held earlier ; but I cannot say definitely about the time. I can say only about the usual practice.

Ministerial and Menial Establishment of the Public Works Department, Sylhet Division

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

240. (a) Will Government be pleased to state whether the members of the ministerial and menial establishment of the Sylhet Public Works Department Division have been made permanent along with the grant of permanent status to the Division ?

(b) If not, why not ?

(c) Whether Government have received any representation from the clerks concerned praying to make them permanent with retrospective effect from the date of making the Division permanent ?

(d) If the answer to the above question be in the affirmative, do Government propose to take early action in the matter ?

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

240. (a)—Not yet.

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

(c)—Yes.

(d)—Yes, as early as possible.

Subdivisional Head Clerks of the Public Works Department

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

241. (a) Is it a fact that a new scale for the Subdivisional Head Clerks of the Public Works Department has been introduced from 1943 ?

(b) Whether Government have received any representation from clerks so placed, protesting against the said scale and praying for its revision in consideration of their responsible duties ?

(c) If so, do Government propose to consider their case sympathetically ?

* The Hon'ble Mr. Baidyanath Mookerjee replied the Supplementaries in the absence of the Hon'ble Minister-in-charge.

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

- (a) Whether there is any Muslim in the post of the Divisional Head Clerk in any Divisional Office in the Province?
- (b) If not, do Government propose to place any efficient Muslim clerk to the post of Divisional Head Clerk?

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

241. (a), (b) and (c)—The attention of the hon. Member is drawn to the replies given to Unstarred Question No. 59(a) and (b) asked by Maulavi Dewan Abdul Basith, M. L. A., at this Session of the Assembly.

242. (a) and (b)—The attention of the hon. Member is drawn to the replies given to Unstarred Question No. 59(c) and (d) asked by Maulavi Dewan Abdul Basith, M. L. A., at this Session of the Assembly.

Public Works Department Mohurrirs in the Maulvibazar Division

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

243. Will the Hon'ble Minister, Public Works Department, be pleased to state—

- (a) The number of Public Works Department Mohurrirs in the Maulvibazar Division who have been promoted as Work-Charged Overseers?
- (b) Their qualification in each individual case?
- (c) The number of Muslims and non-Muslims so promoted?
- (d) The number of Matriculate, experienced and efficient Muslim Mohurrirs in the Maulvibazar Division?
- (e) The number of Mohurrirs belonging to respective communities in the Maulvibazar Division showing the respective quota of appointments each community is entitled to hold according to the Government Circular in force?

244. (a) Is it a fact that the services of Mohurrirs in the Public Works Department are purely temporary?

(b) If so, will Government be pleased to state whether there is any proposal to make them permanent?

(c) If the reply to question (b) above be in the affirmative, will Government be pleased to state whether any action on the matter has since been taken?

(d) Is it a fact that the labourers in the Public Works Department are termed as 'Coolies' in the Muster Rolls and if so, do Government propose to replace the word 'Coolie' by any other substitute?

(e) Will the Hon'ble Minister-in-charge of Public Works Department be pleased to state whether there is any proposal to make the Maulvibazar Division permanent in near future?

(f) Will Government be pleased to state whether they have lately received any representation against retrenchment of Mohurrirs of the Maulvibazar Division and if so, what action, if any, has since been taken into the matter and what is the result thereof?

(g) Will Government be pleased to state whether there is any Government Circular defining the principle to be adopted at the time of retrenchment ?

(h) If so, do Government propose to instruct the Head of the respective Departments to enforce the said Circular when such occasion arises ?

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

243. (a) to (c)—Attention of the hon. Member is drawn to reply given to Unstarred Question No. 234 asked by Maulavi Dewan Abdul Basith, M.L.A., in this Session of the Assembly.

(d)—The information has been called for.

(e)—The orders regarding communal representation are, strictly speaking, not applicable to appointments in the Work-Charged establishment.

244. (a) to (c)—Attention of the hon. Member is drawn to replies given to Unstarred Question No. 235(a) and (b) asked by Maulavi Dewan Abdul Basith, M.L.A., in this Session of the Assembly.

(d)—Attention of the hon. Member is drawn to replies given to Unstarred Question No. 236.

(e)—Yes, it is under consideration.

(f)—A telegram was received from the Secretary, Muslim League, Maulvibazar, about retrenchment of Mohurrirs. On enquiry it was found that certain Mohurrirs employed on Defence works were discharged as their services were not required on the termination of the said works.

(g)—No. (So far as the Work-Charged establishment is concerned.)

(h)—Does not arise.

Number of Assamese in the services of the Bengal-Assam Railway

Srijut GAURI KANTA TALUKDAR asked :

245. (a) Will Government be pleased to enquire and state the number of Assamese in the various branches of services of the Bengal-Assam Railway (in a tabular form with their designations and the branches to which they are attached) during the years 1941, 1942, 1943, 1944 and 1945 ?

(b) Are Government aware that the representation of the Assamese people in the various branches of services of the said Railway is extremely meagre ?

(c) Are Government aware that a large number of unemployed educated Assamese youths eager to enter into the services of the Bengal-Assam Railway fail to get entry ?

(d) With a view to safeguard the interest of the Assamese and to secure for them their due share of representation, do Government propose to move the authorities of the said Bengal-Assam Railway to fix a just and fair quota of posts in the different branches of services of the said Railway to be filled up by Assamese youngmen ?

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

245. (a) to (d)—The questions relate to the administration of Railways which is a federal subject and over which the Provincial Government have no control. Government will however bring this to the notice of the Railway authorities.

***Srijut GAURI KANTA TALUKDAR :** With regard to Question No. 245(a), may I know from the Hon'ble Minister if there will be any obstacle on the part of this Government asking to furnish information sought for in the question ?

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE :** There is no bar and from the last line of the reply—Government will however bring this to the notice of the Railway authorities—it is clear that the Government will bring this to the notice of the Railway administration and as a matter of fact this information has already been sought for. We cannot force them to give us replies within a definite period.

***Srijut LAKSHMIDHAR BORAH :** Is it a fact that certain percentage of the appointments in the Bengal-Assam Railway are to be filled up by Assamese youths ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I am not aware of that, Sir, but whenever any representation is made to this Government, or whenever any publication appears in the newspapers, they are brought to the notice of the Railway authorities and Government always request the authorities to take actions on those representations—not only private representations but comments made in the Press as well, but this Government cannot force them to take action on those but can only recommend them and press them hard but ultimately the final decision lies with the Central Government.

***Srijut GAURI KANTA TALUKDAR :** My question (d) is—'With a view to safeguard the interest of the Assamese and to secure for them their due share of representation, do Government propose to move the authorities of the said Bengal-Assam Railway to fix a just and fair quota of posts in the different branches of services of the said Railway to be filled up by Assamese youngmen ?' My question has been answered. Will the Hon'ble Minister take action to press the authorities that this is done ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Most certainly, Sir. This is the heart of the question. How can the Government overlook this fact ?

***Srijut GAURI KANTA TALUKDAR :** Do I understand that the information sought for in the question is going to be given during the next Session of the Assembly when the reply is received from the Railway authorities ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I will request the hon. Member to put a fresh question.

The Hon'ble the SPEAKER : That is the procedure.

***Srijut SARAT CHANDRA SINHA :** Do Government propose to move the Interim Government of India in this matter ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Am I to understand that we are to move the authorities of the Bengal-Assam Railway ?

The Hon'ble the SPEAKER : The answer is there that the questions relate to the administration of Railways which is a federal subject and over which the Provincial Government have no control. Government will however bring this to the notice of the Railway authorities. It is clearly stated that the Government

*Speech not corrected.

† The Hon'ble Mr. Baidyanath Mookerjee replied the Supplementaries in the absence of the Hon'ble Minister-in-charge.

is going to move the Railway authorities in this matter and if required it will go to the Railway Administration of the Government of India.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: If required we shall bring it to the notice of the Railway Board.

***Shri ABALA KANTA GUPTA:** What is the meaning of 'Assamese people' appearing in the question, Sir ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Does it require explanation, Sir ? All of us present here including my Friend, Mr. Abala Kanta Gupta (*Laughter*), but excluding the European Members.

Opening of Industrial Institutions in Garo Hills

Mr. MANIRAM MARAK asked :

246. Will Government be pleased to state—

- (a) Whether there is any proposal to open any Industrial institutions in Garo Hills ?
- (b) If so, when ?

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

246. (a)—Yes.

(b)—Within a year.

Inadequate supply of mosquito nets and blankets

Srijut SIDDHI NATH SARMA asked :

247. (a) Will Government be pleased to state the reason for inadequate supply of mosquito nets in the season ?

(b) Is it a fact that during the last winter no blankets and other varieties of winter cloths were available in the markets ?

(c) Do Government propose to take necessary steps from now to ensure adequate supply of the same in the next winter ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

247. (a)—Mosquito nets have been taken out of the quota of cloth by the Government of India and as production by mills in India is extremely irregular we get small *ad hoc* supplies from time to time. In the Office of the Provincial Textile Commissioner a chart is maintained according to indents sent by different Districts and Subdivisions and whenever any quota is received, distribution is made according to the chart as equitably as possible. The supply is most inadequate and irregular and it is beyond the powers of this Government to rectify it. Necessary representations have been made to the Government of India. But unless All-India Mill production is increased the situation cannot be rectified.

(b)—Yes. Last year 2 lakhs of blankets were indented for the civilian population exclusive of the tea garden labourers. But due to Mills not taking up production of blankets till the autumn only 33 thousand pieces could be purchased in time which were distributed equitably to different Subdivisions. As regards imported woollen cloth, the supply position has, of late, considerably

improved. Allotments are being received from Government of India from time to time and the materials are being distributed equitably. Distribution of such woollen cloths to plains stations will be increased just before the next Winter.

(c)—This year steps have been taken by the Government of India as well as the Provincial Governments for the manufacture and procurement of blankets in time and indent for 3 thousand bales of blankets for the general public as well as the tea garden labourers has been placed and a fair quantity has already been purchased and is on transit. As the Government of India have taken steps to space out the manufacture of blankets throughout the year it is expected that this year all the blankets indented for will arrive in good time before the winter.

Srijut SIDDHINATH SARMA : The latter part of reply to question (c) is—“As the Government of India have taken steps to space out the manufacture of blankets throughout the year it is expected that this year all the blankets indented for will arrive in good time before the winter.” It was expected last year also but did not arrive in time. This happened in the last two years and this year also the expression is—‘it is expected’. May I know from the Hon’ble Minister this year whether it will reach in time and thus the expectation will be materialised ?

The Hon’ble Mr. BAIDYANATH MOOKERJEE : Yes, Sir, that goes without saying. Government will take all possible steps to ensure supply of blankets in the next winter, but Government is handicapped in many ways.

Burning down of villages in Baghpuri area in the Mangaldai Subdivision

Maulavi ABDUL BARI CHAUDHURY asked :

248. (a) Is it a fact that the immigrant villages in the Baghpuri area in the Mangaldai Subdivision were recently set on fire by orders of the Government of Assam and that all the villages were burnt to ashes ?

(b) Will Government be pleased to state who issued such orders of burning down of entire villages and whether there was any Cabinet Decision over the matter ?

(c) Is it a fact that the inhabitants of village Miamari have been served with notices by the Subdivisional Officer, Mangaldai, to the effect that they will be evicted from their houses and holdings during the current rainy season in spite of the assurances by Government to the contrary ?

(d) Is it a fact that over extensive areas in the Mangaldai Subdivision ripe standing crops were allowed to be destroyed by recent flood and that the cultivators were not permitted to harvest the same ?

(e) Will Government be pleased to state why they did not make their own arrangement for harvesting the crop in such peculiar circumstances ?

(f) Is it a fact that the growers who attempted to save such crops from destruction by flood were arrested under Section 379, Indian Penal Code ?

(g) Is it a fact that on the 23rd of June last a procession of 22 elephants were led to the immigrant villages from the Mangaldai town and mass destruction of villages were undertaken ?

(h) Is it a fact that Congress Volunteers also accompanied the procession with bands and slogans ?

The Hon’ble Srijut BISHNURAM MEDHI replied :

248. (a)—The encroachers within the Baghpuri group of Professional Grazing Reserves (*viz.*, Baghpuri, Kharpari, Hatipani and Missimari) who were not protected under paragraph 7 of the Government Resolution of July, 1945 were evicted from the 29th April, 1946. The encroachers were allowed to pull down or remove

their thatched houses, and the houses of those who did not do so were pulled down; but they were allowed time to remove the materials. Some of them did not remove their materials and these were several days afterward set on fire as re-encroachers attempted to utilise the materials for erecting new huts. Out of 866 families evicted, materials of the houses of 36 families altogether were set on fire by the order of the Subdivisional Officer, with the approval of the Deputy Commissioner as there was no purchaser to buy or remove these materials which were of a very flimsy nature. 164 persons who were evicted in April and May last re-encroached the Professional Grazing Reserves, being encouraged by the President of the Assam Provincial Muslim League and other outsiders, by constructing skeleton huts and *ekchalas* with the old materials of the houses in the first part of June 1946 in the places from where they had been evicted. These were generally unoccupied huts and were demolished and the materials set on fire. The flimsy materials of about 99 huts and *ekchalas* after being pulled down and after allowing sufficient time for removal by the encroachers were destroyed by fire during the operation extending over several days so that the materials could not be used again for re-erection of similar structures and the remaining 65 huts were removed by the encroachers themselves.

(b)—Does not arise.

(c)—A general notice was served in the Hat by beat of drum that the encroachers would be evicted during next cold weather and that any objection might be filed in time by the individual encroachers.

(d)—No. It is however, true that when the flood suddenly came about 9th July last, it caused considerable damage to the standing crops of the Chapari areas of the Subdivision including that of the protected encroachers. Even the unprotected encroachers of the Professional Grazing Reserves were permitted, on application with undertaking not to trespass, to harvest their confiscated crops and there was not a single case of refusal of permission to harvest.

(e)—Arrangements to harvest or otherwise dispose of the standing crops were being made when the flood came and destroyed not only the confiscated but the unconfiscated crops of the protected encroachers also in the Chapari and other low-lying riverian areas of Mangaldai Subdivision.

(f)—No. There has not been any prosecution under Section 379, Indian Penal Code after the flood.

(g) & (h)—No. The allegations are absolutely unfounded.

Maulavi ABDUL BARI CHAUDHURY: In reply at (a) the Hon'ble Minister has stated that 164 persons who were evicted in April and May last re-encroached the Professional Grazing Reserves, being encouraged by the President of the Assam Provincial Muslim League,—will the Hon'ble Minister please state the source of the information that the President of the Assam Muslim League encouraged the evicted persons to re-encroach?

The Hon'ble Srijut BISHNURAM MEDHI: The information is from official sources and from some public gentlemen, men of the locality, who said that the President of the Muslim League encouraged the evictees to re-encroach.

Maulavi ABDUL BARI CHAUDHURY: May I know the names of the officers who sent this information?

The Hon'ble the SPEAKER: It is not the practice to give out names of the Government officials.

Maulavi ABDUL BARI CHAUDHURY: At least the designation of the officers who supplied the information?

The Hon'ble Srijut BISHNURAM MEDHI: All such informations are supplied by the Subdivisional Officer, local Sub-Deputy Collectors, Deputy Commissioner and other persons who supervise the Professional Grazing Reserves.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: In answer to question (a) it was stated that the evictees did not remove the materials of their houses and so they were set on fire. May I know the reason why the materials were burnt down and not disposed of otherwise ?

The Hon'ble Srijut BISHNURAM MEDHI: It is clearly stated in the answer, Sir. They were allowed time to remove their materials and these were several days afterward set on fire as re-encroachers attempted to utilise the materials for erecting new huts, and that is why the Subdivisional Officer with the approval of the Deputy Commissioner had to burn them as they were flimsy materials.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Is it a fact that they were not allowed time to remove their materials ?

The Hon'ble Srijut BISHNURAM MEDHI: The information is incorrect because they were allowed time for several days to remove these materials.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Could not these be disposed of by auction ?

The Hon'ble Srijut BISHNURAM MEDHI: There was an attempt to sell them but as there were flimsy materials having practically no value they were not fit to be sold. In fact there was an attempt to sell them but no one offered any bid.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: May I know from the Hon'ble Minister whether they were actually put to auction ?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, but there was no bidder. Experience in these localities will give a better idea to the hon. Member.

Maulavi ABDUL HAMID: What is the meaning of 'flimsy' appearing in the answer ?

The Hon'ble Srijut BISHNURAM MEDHI: Materials lying all over the place.

Maulavi ABDUL KHALEQUE AHMED: Instead of burning, could not Government bring it to a proper place for sale ?

The Hon'ble Srijut BISHNURAM MEDHI: The cost of carrying these materials would not be equivalent to the cost of the materials.

Maulavi ABDUL KHALEQUE AHMED: What were the materials ?

The Hon'ble Srijut BISHNURAM MEDHI: Such as thatch, old broken bamboos, etc.

Maulavi Dewan ABDUL BASITH: This being an important question this may stand over to the next day, Sir.

The Hon'ble the SPEAKER: It may stand over till the next day.

Statement re : labour unrest in the Santak Tea Garden

Srijut CHANOO KHERIA : মাননীয় সভাপতি মহোদয়, চন্টক বাগানত গঙগোল হৈছে বুলি মই কালি এখন Telegram পাইছোঁ।।

The Hon'ble the SPEAKER : চন্টক বাগানত গঙগোল হৈছে ? কি গঙগোল হৈছে ? Labour unrest ?

Srijut CHANOO KHERIA : Labour unrest.

The telegram reads like this :

“Santak tea labour situation serious Manager stabbed. One worker instantaneous death Firing by Manager and staff Injured many. Armed pickets posted garden lines Demand prompt intervention and enquiry.

MANI BHOWMIK,
General Secretary, Assam Chabagan Mazdur Union.”

গবৰ্ণমেণ্ট তেনেকুৱা কিবা গম পাইছে নেকি, আৰু সেই মতে গবৰ্ণমেণ্টে কি কৰিছে জানিব খুজিছোঁ।

The Hon'ble Srijut RAM NATH DAS : Mr. Speaker, Sir, yesterday while I was in the floor of the House I also received a similar wire from the same person. After receipt of that wire I asked the Chief Secretary whether any official information about this incident had reached us in the meantime. Over the phone he told me that he received one wire from the Subdivisional Officer, Sibsagar, and the wordings of the wire read like this :
“Chief Secretary.

Coolies of Santak Tea Estate gone on strike on alleged grievances for inadequate cloth and food and working conditions since 16th. Situation came to head on 18th forenoon when Manager office building was attacked by coolies with brick-bats damaged building injuring staff. The manager pushed the coolies with sword stick. One coolie badly injured died. As a result police enquiring the case. Coolies promise resuming work on my visit today. Situation improving Sub-divisional Officer”. After receipt of this wire, Sir, I sent for further information in details from the Subdivisional Officer and also I propose to send the Labour Commissioner or the Assistant Labour Commissioner to enquire into the matter. The facts received by me and steps taken have been narrated, Sir.

Babu JATINDRA NATH BHADRA : Is the situation calm there by now ?
(A voice—yes, the situation is improving).

The Hon'ble the SPEAKER : Now, we come to item No.2 in the Agenda.

Presentation of Notification under Section 296 of the Assam Municipal Act, 1923

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I beg to present the following notification under section 296 of the Assam Municipal Act, 1923 :—

*Notification No. LML.34/46/14, dated the 10th. August, 1946.

Copies have been supplied to the hon. Members.

The Assam Land and Revenue (Amendment) Bill, 1946

The Hon'ble the SPEAKER : Now item No.3—Consideration of the Assam Land and Revenue (Amendment) Bill, 1946, clause by clause. We were in the midst of clause No.3 and Amendment No.3 to clause 3 was finished I suppose. So we start from *Amendment No.4, standing in the name of Maulavi Mayeenud-Din Ahmed Chowdry.

Maulavi MAYEENUD-DIN AHMED CHOWDRY : I am not moving this Amendment.

Maulavi ABDUL HAI : I beg to move that in the proposed section 69 B(1), of clause 3 for the words "or may let it out in farm" occurring in the fourth and fifth lines, the words "and should consult the Managing Committee, if any, for the administration of the Estate" shall be substituted.

In the proposed section 69B(1) of clause 3 after the words 'Deputy Commissioner' in the second line, the words "in consultation with the Managing Committee of the religious institution" have been accepted, that means the Government has accepted that in case of mismanagement of an estate of religious institution that estate should come to the hands of the Deputy Commissioner where the Managing Committee will also have some voice. My intention in bringing this Amendment was that along with the Deputy Commissioner the Managing Committee should also be given the same power. When the Hon'ble Minister for Revenue has accepted that Amendment I think on the same principle this Amendment may also be accepted.

With these words, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That in the proposed section 69B(1), of clause 3 for the words 'or may let it out in farm' occurring in the fourth and fifth lines, the words 'and should consult the Managing Committee, if any, for the administration of the Estate' shall be substituted."

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I am very sorry I cannot accept this Amendment, because the Managing Committee where appointed are of an advisory nature and the members live in different places—sometimes far away from the estate. As a matter of fact the discretion of the Deputy Commissioner will be exercised and the Managing Committee which have no executive function and which are not entrusted with any money will be consulted before taking any action. The Amendment makes the provision obligatory and so it cannot be accepted as a part of the Bill as it is likely to interfere with the discretion of the Deputy Commissioner. In the circumstances I am not in a position to accept the Amendment. The wording is 'should consult'. The hon. Mover makes it obligatory on the part of the Deputy Commissioner. Even the Deputy Commissioner cannot come to the help of members of the Managing Committee. Therefore, I am not in a position to accept this Amendment.

*Maulavi MAYEENUD-DIN AHMED CHOWDRY to move :—

That in the proposed section 69B(1) of clause 3, for the word "Commissioner" occurring in the third line, the words "Provincial Government" shall be substituted.

Maulavi ABDUL HAI: Mr. Speaker, Sir, hearing the Hon'ble the Revenue Minister, I think, perhaps there is a misconception regarding my intention of moving this Amendment. I do not say that the Deputy Commissioner will not be able to arrange for the administration of the estate but I propose that he should do so in consultation with the Managing Committee. The Hon'ble Minister has been pleased to accept an Amendment of mine regarding giving some power to the Managing Committee. So my point is that whether as regards the administration of the estate the Deputy Commissioner should not do so in consultation with the Managing Committee also.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I cannot accept the Amendment but I can give the hon. Member an assurance that in all such cases the Deputy Commissioner will try to realise the Government dues before attachment and if the Managing Committee will offer the money there will be no attachment.

Maulavi ABDUL HAI: Sir, in view of the assurance given by the Hon'ble Revenue Minister that the Deputy Commissioner will also take into consideration the Managing Committee's opinion I think, Sir, I should not press my Amendment.

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

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

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that the proposed section 69B(2) of clause 3 shall be deleted.

Sir, this particular section reads as follows:—

"Whenever the Deputy Commissioner attaches under sub-section (1) an estate pertaining to a religious institution to which another estate or other estates in the same district pertain, the Deputy Commissioner may, with the previous sanction of the Provincial Government, also attach such other estate or some or all of such other estates, and take it or them under his own management or let it or them out in farm."

Sir, my object in moving this Amendment is that only the estate which is encumbered and is not paying Government revenue may be taken under Government management but the estates which are not in arrear but unfortunately correlated with the estate in default should not come under the purview of this Amendment.

From the Statement of Objects and Reasons it is apparent that this amending Bill has been brought forward by the Hon'ble Minister only for the good management of the religious estates which are in default. If that be so, I do not understand why the estates which are connected with the estate in default should also, for no fault of theirs, come under Government management. For this reason, Sir, I want to delete this clause. I hope, Sir, my Amendment will find favour with the Hon'ble Minister.

The Hon'ble the SPEAKER: Amendment moved:

"That the proposed section 69B(2) of clause 3 shall be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I want to remove some misapprehension in the mind of my hon. Friend, Maulavi Abdul Bari Chaudhury. He may not be aware that the estates in some cases are very small and scattered in different places that sometimes the payment in respect of those small estates is made out of the bigger estates. It may be necessary to attach the bigger estates along with the smaller ones in order to pay revenue relating to the smaller estates. If no such provision be made the smaller estates may go to the hand of the third party. It is only with the object of preventing such small estates falling into the hands of third party, that this provision is made. The Deputy Commissioner will explain and submit proposal with regard to these estates so that if the Government is convinced that the attachment of other estates is also necessary then only other estates will be attached; otherwise, not. This is a safeguard and the clause is very clearly stated, namely, "an estate pertaining to a religious institution to which another estate or other estates in the same district pertain, the Deputy Commissioner may, with the previous sanction of the Provincial Government, also attach such other estate or some or all of other estates, and take it or them under his own management or let it or them out in farm." This is a safeguard. Even if the Deputy Commissioner takes the management of the bigger estate, revenue in respect of the smaller estates may not be collected so it will have to be sold again. So in order to prevent that the smaller estates scattered over different places may not be sold with other more profitable estate which is being squandered away we are proposing to attach the smaller estates so that the revenue of the smaller estates can be realised. In view of this, I hope, my Friend will withdraw his Amendment.

Maulavi ABDUL BARI CHAUDHURY: I am not convinced, Sir, with the replies of the Hon'ble Minister but still, Sir, as explained in the Statement of Objects and Reasons that this particular Bill is mainly intended for Gauhati I do not want to press my Amendment. I therefore beg leave of the House to withdraw my Amendment.

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

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

Maulavi ABDUL HAI: Mr. Speaker, Sir, I beg to move that in the proposed section 69B(2) of clause 3 for the words "let it or them out in farm" occurring in the sixth and seventh lines, the words "let it out in consultation with the Managing Committee, if any" shall be substituted.

Here, Sir, the first thing I want to omit is 'let it or them out in the farm'. When, Sir, the power has been given to the Deputy Commissioner to manage the estate he may let it out in farm or otherwise. I find no reason why it should be specifically mentioned that it should be given out in farm. It should be given to the option of the Deputy Commissioner as he thinks fit to arrange for it. Here also, Sir, I am adding the words "in consultation with the Managing Committee, if any". The intention of the Deputy Commissioner as well as the Managing Committee will be the same in this so I have added the words in consultation with the Managing Committee so that Government as well as the public will have some voice. With these words, Sir, I commend my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in the proposed section 69B(2) of clause 3 for the words 'let it or them out in farm' occurring in the sixth and seventh lines, the words 'let it out in consultation with the Managing Committee, if any' shall be substituted".

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I cannot accept the Amendment because although the intention of my Friend is to give the discretion to the Deputy Commissioner, yet if these words are left out, the Deputy Commissioner will not be in a position to let out in farm and he will have to manage himself or through an officer.

Now under the present provision in the Bill he can appoint an officer to manage the estate or let it out for management on a fixed remuneration. I would draw the attention of the hon. Member to section 69B(1) wherein it is also stated "the Deputy Commissioner may, with the previous sanction of the Commissioner, attach such estate and may take it under his own management or may let it out in farm". So, in the interest of the estate it is absolutely necessary to leave this discretion to the Deputy Commissioner.

Maulavi ABDUL HAI: On a point of information, Sir. What is meant by "let it or them out in farm"?

The Hon'ble Srijut BISHNURAM MEDHI: In case of one estate it will be "let it out", and in case of more than one it will be "let them out".

The discretion must be left to the Deputy Commissioner as to how best he can manage the estate, whether he will manage himself or let it out on a fixed remuneration to a certain person. As regards consultation with the Managing Committee, here also the Deputy Commissioner's discretion should not be hampered. There may be a difference of opinion on this point with the Managing Committee. In case of difference of opinion the estate may be let out as suggested by the Committee to a third party from whom the Deputy Commissioner may think it may be difficult to realise money. The Deputy Commissioner should have a right to reject the suggestion. I would therefore request my hon. Friend to withdraw his Amendment.

Maulavi ABDUL HAI: As the Hon'ble Minister thinks that there is apprehension of creating some confusion, I do not like to embarrass the Deputy Commissioner provided the Government always keep the interest of the estate in mind and take adequate measures to that end. I therefore beg leave of the House to withdraw my Amendment.

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

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

Maulavi ABDUL BARI CHAUDHURY: In view of the fact that the former Amendment has been refused by the House, my †Amendment No. 8 does not stand, Sir.

Maulavi ABDUL HAI: My ††Amendment No. 9 falls through, Sir.

†Maulavi ABDUL BARI CHAUDHURY to move :—

That in the proposed section 69B(3) of clause 3, the words "or (2)" occurring in the second line shall be deleted.

††Maulavi ABDUL HAI to move :—

That in the proposed section 69B(3) of clause 3, for the words "let in farm" occurring in the fifth line, the words "let out" shall be substituted.

Maulavi ABDUL HAI: Mr. Speaker, Sir, I beg to move that in the proposed section 69B(3) of clause 3, after the words "Deputy Commissioner" occurring in the fifth and sixth lines, the words "along with the Managing Committee of the religious institution, if any" shall be added.

Sir, I propose to introduce these words with the intention that the Managing Committees may have some say in the matter. I hope, Sir, this time the Hon'ble Revenue Minister will not find it difficult to accept this Amendment.

With these few words, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in the proposed section 69B(3) of clause 3, after the words 'Deputy Commissioner' occurring in the fifth and sixth lines, the words 'along with the Managing Committee of the religious institution, if any' shall be added".

The Hon'ble Sriyut BISHNURAM MEDHI: Mr. Speaker, Sir, this is really a dangerous Amendment which cannot be accepted—dangerous in the sense because the Managing Committee which have not got the power to get their name registered along with the trustees, will have this right if this Amendment is accepted. They are treated only as an Advisory Body to the trustee *viz.* Khadim or the Doloi. They have no rights of management. If this Amendment is accepted the Managing Committee will have the right to get their name registered and will be a settlement-holder along with the Deputy Commissioner. They will in that case try to exercise all the rights that is conferred by this section on the Deputy Commissioner regarding management. This right has not been given to them even by Civil Courts where schemes of management have been formed. If the property is placed in the hands of two parties, *viz.*, the Deputy Commissioner and the Managing Committee, it cannot be properly managed. In the interest of the estate I would ask the hon. Mover to withdraw his Amendment.

Maulavi ABDUL HAI: I beg leave of the House to withdraw my Amendment, Sir.

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

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

Maulavi ABDUL BARI CHAUDHURY: My †Amendment No. 11 falls through, Sir.

Maulavi ABDUL HAI: Mr. Speaker, Sir, I beg to move that in the proposed section 69B (4) (i) of clause 3, for the words "defraying of the costs" occurring in the third line, the words "defraying of the reasonable costs" shall be substituted.

Sir, the very word "reasonable" is self-explanatory, and I hope this time the Hon'ble Minister will see his way to accept my Amendment.

†Maulavi ABDUL BARI CHAUDHURY to move:—

That in the proposed section 69B (4) (i), of clause 3, the words "or (2)" occurring in the second line, shall be deleted.

The Hon'ble the SPEAKER : Amendment moved :

"That in the proposed section 69B(4) (i) of clause 3, for the words 'defraying of the costs' occurring in the third line, the words 'defraying of the reasonable costs' shall be substituted."

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I am unable to accept this Amendment because this will introduce a debatable point. If somebody disputes whether the costs are reasonable or unreasonable, the matter will have to go to the Civil Court. I do not like to leave things in doubt. As I said, only actual costs will be deducted but not any extravagant expenses. Government will see to that. In view of this, Sir, the Amendment may be withdrawn.

Maulavi ABDUL HAI : As the Hon'ble Minister has become unreasonable with the word reasonable, I do not propose to press my Amendment.

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

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

Maulavi ABDUL BARI CHAUDHURY : The †Amendments Nos. 13 and 14 fall through, Sir.

Maulavi ABDUL HAI : Mr. Speaker, Sir, I beg to move that in the proposed section 69B (4) (ii) of clause 3, after the words "paid to the" occurring in the second line, the words "Managing Committee, if any, or" shall be inserted.

Sir, it is stated 'should any surplus remain after the appropriations as aforesaid, it shall be paid to the person conducting the daily worship or prayer'. But as I have said before, that as the Deputy Commissioner will take away the estate for the mismanagement by the person so mentioned, so when after the sale or attachment of the estate property if any surplus remains that surplus money should be paid to the persons concerned, or, in order to safeguard the interest of the estate, to the Managing Committee. And Government should see that the person for whose fault the estate has been attached should not get that surplus money and is actually handed over to him or them who is or are interested in the welfare of the institution. So, Sir, there is still room in the Bill for my Amendment.

With these words, Sir, I commend my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That in the proposed section 69B (4) (ii) of clause 3, after the words 'paid to the' occurring in the second line, the words 'Managing Committee, if any, or' shall be inserted."

†Maulavi ABDUL BARI CHAUDHURY to move:—

That in the proposed section 69B (4) (i) of clause 3, for the words 'all the estates' occurring in the fourth line, the words 'the estate' shall be substituted.

Maulavi ABDUL BARI CHAUDHURY to move:—

That in the proposed section 69B (4) (i) of clause 3, for the words "any of the estates under attachment" occurring in the sixth and seventh lines the words "such estate" shall be substituted.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I cannot accept this Amendment. The difficulty is that the Managing Committee is only an advisory body not authorised even by civil court to handle money belonging to the religious institution. Another trouble is that the members of the Managing Committee remain at far distant places from such religious institutions and they cannot supervise the daily worship or prayer. That is why, Sir, we like to entrust the task of carrying on the daily worship and prayer to the persons in charge who actually live near the place of the religious institution so that the surplus money may be paid to the person, directly. This is quite clear in the section. It says "Should any surplus remain after the appropriations as afore-said, it shall be paid to the person conducting the daily worship or prayer at the institution concerned on his furnishing such security as the Deputy Commissioner may require". My hon. Friend's Amendment wants to leave the matter to such persons who actually cannot look after such religious institutions as they remain at distant places. That is why this provision has been made. If there is any case of misappropriation of the money belonging to the religious institutions then the Managing Committee should see that the matter is brought to the notice of the Deputy Commissioner who will then enquire into the matter and being satisfied will compel the person to refund the amount for which security is given by the person for conducting the daily worship or prayer at the institutions concerned. In view of what I have said, Sir, the hon. Mover will please withdraw his Amendment.

Maulavi ABDUL HAI: Mr. Speaker, Sir, may I know from the Hon'ble Minister whether there is any person other than the Khadim to conduct this daily prayer? The Khadim is for collection of revenue and there is no one who is engaged for conducting the daily worship or prayer. In view of this does not the Hon'ble Minister think that the person other than the Khadim is the Secretary of the Managing Committee? As for example, if the estate of Powa-mucca is attached and then after realising the arrear of that estate to whom the balance money shall be paid?

The Hon'ble Srijut BISHNURAM MEDHI: For the proper management of such an estate the Deputy Commissioner is to find out a suitable man after due enquiries. He will ascertain who can be entrusted with the management of such property. He will exercise his discretion and select a suitable person who would be able to look after the property. Such a person will be entrusted with the management after furnishing the required security. There are many members of the Managing Committee and they cannot be finally entrusted with the conduct of religious worship or prayer of the religious institution.

Maulavi ABDUL HAI: May I know, Sir, whom the Managing Committee will blame if there is any misappropriation?

The Hon'ble Srijut BISHNURAM MEDHI: The hon. Member thinks that the Deputy Commissioner might exercise his discretion in a whimsical way. I say he will not do it. Not only from the members of the Managing Committee but from persons living near the Durgah some one suitable will be selected by the Deputy Commissioner.

Maulavi ABDUL HAI: Sir, I do not find any provision here under which the question of Managing Committee can apply. Nor is there any provision in the Act under which direction can be given to pay the surplus money to a person or Committee other than the person conducting the daily prayer.

The Hon'ble Srijut BISHNURAM MEDHI: Though there is no definite provision, if in the course of administration it transpires that there is no one living near such institution to take charge of the Durgah or religious institution the Deputy Commissioner will naturally consult the members of the Managing Committee and will take into consideration the suggestion made by such committees.

Maulavi ABDUL HAI: Sir, in view of the assurance given by the Hon'ble Minister that he will consider about it I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member the leave of the House to withdraw his Amendment? (*A pause.*)

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

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that in the proposed section 69B(4) (ii) of clause 3, the words "on his furnishing such security as the Deputy Commissioner may require" occurring in the third and fourth lines, shall be deleted.

Sir, in connection with my Amendment I may be allowed to read out the proposed sub-section (4)(i) which is as follows: "The income of every estate attached under sub-section (1) or (2) shall be applied as follows:

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

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

Thirdly, to the discharge of the arrear for the recovery of which the attachment was made."

Then should any surplus remain after the appropriations it shall be paid to the person conducting the daily prayer at the institution concerned on his furnishing such security as the Deputy Commissioner may require. Sir, I take exception to the portion "on his furnishing such security as the Deputy Commissioner may require." My apprehension is that after meeting all these three prior demands, there will be nothing left for the maintenance of the person performing the prayer or worship. Sir, the Hon'ble Minister has admitted that it is the Shebayat or the Khadem who is generally in fault and for the proper management of the shrine and for his own maintenance, the person who actually worships or performs prayers must get sufficient income. Sir, by this portion we are going to impose another clog on the method of his receiving this income; that is to say, if this person agrees only to furnish the security to the Deputy Commissioner, in that case only the surplus of income will be given to him. Sir, the Hon'ble Minister has not explained to us what kind of security should be furnished. In these circumstances, this portion ought to be deleted.

The Hon'ble the SPEAKER: Amendment moved:

"That in the proposed section 69B(4)(ii), of clause 3, the words 'on his furnishing such security as the Deputy Commissioner may require' occurring in the third and fourth lines, shall be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I have already stated why this security is taken. This man in-charge may misappropriate the money without carrying on the daily worship or prayer that is being done in these institutions. For the due performance of worship or prayer this security is to be taken. If the Managing Committee or the public think that

this man is misappropriating or misusing the money without performing the worship or prayer then they may approach the Deputy Commissioner who after enquiry may compel him to refund the money in case the amount is not spent in connection with daily prayer or worship for the management of the religious institutions. In order to see that the man entrusted with the money is performing his duties and keeping the accounts of the money that he is using to the satisfaction of the Deputy Commissioner this provision of furnishing security has been made to enforce refund in case of negligence of his daily duties in case of misappropriation of money.

So, Sir, in view of this I think, my hon. Friend will appreciate why these words have been added. In view of this, I think, my hon. Friend will withdraw his Amendment.

Maulavi ABDUL BARI CHAUDHURY: In view of the reply given by the Hon'ble Minister-in-charge I beg leave of the House to withdraw my Amendment.

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

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

The Hon'ble the SPEAKER: Amendment No.17 stands in the name of Maulavi Abdul Hai.

Maulavi ABDUL HAI: I am not moving my †Amendment, Sir.

The Hon'ble the SPEAKER: Amendment No.18, Maulavi Nasir-ud-Din Ahmed.

Maulavi NASIR-UD-DIN AHMED: Mr. Speaker, Sir, I beg to move that after proposed section 69B(4) (ii) of clause 3 the following proviso shall be added:—

“Provided always that such amount shall have to be paid to the person conducting the worship or prayer, as the Government may consider fair and equitable so as to enable him to maintain his status as such”.

Sir, I have been actuated to move this proviso finding that the persons conducting the worship or prayer, viz., the Pujaris and the Imams, have been relegated to a helpless position. In the said section, Sir, we find Government in the role of the proverbial Shylock who insisted on his pound of flesh.

If I read the section 4(1) it will be quite clear and it is as follows:

“Firstly, to the defraying of the costs of attachment, management and collection in respect of all the estates so attached. Secondly, to the payment of all sums lawfully due to the Government on account of revenue or otherwise in respect of any of the estates under attachment; and thirdly, to the discharge of the arrear for the recovery of which the attachment was made.”

Now, Sir, Government is insisting for the payment on all these accounts, and I am afraid that after making all these payments, on the first, second and

†Maulavi ABDUL HAI to move:

That in the proposed section 69B(4) (ii) of clause 3 for the words “on his furnishing” occurring in the third line, the words “on its or his furnishing” shall be substituted.

third head. very little remains for the maintenance of these Pujaris and the Imams. So, unless Government make some such provisions so that the Pujaris and the Imams may get some sort of subsistence allowance so that they may carry on these functions, the very purpose of the Bill will be defeated.

We know very well that these Pujaris cannot carry on their Puja, Arati and Archana, and these Imams cannot lead their congregations with an empty stomach. So, Sir, I expect that the Hon'ble Minister-in-charge, seeing the helpless position of these Pujaris and Imams, will kindly accept this modest Amendment, which only tries to give some security to these persons carrying on these functions.

With these few words, Sir, I commend my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That after proposed section 69B (4) (ii) of clause 3 the following proviso shall be added:

'Provided always that such amount shall have to be paid to the person conducting the worship or prayer, as the Government may consider fair and equitable so as to enable him to maintain his status as such.'

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I do not really understand the purpose of this Amendment. If the Amendment is carried the effect will be that this will get precedence to the necessary cost that is required for the purpose of daily worship or prayer. I can tell the hon. Member that these Pujaris are being maintained by the daily offerings that are received daily from the surrounding places. And also in Durgahs many people bring lots of things for distribution to the poor, and the Imams are practically fed on them. If there be any surplus that will be for the Managing Committee to decide as to how much should be given to the Pujaris or the Imams.

So, under these circumstances this Amendment cannot be accepted and I hope my learned Friend will withdraw his Amendment.

Maulavi NASIR-UD-DIN AHMED: In view of the answer given by the Hon'ble Minister, and in view of the categorical reply that he cannot accept this modest proviso, I beg leave of the House to withdraw my Amendment.

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

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

Maulavi ABDUL KHALEQUE AHMED: Mr. Speaker, Sir, I beg to move that the proviso to proposed section 69B(5) (ii) of clause 3 shall be deleted.

Sir, section 69B(5) (ii) runs as "when an estate is released from attachment, the Deputy Commissioner shall forthwith reinstate the settlement-holder, Lakherajdar or proprietor, as the case may be, in possession". And the proviso runs as "Provided that if the Deputy Commissioner is not satisfied that the future management of any such estate or estates would be such as would adequately ensure the punctual payment of future dues to Government in respect of such estate or estates, he may, with the previous sanction of the Provincial Government, maintain the attachment of such estate or estates in force until he is so satisfied".

Sir, if this proviso is not deleted, the main sub-section 69B (5) (ii) will not have any effect or force. An estate is taken under the management of Government only for the realisation of the arrear dues. Future is future, Sir. It will be very difficult for a Deputy Commissioner to understand whether a proprietor or a Lakherajdar will be able to manage the estate and to pay the Government dues regularly unless the estate is handed over to him and let him manage his estate. Sir, when the Government arrear is realised, I do not see there is any harm in giving the estate to the proprietor or the Lakherajdar for giving him a chance to manage his estate. It may be that he will be able to better manage his estate. Under these circumstances, I consider the proviso redundant, and I hope the Hon'ble Minister-in-charge will accept my Amendment.

The Hon'ble the SPEAKER: Amendment moved:
 "That the proviso to proposed section 69B(5)(ii) of clause 3, shall be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I am sorry to say that I cannot accept this Amendment. I may inform my hon. Friend the Mover of the Amendment that an estate comes under the management of the Deputy Commissioner only when the Lakherajdar or the manager of the Lakheraj estate makes the estate bankrupt; due to mismanagement or failure to pay Government revenue. Only then the estate will be attached. So, before making over the estate or the Lakheraj estate to the manager, proper precaution should be taken by the Deputy Commissioner to see that it is not mismanaged again. Under the provision of this Bill discretion is given to Deputy Commissioner to ascertain if manager or trustee will manage the estate properly. The liabilities of an estate cannot be liquidated in a moment's time; it may take one year, two years or more, and no definite time can be fixed. So, the subsequent clause (iii) says that no attachment shall continue for a period longer than two years without the previous sanction of the Provincial Government. This will be sanctioned by the Provincial Government after careful scrutiny of the proposal submitted by the Deputy Commissioner. The Deputy Commissioner cannot keep a property under attachment for more than two years. If an estate is to be kept under attachment for more than two years, a proposal will have to come from the Deputy Commissioner to the Provincial Government who will consider and sanction extension of the period for more than two years when circumstances justify such extension. Greatest safeguard is necessary before returning an estate so that it may not fall in arrear again. These are the reasons why the provision has been made. In view of this, I hope my hon. Friend will not press for his Amendment.

***Maulavi ABDUL KHALEQUE AHMED:** I think the Deputy Commissioner will be at liberty to attach an estate whenever he sees that it is mismanaged. However, as the Hon'ble Minister is not giving us any hearing, I do not like to press my Amendment.

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

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

Babu KAMINI KUMAR SEN: I find there is a printing mistake in the first line of sub section (ii). The word 'realised' should be 'released'.

The Hon'ble Srijut BISHNURAM MEDHI: Yes, it was a printing mistake and has since been corrected.

The Hon'ble the SPEAKER : Now, Amendment No. 20 to be moved by hon. Maulavi Abdul Hai.

Maulavi ABDUL HAI : Mr. Speaker, Sir I beg to move that in the proviso to proposed section 69B (5) (ii) of clause 3 for the words "the Deputy Commissioner is" occurring in the first line the words "the Deputy Commissioner and the Managing Committee, if any, are" shall be substituted.

Sir, just now the Hon'ble Minister-in-charge of Revenue has said that greatest safeguard is necessary before returning an estate. I agree with that view and my Amendment is in line with that. For the safeguard of religious institutions greatest precaution is necessary. So, instead of giving full power to the Deputy Commissioner, who may be an honourable gentleman, the power should lie with him as well as with the Managing Committee in respect of a public property and a religious institution. I do not mean by this any insinuation to the Deputy Commissioner. But for the safeguard of these properties, the Deputy Commissioner should not do anything alone but should consult the Managing Committee also. With this view, Sir, I have brought this Amendment and hope that the House will allow this Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That in the proviso to proposed section 69B (5) (ii) of clause 3 for the words 'the Deputy Commissioner is' occurring in the first line the words 'the Deputy Commissioner and the Managing Committee, if any, are' shall be substituted".

Maulavi NURUL HOSSAIN KHAN : Mr. Speaker, Sir, this Government which poses to be a popular one, appears to be very much dependent on officers and to have no faith on the public and in popular management of the religious institutions concerned. I noticed with regret that the Hon'ble Minister-in-charge put up a strenuous fight, so that the public might not have any share in the management of their own institutions.

It is highly desirable that the people concerned should have a say in the management of their own institutions. I submit, Sir, that the Government, if they are really popular, should see their way to take the public into their confidence in the management of the institutions in question.

With these words, Sir, I beg to support the Amendment of my hon. Friend, Maulavi Abdul Hai.

Adjournment

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

After lunch

The Hon'ble the SPEAKER : Hon'ble Mr. Medhi may please reply.

The Hon'ble Srijit BISHNURAM MEDHI : The proposed Amendment would create dual control and it is always very dangerous to have dual control and as I have already stated that the Deputy Commissioner will consult with all persons having connection with such institutions, this Amendment does not seem to be necessary. So I would request my hon. Friend to withdraw his Amendment.

Maulavi ABDUL HAI : I beg leave of the House to withdraw my Amendment.

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

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

The Hon'ble the SPEAKER : Amendment No.21.

Maulavi ABDUL HAI : I do not like to move my *Amendment, Sir.

The Hon'ble the SPEAKER : Amendment No.22.

Maulavi NASIR-UD-DIN AHMED : I do not like to move my **Amendment, Sir

The Hon'ble the SPEAKER : The question is :
"That Clause 3 of the Bill as amended stands part of the Bill."
The question was adopted.

The Hon'ble the SPEAKER : The question is :
"That the Title and Preamble of the Bill as amended stands part of the Bill".
The question was adopted.

The Hon'ble the SPEAKER : We come to item No.3(b). Hon'ble Srijut Bishnuram Medhi.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to move that the Assam Land and Revenue (Amendment) Bill, 1946, as amended by the House, be passed.

The Hon'ble the SPEAKER : The question is :
"That the Assam Land and Revenue (Amendment) Bill, 1946, as amended by the House, be passed."

Maulavi ABDUL BARI CHAUDHURY : Sir, I beg to submit a few words on the last stage of the Bill. Unfortunately, the Hon'ble Minister did not see his way to accept any of our Amendments excepting one. Sir, all these Amendments were moved to help the estates towards better management, but the Hon'ble Minister did not concede to our point of view. Then again, after so much discussions over this Bill we are not certain as to what useful purposes will be served by this Bill. Excepting the last two clauses which appertains to the general estates, there is nothing worth considering. The Amendments that have been proposed by the Hon'ble Minister and have got the sanction of the House are really something very drastic and we do not know whether these will improve the present state of affairs.

Sir, there was an Amendment in the name of hon. Maulavi Muhammad Roufque, who wanted that Muslim religious estates should not be included in the operation of this Bill, but the Hon'ble Minister did not like that this Bill should be of a partisan nature, and therefore, he could not agree to this particular

* Maulavi ABDUL HAI to move :—

That in the proviso to proposed section 69B(5)(i), for the words "he is so satisfied" occurring in the sixth line, the words "he and the Managing Committee, if any, are so satisfied" shall be substituted.

**Maulavi NASIR-UD-DIN AHMED to move :—

That in the proposed section 69B(5)(iii), the words "without the previous sanction of the Provincial Government" occurring in the last line, shall be deleted.

Amendment. In the Surma Valley, Sir, we know that there is not a single religious estate which is encumbered in this way. The Hon'ble Minister explained that these encumbered estates are mostly in the Kamrup district and we would have been pleased if by this amending Bill, the encumbered estates would be benefited, but we have got grave doubts about it. As such, I cannot support the Motion that has just been proposed by the Hon'ble Minister.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I assure the hon. Members who have spoken in connection with this Bill, that there need be no apprehension due to the powers vested by this Bill. The powers will be utilised in a way which will never adversely affect any of the religious institutions. I am glad to learn from Maulavi Abdul Bari Chaudhury that the estates in the Surma Valley are not encumbered in any way. If that be so there cannot be any apprehension that they will come under the purview of this Act. But his statement that majority of the estates are situated in the Kamrup district only is quite incorrect as there are other estates also in different parts of the Province. These estates are not confined to Gauhati or Kamrup alone and this legislation has been meant not only to give benefit to the institutions in Kamrup but religious institutions in other places as well so that properties of those institutions cannot be sold away for default in payment of arrears of land revenue by third party, so that these religious institutions may not be deprived of the benefit that they would derive from such estates. So with the sole object of protecting the interests of these religious institutions and also to safeguard the recovery of the arrear of Government revenue falling due to the mismanagement of the Khadim or Doloi, that this Bill has been introduced.

In view of these, I think, my hon. Friend will not oppose this Bill.

The Hon'ble the SPEAKER: The question is:

"That the Assam Land and Revenue (Amendment) Bill, 1946, as amended, be passed."

The question was adopted.

The Hon'ble the SPEAKER: Then item No.4 of the Agenda.

The Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946

The Hon'ble Srijut BISHNURAM MEDHI: I beg, Sir, to present the Report of the Select Committee on the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946, for the consideration of the House, and to move that the Bill, as reported by the Select Committee be taken into consideration.

Sir, the principal change that the Bill has undergone during the course of the debate in the Select Committee is with regard to the period for which the occupancy right is conferred. It has been reduced to 10 years from 12 years. This principal Amendment and other incidental Amendments also have been made. Some of the clauses and phrases have been changed. I need not take up the valuable time of the House in dealing with all these details. I hope the hon. Members of the House will accept this Bill and get it passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946, as reported by the Select Committee, be taken into consideration."

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I happened to be a Member of the Select Committee and am really glad that most of the objectionable features in the Government Bill have been removed by the Select Committee. The Bill as it stands, I must admit, is not an ideal one; but considering

all factors and all interests, I think the hon. Members of the House will find no difficulty in accepting the Bill as it has emerged from the Select Committee.

Sir, some Members of the Select Committee and also some hon. Members of this House are of the opinion that the transfer fee that has been provided in the Bill is quite unjustified. In principle also, it does not stand. Even if a holding is transferred to some other person, the landlord still remains the landlord and he will get his proper rent. In the circumstances, there is hardly any justification for providing certain percentage as his transfer fee. We are seriously of opinion that this provision ought to go. As I have said, this Bill is hanging for the last 10 years, and to expedite matters we have agreed even to include this particular portion for the time being. I do hope that the Hon'ble Minister after the Bill becomes law would be coming forward with an amending Bill to remove this objectionable feature. Sir, we are also of opinion that as the landlord has got some rights over the tenants, reciprocally these should be given to the tenant and under certain circumstances a reduction of rent ought to be allowed to him; but in spite of our efforts such a provision could not find place in the Bill. Any way it is a much improved Bill and we have great pleasure in according our support to the Report of the Select Committee.

The Hon'ble the SPEAKER : The question is :

"That the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946, as reported by the Select Committee be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER : We come to item No.4(c) in the agenda, i.e., consideration of the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946, clause by clause. There are some Amendments to clauses 2 and 10. I put the question in respect of clause 1 as there is no Amendment to clause 1.

The question is :

"That clause 1 of the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946 stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : There are three Amendments to clause 2 of the Bill. Babu Nirendra Nath Dev to move his Amendments.

Babu NIRENDRA NATH DEV : Mr. Speaker, Sir, I like to move my Amendment. That after sub-clause (d), in clause 2 the following shall be added as sub-clause (e)—

"(e) Lands used for residence of the landlord and reserved for being used for such purpose in its vicinity and let out in lieu of service or merely in consideration of relationship or affection."

Mr. Speaker, Sir, in moving this Amendment the idea is to give some protection to the landlords, so that they may not have to suffer for allowing some persons to have temporary quarters in their own residential quarters. It is on account of this that the present Amendment is moved. I hope hon. Members of this House will appreciate the difficulty some landlords may have to meet unless some such provision is made in the Bill and will support my Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That after sub-clause (d) in clause 2 the following shall be added as sub-clause (e)—

"(e) Lands used for residence of the landlord and reserved for being used for such purpose in its vicinity and let out in lieu of service or merely in consideration of relationship or affection."

Srijut MOHENDRAMOHAN CHOUDHURY: Sir, I have got an Amendment regarding clause 2, sub-clause (d). It is almost akin to the Amendment moved by Mr. Nirendra Nath Dev.

I beg to move that after sub-clause (d), of clause 2 the following shall be added as sub-clause (e) :—

“(e) Lands used for residence of the landlord and reserved for being used for such purpose in its vicinity and let out to persons or let out in lieu of service or merely in consideration of relationship or affection”.

I do not propose to move the rest of the sentence of my †Amendment now as that is something separate.

The Hon'ble the SPEAKER: Both these Amendments are to the same effect.

The Hon'ble Srijut BISHNURAM MEDHI: Only a few words are added “let out to persons or”.

The Honble the SPEAKER: Amendment moved:

“That after sub-clause (d) of clause 2 the following shall be added as sub-clause (e) :—

“(e) Lands used for residence of the landlord and reserved for being used for such purpose in its vicinity and let out to persons or let out in lieu of service or merely in consideration of relationship or affection”.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Mr. Speaker, Sir, I rise to oppose the Amendment moved by my hon. Friend, Mr. Dev. I am really surprised to find that an hon. Member of such standing, not only in this Assembly but also in the organisation to which he belongs, should have come forward to plead the cause of the landlords. The Members of the Government Benches have been loud in their voice that they stand for the people. I fail to understand Sir, how an hon. Member like Babu Nirendra Nath Dev could move such an Amendment which goes directly against the poor? It is definitely against any progressive legislation. Sir, this matter was discussed threadbare in the Select Committee and it was unanimously decided in the Select Committee that sub-section (c) of clause 2 should be deleted.

The Hon'ble the SPEAKER: That was for manufacturing purposes, am I correct?

Maulavi MAYEENUD-DIN AHMED CHOWDRY: No, Sir, sub-section (c) of the original Bill was deleted by the unanimous decision of the Select Committee. Sir, the word “vicinity” is really very vague and does not define the area. When we want that this kind of legislation should not take place at all,

CLAUSE 2

†1. Srijut MAHENDRAMOHAN CHOUDHURY to move :—

That after sub-clause (d), the following shall be added as sub-clause (e) :—

“(e) Lands used for residence of the landlord and reserved for being used for such purpose in its vicinity and let out to persons or let out in lieu of service or merely in consideration of relationship or affection:

Provided further that nothing in this Act shall affect the permanent, heritable and transferable rights acquired under any existing law or contract or otherwise”.

that is, we do not like that tenants should render service in return of enjoying a building or a plot of land, I find no reason why such a legislation whereby right of tenancy is denied to a section of people should be espoused by a member who belongs to that organisation which is loudest in its proclamation that it stands for the people. With these words, Sir, I oppose the Amendment moved by my Friend, Mr. Dev.

Maulavi ABDUL KHALEQUE AHMED: Sir, I stand to oppose the Amendment. I am surprised, Sir, to see my learned Friend the Mover of this Amendment who is a staunch Congressman for a long time and who always cries out in platform day and night for the independence of the country as well as for himself, is blind to the independence of the service tenants. Sir, I shall say only a few words. The proprietors are ready to give occupancy right for only a few rupees from the tenants, but they are not prepared to give anything to the service tenants for the valuable services they render to their masters. The Amendment supports this idea of the proprietors. The service tenants give the proprietors their flesh, their bone, their blood, their life and what not? Still they should not be given any right, this is the provision of the Amendment. Sir, I am surprised to see the mentality of my hon. Friend the Mover. Sir, these people, I mean the service tenants, if this Amendment is allowed, will always remain under the servitude of the proprietors and their hopes and aspiration for independence will go for ever. Sir, these service tenants have been living a life of misery. They are never cared for. The proprietors realise all sorts of services from them but they do not care for their food and their cloth. I appeal to this House—to the Members of all groups to see to the interest of these neglected people and I hope my hon. Friend in consideration of what I have said, will withdraw his Amendment.

Maulavi NURUL HOSSAIN KHAN: Mr. Speaker, Sir, the principle of legislation should be the greatest good to the greatest number of people. This is the principle, Sir, on which legislation should be based at all time. With this object in view the provision of service tenants was omitted by the Select Committee but I do not find any reason why Mr. Dev, a prominent member of the Congress Party, standing always, as he says, for the people and by the people, should now come forward with an Amendment which seeks to give advantage to only a handful of persons. Sir, the provision of service tenure certainly militates against all ideas of self-respect and decency. No body with a grain of self-respect in him can agree to this. This degenerates the people to the position of serfs.

In these days of progress and advancement when the country is crying for independence, it will certainly be very unjust for this House to enact a piece of legislation which will take away the birth-right of a section of the people on account of the fact that they happen to live in a piece of land which belongs to others.

Sir, it is only necessary that law should be framed in such a manner that it gives the greatest liberty to the people. It is against all principles of liberty and self-determination that we should enact a law which compels a man to render personal service to another.

With these few words, Sir, I oppose the Amendment moved by my hon. Friend, Mr. Dev.

***Maulavi MUDABBIR HUSSAIN:** Mr. Speaker, Sir, I need not say anything about service tenure; much has been said against it. But I should

like to say a few words with regard to persons who have been given a piece of land on account of relationship and affection. By this Amendment, Mr. Dev has suggested that the person who has been given land on account of relationship and affection should also be deprived (The Hon'ble Mr. Basanta Kumar Das:—*Mere relationship*). Yes, Sir, mere relationship and affection. A pertinent question may be put to Mr. Dev that when a person has been given a piece of land merely on account of relationship and affection why should this House assume that there will be a break in the relationship or loss of affection? Sir, I think that when a person gives a piece of land on account of relationship and affection he does it with this responsibility that this piece of land may not be returned to him. So, Sir, I think this House should not do anything merely on assumption.

The Hon'ble the SPEAKER: What is the point that the hon. Member seeks to make out? If there is no breach of relationship or loss of affection this clause will not be attracted at all.

***Maulavi MUDABBIR HUSSAIN:** But, Sir, if there is a break in relationship the person will continue to enjoy that land as the owner gave him the land with the responsibility that he may not get back the land. Why should you assume that there will be a break in relationship and the land will be demanded back? Therefore, Sir, that part of the Amendment is redundant and I oppose the Amendment moved by my hon. Friend, Mr. Dev.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I rise to oppose both the Amendments—one moved by Mr. Dev and the other by Mr. Mahendramohan Choudhury.

Sir, I really pity my hon. Friend Mr. Nirendra Nath Dev who has so long been known as a friend of the poor. I did not expect that this particular Amendment would be tabled by him. I would have appreciated if any member representing the vested interests had come forward with a similar Amendment. Sir, I can well imagine how this particular Amendment was thrust upon him, but, still I did not expect him to submit to this sort of tyranny.

Sir, the greatest difficulty about this Amendment is that we do not know the definition of the word "vicinity"; it may be 200 yards, it may be 500 yards. Under the circumstances, this clause will have a dangerous implication; it will apply to all persons, all kinds of tenants and sundry. Sir, it has already been stated on the floor of the House that after a good deal of discussion item (c) under the proviso to clause 2 was left out from the original Bill, as it was considered by all members of the Select Committee as the most objectionable provision, and all the members were unanimous in their demand for deleting this particular clause. I do not know, Sir, what happened in course of a week to alter the mentality of some of our Congress friends. My hon. Friends who proclaim from house-top that they really stand for the poor should not have brought this Amendment. In reality they should not have recognised anything like service tenure which is against all moral principles. Sir, as regards the second Amendment moved by Mr. Mahendramohan Choudhury, I should say that he has stolen another march over Mr. Dev. He has not only provided for the service tenures, but he had also sought to provide for all kinds of tenants who happen to get lease of holdings in the vicinity of the landlord's residence and build their houses on them. Sir, we cannot subscribe to this point of view.

With these words I emphatically oppose both the Amendments that have been moved by two prominent Members of the Congress Party.

Babu NIRENDRA NATH DEV: Mr. Speaker, Sir, may I say a few words.....

Maulavi ABDUL BARI CHAUDHURY: You have no right of reply.

Babu NIRENDRA NATH DEV: I have got the right to give a personal explanation, as a personal reference was made to me by Maulavi Abdul Bari Chaudhury.

Sir, I do at once repudiate my hon. Friend Maulavi Abdul Bari Chaudhury's charge that this Amendment was thrust on me by somebody else. This is far from truth, Sir. When I tabled this Amendment I knew my responsibility fully well, and even now after all that I have heard from the hon. Members I do stand for my Amendment. I am afraid, Sir, the hon. Members have fully misunderstood the implications of this Amendment; it does not really take away the rights of service tenants who live outside the vicinity of landlord's house.

(Voices: This is not personal explanation).

Maulavi MAYEENUD-DIN AHMED CHOWDURY: What does the hon. Member mean by 'vicinity of landlord's house'?

Babu NIRENDRA NATH DEV: Sir, I do appreciate that owing to the inherent defect in language there may be some ambiguity in the meaning of the word 'vicinity'. We all know that language suppresses our ideas, more often than expresses our real mind. Up till now Sir, not a single Act has been passed by any Legislature or Parliament, over the interpretation of sections of which pleaders have not differed. It is very difficult to find out appropriate words which we can use to get the real meaning of legislations. But, Sir, whenever there will be any case of doubt the Court will decide and give the appropriate meaning of the word 'vicinity'. I do appeal to the hon. Member to appreciate this piece of Amendment. If the land is in the vicinity of residential quarters of the landlord himself the landlord may keep that land reserved for his future use for his residential purposes. But unless the landlord can prove that his particular land was kept reserved for his residential purposes and the same falls within his own residential areas or in its vicinity and the Court has also found that the land was particularly reserved for his residential quarters the landlord will derive no benefit out of this Amendment. I submit that the service tenant living outside the vicinity of landlord's house will have no difficulty in getting occupancy right on his land.

Sir, in view of the Amendment moved by my hon. Friend Mr. Mahendramohan Chaudhury I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member the leave of the House to withdraw his Amendment? (Several voices of 'No' from the Opposition side). The hon. Member has not got the leave of the House to withdraw his Amendment.

The Hon'ble Sriji BISHNURAM MEDHI: Mr. Speaker Sir, the apprehension expressed by some of my hon. Members of this House is that this Amendment is proposed to perpetuate the service tenure without giving them the right of occupancy. There is no ground for such an apprehension and hon. Members are not correct in what they say. These two particular Amendments have no ulterior motive of depriving the service tenant the right of acquiring heritable and transferable occupancy right outside the residential areas or the land kept reserved by the

landlord near his residential areas for expansion of his residential quarters in future when the number of his family would gradually increase and would require more land for residential purpose. The proposed Amendments for the protection of the interest of the landlord in such residential areas, do not confer any occupancy right on service tenants allowed to occupy any portion of such land. I may elaborately explain the position. Sometimes servants who work for their landlords, are allowed to remain near or even in the compound of their landlords either for their own convenience or out of affection. Sometimes it so happens that the servants who remain from their infancy and work for their landlords are got married and are allowed to remain near the residential quarters of the landlords with their family. But in such cases if such servants or tenants are given the right of occupancy then they might take the advantage of transferring their land by sale to a third party or to an undesirable person who would eventually be a source of great nuisance and harassment to the landlords. In such cases alone the Amendment seeks to give protection to the landlord so that landlords' enemies may not procure a transfer of such occupancy right to put him to troubles. Moreover, Sir, instances of the service tenants in the towns, as will be admitted by many hon. Members, are very few and they might be counted in finger tips. The few service tenants are not likely to be affected by these Amendments. If the hon. Member thinks that the word 'vicinity' is vague and indefinite, if difficulty is experienced at the time of giving effect to this provision, the Government will consider the matter and remedy any such difficulty under the rule-making power conferred under this Bill. I emphasize that the imaginary apprehension for these two Amendments has no foundation at all. The service tenant can occupy his land perpetually and he will not be deprived of it, but he cannot in any way be allowed to be an instrument of mischief or a cause of the breach of peace by conferring the right of occupancy in such areas. By the way I may mention that some of our pleader friends here know very well that sometimes they allow their Mohorars to remain in their own compounds for their own convenience. But after getting the occupancy right if they—the Mohorars—transfer the land in their occupancy to a third party, how my pleader friends would feel then. Under all these circumstances this is a question to be carefully thought of. These Amendments are therefore quite harmless from Government point of view and Government have no objection in accepting Mr. Mahendramohan Chaudhury's Amendment which includes the other Amendment as well.

The Hon'ble the SPEAKER : As hon. Mr. Mahendramohan Choudhury's Amendment includes within it the Amendment that has been tabled by hon. Mr. Nirendra Nath Dev, I put Mr. Chaudhury's Amendment first.

The question is :

"That after sub-clause (d) of clause 2, the following shall be added as sub-clause (e) :—

"(e) Lands used for residence of the Landlord and reserved for being used for such purpose in its vicinity and let out to persons or let out in lieu of service or merely in consideration of relationship or affection."

The Assembly divided

Ayes—53

1. The Hon'ble Srijut Gopinath Bardoloi.

2. The Hon'ble Mr. Baidyanath Mookerjee.

3. The Hon'ble Mr. Basanta Kumar Das.

4. The Hon'ble Srijut Bishnuram Medhi.

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| 5. The Hon'ble Srijut Ram Nath Das. | 28. Srijut Motiram Bora. |
| 6. The Hon'ble Maulavi Abdul Matlib Mazumdar. | 29. Babu Nirendra Nath Dev. |
| 7. Shri Abala Kanta Gupta. | 30. Srijut Purandar Sarma. |
| 8. Srijut Bepin Chandra Medhi. | 31. Srijut Purna Chandra Sarma. |
| 9. Srijut Bhadra Kanta Gogoi. | 32. Srijut Purnananda Chetia. |
| 10. Srijut Bejoy Chandra Saikia. | 33. Babu Purnendu Kirhore Sen Gupta. |
| 11. Srijut Bimalaprosad Chaliha. | 34. Srijut Santosh Kumar Barua. |
| 12. Srijut Dandeswar Hazarika. | 35. Srijut Sarat Chandra Sinha. |
| 13. Srijut Gauri Kanta Talukdar. | 36. Srijut Siddhi Nath Sarma. |
| 14. Babu Gopesh Chandra Pal. | 37. Babu Suresh Chandra Biswas |
| 15. Srijut Haladhar Bhuyan. | 38. Maulavi Abdur Rasheed. |
| 16. Srijut Hareswar Das. | 39. Moulana Ibrahim Ali. |
| 17. Srijut Harinarayan Barua. | 40. Mr. C. W. Morley. |
| 18. Srijut Hem Chandra Hazarika. | 41. Mr. W. R. Faull. |
| 19. Babu Jagat Bandhu Sircar. | 42. Mr. H. Patterson. |
| 20. Babu Jatindranath Bhadra. | 43. Mr. A. C. Tunstall. |
| 21. Srijut Kameswar Das. | 44. Mr. E. H. Gruning. |
| 22. Babu Kamini Kumar Sen. | 45. Mr. J. S. R. Telfer. |
| 23. Babu Khagendra Nath Samadar. | 46. Mrs. Bonily Khongmen. |
| 24. Srijut Lakshesvar Borooah. | 47. Srijut Chanoo Kheria. |
| 25. Srijut Lakshmidhar Borah. | 48. Srijut Dalbir Singh Lohar. |
| 26. Srijut Mahendramohon Chaudhury. | 49. Srijut Dharanidhar Basumatari. |
| 27. Srijut Manisankar Basumatari. | 50. Srijut Dhirsing Deuri. |
| | 51. Srijut Jiban Santal. |
| | 52. Mr. Larsingh Khyriem. |
| | 53. Srijut Rupnath Brahma. |

Noes—20

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| 1. Maulavi Md. Abdullah. | 12. Maulavi Makabbir Ali Mozumdar. |
| 2. Maulavi Abdul Bari Chaudhury. | 13. Maulavi Mayeenud-Din Ahmed Chowdry. |
| 3. Maulavi Dewan Abdul Basith. | 14. Maulavi Mudabbir Hussain |
| 4. Maulavi Abdul Hai. | 15. Mumtazul Muhaddisin Moulana Md. Mufazzal Hussain. |
| 5. Maulavi Abdul Hamid. | 16. Maulavi Nasir-ud-Din Ahmed. |
| 6. Maulavi Abdul Khaleque Ahmed. | 17. Maulavi Nurul Hossain Khan. |
| 7. Maulavi Md. Abdul Latif. | 18. Maulavi Saiyid Muhammad Saadulla. |
| 8. Maulavi Dewan Abdur Rob Choudhury. | 19. Maulavi Sayidur Rahman. |
| 9. Maulavi Afazuddin Ahmed. | 20. Maulavi Dewan Taimur Raza Chaudhury. |
| 10. Dr. Emran Husain Chaudhury. | |
| 11. Maulavi M. Idris Ali. | |

The question was adopted

The Hon'ble the SPEAKER: There is no necessity to put the Amendment of hon. Babu Nirendra Nath Dev, as it is included in the Amendment just carried. Amendment No. 2 stands in the name of hon. Babu Nirendra Nath Dev.

Babu NIRENDRA NATH DEV: Mr. Speaker, Sir, I beg to move that after sub-clause (e) of clause 2 so inserted, the following shall be added as a second proviso and the existing proviso to the Clause shall be renumbered as proviso (i)—
“(ii) Provided further that nothing in this Act shall affect the permanent, heritable and transferable rights acquired under any existing law or contract or otherwise.”

The reasons are obvious, Sir, and I need not explain.

The Hon'ble the SPEAKER: Amendment moved:

“That after sub-clause (e) of clause 2 so inserted, the following shall be added as a second proviso and the existing proviso to the Clause shall be renumbered as proviso (i)—

“(ii) Provided further that nothing in this Act shall affect the permanent, heritable and transferable rights acquired under any existing law or contract or otherwise.”

Maulavi ABDUL BARI CHAUDHURY: Sir, I think, it should be “numbered” and not “renumbered”.

The Hon'ble the SPEAKER: There is no objection to delete “re”. So, it will be ‘numbered as proviso (i)’.

Maulavi NASIR-UD-DIN AHMED: Mr. Speaker, Sir, I lend my unstinted support to the Amendment moved by my hon. Friend Babu Nirendra Nath Dev. It is known to almost all the hon. Members of the House that in towns many other interests, such as, tenure, Darpattani, Sepattani, were created long long ago; and these tenants, i. e., Patnidars, the Darpattadars and Sepattadars acquired the right by paying a lump sum premium and by paying some fixed amount of rent. The object of the present Bill is to confer on the tenants certain rights and safeguard for want of which they were suffering. Surely, Sir, the object of the Bill is not to deprive those tenants of those valuable rights which they have already acquired. Under the above circumstances of things, I must congratulate my hon. Friend for bringing this urgent and salutary Amendment which will remove some vagueness in the Act. As I have already said, the tenants instead of being benefitted by this Act, they will lose some of their already acquired rights. In this view of the matter, Sir, I support the Amendment of my hon. Friend.

The Hon'ble Srijut BISHNU RAM MEDHI: I have no objection to accept this Amendment, as it makes the position clear. It is not the intention of Government to deprive the tenants of their existing rights, and the rights they had acquired before the introduction of this Bill but it is to confer on them new rights. So, I have no objection in accepting the Amendment of Babu Nirendra Nath Dev.

The Hon'ble the SPEAKER: The question is:

“That after sub-clause (e) of clause 2, so inserted, the following shall be added as a second proviso and the existing proviso to the Clause shall be numbered as proviso (i)—

“(ii) Provided further that nothing in this Act shall affect the permanent, heritable and transferable rights acquired under any existing law or contract or otherwise.”

The question was adopted

The Hon'ble the SPEAKER: There is no other Amendment to Clause 2. So, I put the question.

The question is:

“That clause 2 as amended, stands part of the Bill.”

The question was adopted.

Maulavi ABDUL BARI CHAUDHURI: May I make a submission, Sir? Srijut Mohendra Mohan Chaudhury tabled his Amendment today at 10-35 A. M. and we got the notice of the Amendment at 12-0; so we had no time to table necessary Amendments which might be necessary as a result of the Amendment moved. In the circumstances, may I be allowed to move an Amendment for inserting a definition of the word ‘vicinity’?

The Hon'ble the SPEAKER: I have finished with Clause 2 already.

Maulavi ABDUL BARI CHAUDHURY: It relates—to Clause 3—Definitions, Sir.

The Hon'ble Srijut BISHNURAM MEDHI: If my hon. Friend wanted to have a definition of the word ‘vicinity’ he should have done so much earlier.

Maulavi ABDUL BARI CHAUDHURY: In reply to the Hon'ble Revenue Minister I can say that the Amendments of hon. Mr. Dev and Mr. Chaudhury are not identical. The latter is more extensive.

The Hon'ble Srijut BISHNURAM MEDHI: The word ‘vicinity’ is there in both the Amendments.

Maulavi ABDUL BARI CHAUDHURY: But they are not the same. I will clarify the position, Sir.

The Hon'ble the SPEAKER: I see the hon. Member wants to suggest another definition of the term ‘vicinity’ along with (a), (b), (c), (d), (e), (f), (g), (h), (i), but this is a Government Bill and I suppose it will depend on the Hon'ble Minister either to accept it or not.

Maulavi MUDABBIR HUSSAIN: It has been admitted by the Government that the term ‘vicinity’ is vague and as such if the word ‘vicinity’ is deleted there will be improvement in the Bill, and I hope the Government will agree to accept this.

The Hon'ble the SPEAKER: The hon. Member stated that the Government admitted the vagueness of the term ‘vicinity’. I do not know whether it is a fact.

The Hon'ble Srijut BISHNURAM MEDHI: No, Sir, it is not a fact. I never admitted that.

Maulavi MUDABBIR HUSSAIN: If I remember aright I heard the Hon'ble Minister saying that the word 'vicinity' is a vague term and he further said that it can be defined under the rules. I definitely remember that.

The Hon'ble Srijut BISHNU RAM MEDHI: That is a different matter. If it be found subsequently that different interpretation is given to the word and if difficulty be felt in the application of the word 'vicinity' the difficulties may be removed at the time of framing the rules for carrying out this purpose of the Bill.

Maulavi ABDUL BARI CHAUDHURY: The consent of the Hon'ble Minister is not at all necessary and he has nothing to do with this. Whereas the hon. Mover of the Amendment gave notice at 10-35 A. M. this morning you, Sir, can waive the delay and allow me to move the proposed Amendment on the floor of the House.

The Hon'ble the SPEAKER: When it rests with the Chair it may be said to rest with the House because the Speaker is the elected representative of the House. In this case it is a Government Bill and I should not intervene.

Maulavi ABDUL HAMID: It is upto the House whether it gives consent to move an Amendment to a particular Motion. The whole object of the hon. Member is to put elastic elucidation of the word 'vicinity'.

The Hon'ble Mr. BASANTA KUMAR DAS: May I submit one thing, Sir? There cannot be an Amendment to an Amendment. Mr. Dev tabled his Amendment in time and there the word 'vicinity' occurred. My hon. Friend Maulavi Abdul Bari Chaudhury when he got notice of this Amendment he could have decided that there should have been an Amendment to the definition clause of the Bill defining the word 'vicinity'. Now, when an Amendment has been accepted in which the word 'vicinity' occurs the hon. Member comes forward with his Amendment. It would not, I think, be a good procedure to allow this Amendment to be moved. Of course, if there is any vagueness in the word 'vicinity' the Law Court is to see to it whether it is so. If the Court decides that this word is vague enough to create difficulties in deciding about the actual meaning of the provision embodied, then Government will certainly see to it that this provision be suitably amended. My Hon'ble Colleague, the Revenue Minister has pointed out that to the House. I do not therefore see any reason of creating a precedent by allowing the hon. Member to come with another Amendment, which will really be an amendment to an Amendment.

Maulavi ABDUL HAMID: The practice in this House is that if a particular Amendment is required for elucidation or clearing any point at issue that particular Amendment is accepted by the House. That is always allowed by the Chair. Here the difficulty is that the Hon'ble Home Minister who occupied the Chair for 10 years had occasions of having such an Amendment before objected to it but the hon. Member's intention is to define the word, whether it means one furlong, one mile or what?

The Hon'ble Mr. BASANTA KUMAR DAS: With regard to what my hon. Friend the Deputy Leader of the Opposition has said, Sir, I would like to point out that an Amendment may be made if the whole House agree that such an Amendment is necessary, but it is quite apparent that this side of

the House do not want to accept that the word 'vicinity' is a vague word. If all the Members agree to remove the vagueness the Amendment may be made.

Maulavi ABDUL BARI CHAUDHURY: May I know from the Hon'ble Home Minister when he was the Hon'ble Speaker whether he allowed to move such Amendments on the floor of the House?

The Hon'ble Mr. BASANTA KUMAR DAS: There was only one occasion. In one Bill—the Maternity Benefit Bill they used the words—she and he—to mean a male and female. When I pointed out that the House agreed to accept the Amendment to rectify that.

Maulavi NURUL HOSSAIN KHAN: It is very clear that this side of the House has some doubt as regards the meaning of the word 'vicinity'. The meaning should be made as clear as possible. I do not see any reason why Government Benches should disagree to define the word clearly, about which there is some suspicion in the minds of some of the hon. Members. We are here to see that the law is made as clear as possible, so that may not there be any unnecessary litigation and difficulty owing to the ambiguity in the meaning of the word. As people's representatives all the hon. Members of this House should agree that the word 'vicinity' should be clearly explained and interpreted. If the other party does not agree, it will go to show that they are not prepared to give legitimate protection to the people. In this view of the thing, I would request the Hon'ble Minister-in-charge to agree to this so that there may not be any difficulty in understanding the actual nature and extent of the right given to the people.

The Hon'ble the SPEAKER: I think, in normal circumstances, I would have perfectly agreed to what the Hon'ble Minister-in-charge of Legislative Department has said. When this Amendment was brought up, it should have occurred to those Members, who are objecting now, to see that this Amendment was tabled only this morning, and they have had no opportunity of studying the pros and cons of this Amendment; but after it was carried, and carried by a division, probably it is too late in the day to come with a further Amendment to have another sub-clause. The request that has been made by hon. Mr. Abdul Bari Chaudhury is really one that can be called an Amendment technically. In that technical sense the Amendment adds one sub-clause to clause 3 to give elucidation to that. Clause 3 gives definitions and there are 9 definitions already, and the hon. Member wants to add one more definition to those existing ones. So for all practical purposes, it is an addition of certain explanation towards clarification of the Act. We have also to recollect the extraordinary circumstances of this particular piece of legislation. By the consent of the hon. Members of this House, this Bill has been practically rushed. The other day, at the request of the Members, I declared that the report of the Select Committee will be presented to-day, and the consideration of the Bill, as it emerged from the Select Committee, will be taken into consideration as well as the Bill will be taken up, clause by clause, to-day. I also indicated the time by which notices of Amendments were to be given. This Amendment was clearly beyond the time. It was tabled only to-day. It was submitted after the fixed time; but when nobody objected, I took it that it was the sense of the House that it should also come up. Therefore, while I agree with the Hon'ble the Home Minister, to all that he said, I am inclined to think that I should in the present circumstances admit the Amendment of Maulavi Abdul Bari Chaudhury, if the Hon'ble Minister-in-charge of the Bill has no objection. I do not want to create a precedent by imposing my will

in the matter. It is for the Hon'ble Minister-in-charge now to say whether he is agreeable or not.

The Hon'ble Srijut BISHNU RAM MEDHI: I am not prepared to accept any Amendment at this stage.

The Hon'ble the SPEAKER: As there are no Amendments to clauses 3 to 9 I will put the question.

The question is:

"That clauses 3 to 9 of the Bill, both inclusive, stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: There is one Amendment under clause 10.

Babu NIRENDRA NATH DEV: I beg to move that Sub-Clauses (i) and (ii) of clause 10 shall be combined into one and numbered as Sub-Clause (i) and Sub-Clause (iii) shall be renumbered as Sub-Clause (ii).

Sir, after these two Sub-Clauses there is one proviso. To some of us it appears that it may be mis-interpreted as to apply in the case of Sub-Clause (ii) only; but the intention of the framers of the Bill is to provide this proviso for both the sub-clauses (i) and (ii) and so in order to remove the mis-understanding, I think these sub-clauses (i) and (ii) should be combined as (i), and sub-clause (iii) should be called sub-clause (ii).

The Hon'ble the SPEAKER: Amendment moved:

"That Sub-Clauses (i) and (ii) of clause 10 shall be combined into one and numbered as Sub-Clause (i) and Sub-Clause (iii) shall be renumbered as Sub-Clause (ii)."

The Hon'ble Srijut BISHNURAM MEDHI: I have no objection in accepting this Amendment. It is merely a formal matter.

The Hon'ble the SPEAKER: The question is:

"That Sub-Clauses (i) and (ii) of clause 10 shall be combined into one and numbered as Sub-Clause (i) and Sub-Clause (iii) shall be renumbered as Sub-Clause (ii)."

The question was adopted.

The Hon'ble the SPEAKER: There is no other Amendments and I put clause 10 as a question.

The question is:

"That clause 10 of the Bill, as amended, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: As there are no Amendments to clauses 11 to 18 I now put the question.

The question is:

"That clauses 11 to 18, both inclusive, of the Bill stand part of the Bill"

The question was 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 the SPEAKER: We now come to item No. 4(d).

The Hon'ble Srijut BISHNU RAM MEDHI: I beg to move, Sir, that the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946 as amended be passed.

The Hon'ble the SPEAKER: Motion moved:
"That the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946 as amended be passed."

The Hon'ble the SPEAKER: Will any hon. Member speak? (*After a pause*)
Then I am putting the question.

The question is:

"That the Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946 be passed".

The question was adopted.

The Hon'ble Srijut BISHNU RAM MEDHI: Before coming to the next item, Sir, I offer my whole-hearted thanks to the hon. Members of the Opposition in allowing this Bill being passed in this form in this session. I convey my thanks to them on behalf of my party as well on behalf of Government.

Babu GOPESH CHANDRA PAL: Sir, let me also offer my heart-felt thanks to the Hon'ble Minister-in-charge for piloting this Bill with courage and skill and also to the hon. Members of the Opposition, particularly, to my hon. Friend Maulavi Nasir ud-Din Ahmed but for whose special efforts the passing of the Bill would not have been expedited:

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

The Hon'ble the SPEAKER: We pass on now to item No.5(a), consideration of the Assam Local Self-Government.(Amendment) Bill, 1946 clause by clause. There are several Amendments. The hon. Maulavi Abdul Bari Chaudhury may move his Amendment No. 1.

Maulavi Sayid MUHAMMUD SAADULLA: The Hon'ble Minister has not moved the Motion, Sir.

The Hon'ble the SPEAKER: In this matter no Motion is required to be moved. It is now for consideration clause by clause. I will request Maulavi Abdul Bari Chaudhury to move his Amendment.

Maulavi Abdul BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that for sub-clause (2) of clause 1, the following shall be substituted:
"It shall be applicable to the Assam Valley districts."

Sir, when this Bill came up for discussion before the House, the other day, we made it perfectly clear that we did not see any practical utility of this amending Bill, specially in the Surma Valley. In the Surma Valley it cannot give any appreciable relief to the Local Boards. As far as our information goes, the cart tax in the Surma Valley districts is not at all in arrears and as such my intention is that the scope of the Bill should be limited to the Assam Valley Districts alone. Sir, we have already submitted that without adding to the financial resources of the Local Boards it will mean difficulties for the people at large and further complicate matters. The Local Boards also will be dragged into prolonged litigation and we do not know what practical purpose will be served by this amending Bill. We have heard from some of our Friends in the other valley that they realise that there is some justification for this amending Bill in some of their districts. If it is their sincere opinion, we should not grudge that the provisions of this Bill should be extended to the Assam Valley. With this aim in view, Sir, I have tabled this Amendment.

The Hon'ble the SPEAKER: Amendment move:

"That for sub-clause (2) of clause 1 the following shall be substituted:

'It shall be applicable to the Assam Valley Districts.'"

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I am sorry, I cannot accept this Amendment as in the course of the debate on a previous occasion, I submitted that excepting one Local Board in the whole Province all other Local Boards have imposed the cart tax and they are more or less labouring under the same disadvantage. Whenever they call upon a cart owner to pay, it is not known how and when they will get their desired result. When they take resort to the law court the litigation prolongs to any length of time and ultimately some cases are compromised and some are withdrawn. In order to remove these difficulties from the way of the Local Boards throughout the whole of the Province this amending Bill has been brought and there is no reason when there are Local Boards in the Surma Valley like the Local Boards in the Assam Valley that this Amending Bill should be limited in its scope in the Assam Valley alone and not extended in the Surma Valley also. With these words, Sir, I request my hon. Friend to withdraw his Amendment. I cannot accept it, I am sorry.

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

Maulavi ABDUL BARI CHAUDHURY: I will not press my Amendment, Sir.

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.

Maulavi MD. ABDULLAH: Mr. Speaker, Sir, I beg to move that for sub-clause (2) of clause 1 the following shall be substituted:—

"It shall apply to the temporarily settled Districts of Assam."

Sir, it is a little different from the Amendment moved just now by my hon. Friend Maulavi Abdul Bari Chaudhury. It has already been made clear that there is practically no need for the operation of this Bill in the district of Sylhet. If the Hon'ble Minister thinks that Cachar should be included under the operation of this amending Bill, we shall have no objection. Let him extend it to Cachar. With this object in view I have tabled this Amendment, Sir.

The Hon'ble the SPEAKER: Amendment moved :

"That for sub-clause (2) of clause 1, the following shall be substituted :—
'It shall apply to the temporarily-settled Districts of Assam'."

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr Speaker, Sir, for the very same reason I cannot accept this Amendment. Sir, I submitted the other day that of all the Local Boards, the Dhubri Local Board is the worst in this respect and needs help most ; the number of pending cases of the Dhubri Local Board is about 2,000 and, Sir, Goalpara is one of the districts of the Province which is permanently settled. So, Sir, this Amendment cannot be accepted ; I request my hon. Friend to withdraw his Amendment.

Maulavi MD. ABDULLAH: I do not press my Amendment, Sir.

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

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

Maulavi MD. ABDULLAH: Mr. Speaker, Sir, I beg to move that in sub-clause (3) of clause 1, after the word "appoint" in the last line, the words "which shall not be earlier than 1st April 1950" shall be added.

My intention in moving this Amendment is this: we are at present passing almost through a crisis, and I want that this particular oppressive piece of legislation should not come into operation before this crisis passes away. Therefore, Sir, I have fixed the time at 1950.

The Hon'ble the SPEAKER: Amendment moved :

"That in sub-clause (3) of clause 1, after the word 'appoint' in the last line, the words 'which shall not be earlier than 1st April 1950' shall be added."

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, for the same reason which I advocated before I would request my Friend Maulavi Md. Abdullah to withdraw this Amendment also. Sir, by 1950 we would undergo many changes, and the present Local Board Act (I mean the parent Act) may also undergo a thorough revision. I submitted the other day, Sir, that it was once contemplated by Government to embody the provisions of this amending Bill in the Amendments that will be brought on a large scale to the Local Self-Government Act. But seeing that this might take time, this Bill has been brought forward to give immediate relief to the Local Boards who are unable to realise cart tax and are in heavy arrears. For this reason I would request my hon. Friend to withdraw his Amendment.

Maulavi MD. ABDULLAH: Mr. Speaker, Sir, knowing the stony-hearted mentality of the Congress Government I doubt whether my Amendment will be accepted. As I do not like to kill the time of the House I have no other alternative than to 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: As there is no other Amendment to clause 1, I am putting it as a question. The question is:

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

The question was adopted.

The Hon'ble the SPEAKER: I now come to clause 2. The first Amendment stands in the name of hon. Maulavi Nurul Hossain Khan.

Maulavi NURUL HOSSAIN KHAN: Mr. Speaker, Sir, I beg to move that in line 1 of proposed sub-section (7A) (i) under clause 2, the words "keeps or is in possession of" shall be deleted.

My object in moving this Amendment is perfectly clear. If the hon. Members will kindly look into the words "owns, keeps or is in possession of" it will be evident that there is no difficulty in deleting the words "keeps or is in possession of". We know, Sir, that the owners of the carts do not always ply them; they sometimes engage employees for the purpose of plying their carts. It sometimes so happens that the persons who actually do not own the carts keep them in their possession as servants. They should not be liable to pay cart tax. I really see no difficulty if these words are omitted from the section. With these few words, Sir, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 1 of proposed sub-section (7A) (i) under clause 2, the words 'keeps or is in possession of' shall be deleted."

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I am sorry, I cannot accept this Amendment. In the Parent Act also we find these words "whoever keeps, or is in possession of". The hon. Member has said that a man may own a cart and the cart may be in possession of somebody else, who plying it. In order to remove this ambiguity these words have been added "owns, keeps or is in possession of". If these words are deleted there will be ambiguity and the person who merely owns a cart may be a victim of this provision. In order to remove this ambiguity this provision has been made, and I would request the hon. Mover to withdraw his Amendment.

Maulavi NURUL HOSSAIN KHAN: Sir, I beg leave of the House to withdraw my Amendment.

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

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

Now †Amendment No. 5 standing in the name of Maulavi Nazmal Haque comes up. (The hon. Mover did not like to move his Amendment).

Then Amendment No. 6 may be taken up.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, I beg to move that in line 1 of proposed sub-section (7A)(i) under clause 2, after the word "keeps", a comma " , " and the word "plys" shall be added.

†5. Maulavi MD. NAZMAL HAQUE to move:—

(Notice received at 5.50 P. M. on 17th September 1946)

That in line 1 of proposed sub-section (7A) (i) under clause 2, for the words "keeps or is in possession of" the words "and uses for business" shall be substituted.

Sir, it is perhaps known to many hon. Members of this House who have the good fortune of being connected with the Local Bodies that many persons who remain in the interior villages where there are no proper communications to bring out their carts especially during the rainy season, the wheels of their carts are taken out and kept separately or unattached. As a matter of fact the cart owners cannot ply their carts for say 6 to 8 months in a year. So it becomes a real hardship on the part of those people who remain in the interior villages to pay tax to the Local Bodies when they actually cannot use their carts for their beneficial purposes. Moreover, Sir, we find that sometimes the real owners of the carts cannot be traced when some carts are detected by the tax collectors for failure of paying tax or taking out license. In some cases the defaulting owners give false names of those who have already taken licenses and as a result it becomes very difficult on the part of the Local Bodies to verify the actual owners. So, if this Amendment is accepted then the tax shall be realised from the man who brings out a cart at any time—no matter whether he gives the name of the real owner or not. For this reason, Sir, I think the hon. Members of this House will please accept my Amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 1 of proposed sub-section (7A) (i) under clause 2, after the word 'keeps', a comma ' ,' and the word 'plys' shall be added."

Maulavi ABDUL HAMID: Sir, I have not been able to follow the hon. Mover of the Amendment very correctly. His intention is that the tax should not be realised from the cart when it does not ply. If that be his intention it will not well fit in his Amendment. I submit, Sir, the wordings of the Amendment shall have to be changed by adding a comma after the word "keeps" and adding the word "plys". It is quite possible that in the rainy season some of the owners do not use their carts and only during the winter season they use them. Those people will experience hardship if they are to pay tax even for the period when they do not actually use their carts. From that point of view I do think relief should be given to them. As the wordings of the Amendment do not give that relief, though I know that is the intention of the Mover, I suggest that the word "and" be added before the word "plys".

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Sir, I will accept the Amendment with the subsequent suggestion to add the word "and" in place of the comma which will then read as "If any person owns, keeps and plys or is....."

The Hon'ble the SPEAKER: If it is the intention to convey that sense then the Amendment should be like this "If any person owns, keeps or is in possession of any carriage or cart and plys for which no license has been taken, etc."

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I have no objection. But, I think, it will be better if the word "plys" comes before the words "is in possession of" and the words "is in possession of" are eliminated.

The Hon'ble the SPEAKER: Is it the sense of the House that the wording should be so changed?

Maulavi MUHAMMAD ROUFIQUE: Sir, does the hon. Mover want that no cart tax should be realised unless the cart is found in the act of plying?

The Hon'ble the SPEAKER : I think it is so.

The wordings are "If any person owns, keeps or is in possession of any carriage or cart....." Here simple possession will make it taxable. But a cart which is really not in use is not sought to be taxed, if I have followed. I think it is the sense of the House. (*Several voices*: 'Yes, yes'.) Then it will read like this "If any person owns, keeps or is in possession of any carriage or cart and plys for which no, etc....."

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I have no objection to the alterations being made if the hon. Mover agrees.

Srijut DANDESWAR HAZARIKA : I agree with the suggestions made with thanks.

Maulavi MUHAMMAD ROUFIQUE : Sir, in the Bill the word "cart" has not been defined. In villages if the wheels are taken out from the cart by the owner, will the frame of the cart be liable to be taxed ?

Babu KAMINI KUMAR SEN : Sir, a cart cannot be plyed without the wheels.

The Hon'ble the SPEAKER : I think, the Amendment will be like this: In the proposed sub-section (7A) (i) under clause 2, after the words 'carriage or cart' the words "and plys the same" shall be added. Then it will read like: If any person owns, keeps or is in possession of any carriage or cart and plys the same for which no license has been taken..." I think this will make the sense perfectly clear. Does the Hon'ble Minister accept it like this ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I accept this.

The Hon'ble the SPEAKER : Then I am putting it as a question.

The question is:

"That in proposed sub-section (7A) (i) under clause 2, after the words 'carriage or cart' the words 'and plys the same' shall be added.

The question was adopted.

Maulavi NURUL HOSSAIN KHAN : I want to point out, Sir, that there is one difficulty so far as this is concerned.

The Hon'ble the SPEAKER : It is the sense of the House that the Amendment should be accepted and it has been accepted by the Hon'ble Minister.

Maulavi NURUL HOSSAIN KHAN : I want to point out, Sir, that the whole object of this proposed sub-section will be frustrated, as I know from long experience that plying of carts will be very difficult to prove.

The Hon'ble the SPEAKER : The hon. Member will perhaps appreciate that there is no utility to discuss it now as it is the sense of the House and as it has been already accepted by the Hon'ble Minister. I think, I am clear to the hon. Member.

Adjournment

The Assembly was then adjourned till 11 A. M., on Monday, the 23rd September, 1946.

SHILLONG :

The 12th December, 1946.

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

APPENDIX E

The 10th August 1946.

No.LML.34/46/14.—In exercise of the powers conferred by section 296(2)(i) of the Assam Municipal Act, 1923 (Assam Act 1 of 1923), as subsequently amended and in modification of the Notification No. 2671-L.S.-G., dated the 4th July 1936, the Governor of Assam is pleased to make the following rules for the division of the Srimangal Small Town into wards and the number of members to be elected for each of such wards:—

SRIMANGAL SMALL TOWN

1. The Srimangal Small Town shall be divided into four wards with the following boundaries:—

Ward No. 1 (Puran Bazar)—

East—Station Road.

North—Srimangal-Satgaon Road.

West—Boundary of the town.

South—The road leading from the Station Road to the Post Office and then turning southwards and leading to Birchandra Babu's basha and thence a line in a south-westerly direction along the edge of the railway compound up to the western boundary of the town.

Ward No. II (Nuton Bazar)—

East }
South } Boundaries of the town.
West }

North—Puran Bazar Ward (*i. e.*, ward No. I), the Srimangal-Kamalganj Public Works Department Road leading from the Station Road to the railway crossing gate and thence the Bharaura trolley line running north-eastward upto the eastern end of the town.

Ward No. III—

East—Boundary of the town.

North—Srimangal-Bharaura Road.

West—Ward No. I.

South—Srimangal-Kamalganj Public Works Department Road leading from the Station Road to the railway crossing gate and thence the Bharaura trolley line running north-eastward upto the eastern end of the town.

Ward No. IV—

East }
North } Boundaries of the town.
West }

South—Wards No. I and III.

2. There shall be one elected member for each of these wards.

A HUSAIN,

*for Secy. to the Govt. of Assam,
Edn. & L. S.-G. Deptts.*