

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

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on Monday, the 23rd September, 1946.

**P R E S E N T**

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

**QUESTIONS AND ANSWERS**

**SHORT NOTICE QUESTIONS**

(To which answers were laid on the table)

**Telephone poles used for American and British Military Lines**

**Mr. J. S. R. TELFER** asked :

2.(a) Are Government aware that a number of the telephone poles which have been used for American and British Military Lines during the past few years are now collapsing or in danger of collapsing over the Trunk Road and subsidiary roads and cultivated areas in such a way as to form a danger to the public ?

(b) If so, do Government propose to take necessary action to ensure that this danger is removed by the persons responsible ?

(c) If not, do Government propose to take steps to enquire into the position and act on the reports received ?

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

2.(a)—Yes.

(b)—Yes, action has been taken.

(c)—Does not arise.

**Mr. C. W. MORLEY** : May I enquire of the Hon'ble Minister what action has been taken ?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE** : The Executive Engineer has been asked to take immediate steps to remove the posts which are in a dangerous position of falling or which have already fallen. Government have informed Messrs. Allen Berry and Co. to remove those posts and if they refuse to remove, in that case Government will inform the Director General of Disposal about the posts. On receipt of his reply, action will be taken in the matter.

**STARRED QUESTIONS**

(To which oral answers were given)

**Posting of Armed Police and Military at Digboi during Labour Strike of 1938-39**

‡**Srijut BIJOY CHANDRA BHAGAVATI** asked :

\*69. (a) Will Government be pleased to state the number of (i) Armed Police and (ii) Military that were placed in the Assam Oil Company Area in Digboi in connection with the Digboi Labour Strike in 1938-39 ?

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

‡ The Question was put by Srijut Siddhi Nath Sarma on authorisation,



(b) Will Government be pleased to state at whose instance they were posted there ?

(c) Is it a fact that Government sent those Armed Police or Military at the request of the Assam Oil Company ?

(d) If so, whether the Assam Oil Company have been made liable for the expenses incurred or not ?

(e) Will Government be pleased to state :—(i) for what period, (ii) and for how many occasions these Armed Police and the Military were in Digboi, in connection with the Digboi Labour Strike, 1938-39 ?

(f) Will Government be pleased to state what expenses in pay or otherwise have been incurred for them for the period they were in Digboi, in connection with the said strike ?

(g) Is it a fact that the Assam Oil Company have not yet paid the amount due from them on this account ?

(h) If so, do Government propose to take steps to realise the amount from the said Company without further delay ?

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

69. (a)—There were two sections of Armed police, nominally 13 in each. The numbers of Assam Rifles varied from time to time. At the outset there were two platoons at Digboi and three at Tinsukia. The maximum number was 264, all ranks. (ii) No troops were employed until the end of the strike when the oilfields were declared a Protected Area by the Central Government, and this Government have no information about the strength or dispositions.

(b)—The Assam Rifles and Armed Police were provided at the instance of the Provincial Government.

(c)—No.

(d)—Does not arise.

(e)—The strike began on 3rd April 1939 and ended on 5th September 1939. As already stated, the numbers of Assam Rifles varied from time to time, while the two sections of Armed Police remained throughout ; one of these sections is the permanent force at Digboi and is paid for by the Company.

(f)—The additional expenses involved for police and Assam Rifles amounted to Rs.43,429-8-0.

(g)—The Company bore the cost of transport, but were not required to pay for the cost of these forces, which were shared between the Central Government and the Provincial Government for the Assam Rifles in the usual proportion (46 : 12) and were re-imbursed by the Central Government as regards the police.

(h)—Does not arise.

**Srijut SIDDHI NATH SARMA :** In answer to (a) it has been said that the number of Assam Rifles varied from time to time. Will the Hon'ble Minister please let us know what was the number of Assam Rifles placed for the Digboi strike at different times during the period ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** I cannot give the answer off-hand.

**Srijut SIDDHI NATH SARMA :** Will the Hon'ble Minister look into the file and give the House the information sought for ?



**The Hon'ble Mr. BASANTA KUMAR DAS :** Very well, I will do that.

**Srijut SIDDHI NATH SARMA :** With regard to (b), is it the usual practice of Government to detail Armed Police to protect properties of private individuals or companies when such properties are involved in a civil dispute ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** It is not really for the protection of property, but it is for maintenance of law and order. When the question of maintenance of law and order arises, Government are to take step.

**Srijut SIDDHI NATH SARMA :** What was the reason for deputing the Armed Forces by Government of its own accord ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** As I said, a report came to Government from the Company that law and order was in danger, and therefore the Armed Police were sent. But this thing arose in 1938-39, so what was the actual reason, I am not in a position to say now.

**Srijut SIDDHI NATH SARMA :** With regard to (c), is it not a fact that the Armed Police were deputed at the instance of the Company ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** As far as we know, they were deputed at the instance of the Company. It may be that the Company informed the Government that law and order was in danger and Government deputed the Armed Police.

**Srijut SIDDHI NATH SARMA :** Is it not a fact that the then Hon'ble Finance Minister, Mr. Fakhruddin Ali Ahmed, ordered that the Company would have to pay for the services of the Forces employed at the request of the Company? Will the Hon'ble Minister look into the file and let us know all about it ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** I cannot give the information off-hand. I shall look into the file and let the hon. Member know.

**Srijut SIDDHI NATH SARMA :** May I know, Sir, the reason why the Company were not required to pay for the cost of their services if the Forces were deputed at the instance or request of the Company ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** Does this question arise, Sir ? In reply to question No. (c) I have said that there was no request to depute the Assam Rifles ; but with regard to this also I have said that I would look into the file and ascertain if there was really any request from the Company to depute the Assam Rifles.

**Srijut SIDDHI NATH SARMA :** May I know, Sir, whether the same procedure of sharing the cost between the Central Government and the Provincial Government in the usual proportion of (46:12) has been in vogue for guarding in the North-West Frontier for years past ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** With regard to Assam Rifles, Sir, of course many changes came about during the wake of the War.

**The Hon'ble the SPEAKER :** Was not the cost of the Assam Rifles borne by the Government before the War ?

**The Hon'ble Mr. BASANTA KUMAR DAS :** I do not think, Sir, the entire cost.



**Srijut SIDDHI NATH SARMA:** When the Forces were deputed at the request of the Assam Oil Company, may I know whether the Assam Oil Company should not pay their expenses?

**The Hon'ble Mr. BASANTA KUMAR DAS:** This is a hypothetical question, Sir.

**Srijut SIDDHI NATH SARMA:** Can the Forces be utilised for siding with any private company as was done in the case of the Digboi Strike—such a peaceful strike as the Digboi Labour Strike?

**The Hon'ble Mr. BASANTA KUMAR DAS:** I do not understand what the hon. Member means by 'siding with any company'. Duty of the Police or Army would be to give protection and not to side with any party.

For the information of the House I may say that really two Governments dealt with this matter. The strike and trouble really took place and arose during the Congress-Coalition Government and all the subsequent matters were dealt with by the succeeding Government.

**Maulavi ABDUL HAMID:** Will the Hon'ble Minister be pleased to inform this Hon'ble House all about this matter during the next Session of this Assembly?

**The Hon'ble Mr. BASANTA KUMAR DAS:** But it will be better, Sir, if the hon. Member tables fresh questions on any of the points he desires to be enlightened upon.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** I want to know from Government whether it is a fact that private persons who require the services of Armed Forces are required to pay the cost necessary for the maintenance of the Forces so employed by them?

**The Hon'ble Mr. BASANTA KUMAR DAS:** Yes, Sir, that is so.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Why it was not charged from the Assam Oil Company?

**The Hon'ble the SPEAKER:** The Hon'ble Minister has said that he would look into the file as he is not in a position to reply to this question.

#### Report of the Expert Medical Committee

†**Maulavi MUDABBIR HUSSAIN** asked:

\*70. (a) Will Government be pleased to state whether the Expert Medical Committee under the Chairmanship of Dr. Bidhan Chandra Roy has submitted its report to Government?

(b) If so, do Government propose to make available the copies of the said report to the members of the Assembly during this Session?

(c) Will Government be pleased to state whether they have considered the said report?

(d) If so, what are their findings?

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†The Question was put by Maulavi Abdul Hamid on authorisation.



**The Hon'ble Srijut RAMNATH DAS** replied :

70. (a)—No.

(b)—It will not be possible to do so.

(c)—No.

(d)—Does not arise.

**Maulavi ABDUL HAMID** : Does the Hon'ble Minister mean to say that Government have not received the Report of the Expert Medical Committee ?

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

**Maulavi ABDUL HAMID** : If that is so, Sir, then the reply to question (b) should have been—'does not arise'.

**The Hon'ble Srijut RAMNATH DAS** : Of course the proper answer should have been—'does not arise'.

**Maulavi Dewan ABDUL BASITH** : May we know, Sir, how long it will take to complete the work of the Committee ?

**The Hon'ble Srijut RAMNATH DAS** : The Committee have finished their work ; but they have not as yet submitted their report to Government.

**Maulavi Dewan ABDUL BASITH** : May I know, Sir, when the Report is complete whether its copies would be made available for the use of hon. Members?

**The Hon'ble Srijut RAMNATH DAS** : It may so happen that Government may have to give effect to some of the recommendations as early as the Report reaches the Government. Therefore it may not be possible for Government to place the Report before giving effect to some of the recommendations.

†**Maulavi ABDUL HAMID** : Will Government be pleased to make the Report available to the members if and when it is received ?

**The Hon'ble the SPEAKER** : The point is, whether Government will publish this Report.

**The Hon'ble Srijut RAMNATH DAS** : That will be considered, Sir.

†**Maulavi ABDUL HAMID** : Will Government be pleased to place a copy in the Library table ?

**The Hon'ble Srijut RAMNATH DAS** : That point will also be considered, but I cannot assure the House to do that without giving effect to some of the recommendations of the Report.

†**Maulavi ABDUL KHALEQUE AHMED** : Have Government enquired as to why the Report is being delayed ?

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†Speech not corrected.



**The Hon'ble Srijut RAMNATH DAS:** Perhaps it is known to some of the hon. Members of the House that the Chairman Dr. B. C. Roy when he was about to finish and sign the Report, had to leave Shillong suddenly on account of the man-killing affair in Calcutta.

†**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Do Government propose to give effect to those portions of the Report which suit their purpose?

**The Hon'ble the SPEAKER:** Evidently.

**Allegation against Srijut Haren Deka, Subdivisional Officer, Golaghat**

**Maulavi ABDUL BARI CHOUDHURY** asked :

\*71. (a) Is it a fact that lately serious allegations were made against Srijut Haren Deka, Subdivisional Officer, Golaghat, that he had disposed of good saleable cloth worth four lakhs of rupees to interested persons at much reduced price as damaged goods?

(b) Is it a fact that owing to such conduct of the Subdivisional Officer, acute shortage of cloth was perceived throughout that subdivision and the people were deprived of their legitimate quotas?

(c) Is it a fact that representations to this effect were made by responsible persons of Golaghat.

(d) Did the Government of Assam hold an enquiry into these allegations?

(e) If so, what has been the result of such inquiry?

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

71. (a)—No allegations from the public have been received but certain irregularities in the disposal of standard cloth in Golaghat have been brought to the Government's notice by its officers and the matter is being enquired into. So the exact position about the price of the cloth and other points raised cannot be accurately answered at this stage.

(b)—Yes, the people had to suffer to some extent due to the absence of regular issues.

(c)—No.

(d)—The enquiry is proceeding.

(e)—Does not arise at this stage.

**Maulavi ABDUL BARI CHAUDHURY:** May I know from the Hon'ble Minister, how long it will take to complete the enquiry?

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** It will take its usual course. This much I can say, as I said on previous occasions, in all such matters Government is very much eager to expedite.

**Maulavi ABDUL BARI CHAUDHURY:** May I know from the Hon'ble Minister, when the enquiry was first started?



†**The Hon'ble Mr. BAIDYANATH MOOKERJEE**: It might be a month and a half that this matter was brought to the notice of the Government and after that orders were passed that an enquiry should be made.

**Commercial Carrying Company (Assam), Limited**

‡**Srijut BEJOY CHANDRA BHAGAVATI** asked :

\*72. (a) Are Government aware that there is no housing arrangement in the termination stations for the running staff such as drivers, handymen, etc., of the Commercial Carrying Company (Assam), Limited ?

(b) If so, what steps do Government propose to take in the matter ?

(c) Is it a fact that unskilled labourers, Traffic Coolies, Car-washers, Greasers, tyremen, sweepers and the ministerial staff except those who are in the corresponding Branch of the said Company do not get any holiday and are to work for 365 days of the year ?

(d) If so, do Government propose to take necessary steps to prescribe holidays for them ?

(e) Is it a fact that there is no Provident Fund for the employees of the said Company ?

(f) If so, do Government propose to take necessary steps to introduce this system at an early date ?

(g) Is it a fact that the Lorry Drivers of the said Company are to work from 12 to 16 hours a day without any extra allowance ?

(h) Do Government propose to take necessary steps to reduce their hours of work ?

(i) Is it a fact that the employees of the said Company have no security of service and their services are dispensed with at the pleasure of the Officers of the Company ?

(j) Do Government propose to take steps to frame Rules to ensure security of service for the employees of the said Company who have served for a prescribed period ?

(k) Is it a fact that there is no pay scale for the employees of the said Company ?

(l) Do Government propose to take steps to introduce a pay scale for them ?

\*73. (a) Are Government aware that the workers of the Commercial Carrying Company (Assam), Limited and the United Motor Transport Company, Limited have an Union and that it is duly registered under the Trade Unions Act ?

(b) Is it a fact that the Companies have not recognised this Union even now ?

(c) Do Government propose to ask the Companies to recognise the Union ?

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

72. (a)—Government understand that there is housing accommodation at Sylhet. There is a room for meals of running staff at Gauhati and at Shillong: running staff are allowed to occupy other adjacent room to this.

(b)—The Company will be asked to examine the problem. At Shillong lack of space in the yard is an obstacle.

(c)—Yes.

†Speech not corrected

‡The Question was put by Srijut Siddhi Nath Sarma on authorisation.



(d)—The matter will be taken up in connection with the Code of rules for service which the Company is preparing.

(e) & (f)—The Company has undertaken to establish a Provident Fund with effect from the 1st September 1946.

(g)—No. Work is so arranged that no employee is required to work more than eight hours in a day.

(h)—Does not arise.

(i) & (j)—Insecurity of service having been made the subject of a dispute, the Company has undertaken to introduce a Code of service rules.

(k) & (l)—The Company has also undertaken to introduce a pay code with effect from October 1946.

**Srijut SIDDHI NATH SARMA:** Do Government mean that there is no housing accommodation at Shillong and Gauhati ?

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** No, not worth the name.

**Srijut SIDDHI NATH SARMA:** Will Government insist on the Company that it should arrange housing accommodation in the neighbourhood of the Company's Shillong and Gauhati stations ?

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** The first part of the answer is clear. I cannot say anything about Gauhati. So far as Shillong is concerned, Government have tried to secure some land just adjacent to their office and workshop.

**The Hon'ble the SPEAKER:** No question of acquisition ; it is the question of renting.

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** It is known to one and all that it is very difficult to get houses in Shillong. Even the Chair had to experience some difficulty in getting houses for the Members. Government have full sympathy and will see that something is done. They will see that these difficulties are surmounted.

**Srijut SIDDHI NATH SARMA:** May I know whether the Hon'ble Minister will insist on the Company to have that accommodation ?

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** It is a question of formality. The effect will be practically the same. Just mild language.

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

73. (a)—Yes.

(b)—No.

(c)—Does not arise.

**Srijut SIDDHI NATH SARMA:** Is it a fact that the Company have not recognised this Union even now ?

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** No, it is not a fact.

**Srijut SIDDHI NATH SARMA:** Do I understand that the Company has recognised this Union.

†**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Yes, Sir ; necessarily.

††Speech not corrected.



## UNSTARRED QUESTIONS

(To which answers were laid on the table)

(Further Supplementaries on Unstarred Question No.248†)

**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 was undertaken ?

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

The Hon'ble Srijit BISHNU RAM MEDHI replied :

248. (a)—The encroachers within the Baghpuri group of Provisional Grazing Reserves (*viz.*, Baghpuri, Kharpuri, 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 afterwards 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 *ekhalas* 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 *ekhalas* 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 riverain 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.



**The Hon'ble the SPEAKER:** Questions Unstarred—Supplementary questions on question No. 248.

**Maulavi ABDUL BARI CHAUDHURY:** In regard to (c), Sir, the question was "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 inspite of the assurances by Government to the contrary." The reply is "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". Now my question is, Sir, whether it is a fact that inspite of the notice that eviction would be carried out during the next cold weather the inhabitants of this particular village were evicted during the rainy season.

**The Hon'ble Srijut BISHNU RAM MEDHI:** Sir, no eviction took place as far as this area was concerned. There are two blocks one inside the Professional Grazing Reserves and the other outside the Professional Grazing Reserves. Notice was given for submitting applications and objections so that enquiry may be started and people could come and submit any petition to enable the officer to complete the enquiry before the cold weather.

**Maulavi ABDUL BARI CHAUDHURY:** Sir, may I know from the Hon'ble Minister whether any prosecution was made before the flood took place?

**The Hon'ble the SPEAKER:** Order, order, this is very vague. The hon. Member has not mentioned the place of prosecution—whether it took place at Goalpara, Dhubri or at Dibrugarh.

**Maulavi ABDUL BARI CHAUDHURY:** In the same question, Sir.

**The Hon'ble the SPEAKER:** I am speaking of the Supplementary Question. You have not mentioned any place.

**Maulavi ABDUL BARI CHAUDHURY:** Very well, Sir, I shall reform the question. Sir, will the Hon'ble Minister be pleased to state whether in the village Bagpuri any prosecution was undertaken before the flood took place.....?

**The Hon'ble the SPEAKER:** There might have been many prosecutions but what is your definite question?

**Maulavi ABDUL BARI CHAUDHURY:** The question relates to (d), (e) and (f). Question (d) is: "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?" Then (e) reads: "Will Government be pleased to state why they did not make their own arrangement for harvesting the crop in such peculiar circumstances?" and then (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?" The reply is: "No. There has not been any prosecution under Section 379, Indian Penal Code after the flood." My Supplementary Question is whether any prosecution was undertaken just on the eve of the flood?



**The Hon'ble Srijut BISHNU RAM MEDHI:** If the hon. Member means prosecution under Section 379 then that information I have not got at present with me but there were some cases, I know, before the flood for violating the orders under Section 144. But whether there was any prosecution under Section 379, I am not aware.

**Maulavi ABDUL BARI CHAUDHURY:** Regarding (e), Sir, is it a fact, Sir, that crops were ripe for harvesting long before the flood took place and may I know why no arrangement was made to harvest these crops before they were washed away?

**The Hon'ble Srijut BISHNURAM MEDHI:** Sir, my friend is really considering that all the fields become ripe all at once. There may be patches here and there which were ripe. Arrangement was made to harvest them and even the encroachers were given an opportunity to harvest them on giving an undertaking that they would not re-enter the land.

**Srijut SARAT CHANDRA SINHA:** Sir, is it not a fact that certain people excited the evicted people to re-encroach the Reserve?

**The Hon'ble Srijut BISHNU RAM MEDHI:** Yes, definitely it is a fact.

**Srijut SARAT CHANDRA SINHA:** Are Government aware that vile propaganda against Government is going on in Mangaldai on eviction affairs?

**The Hon'ble Srijut BISHNU RAM MEDHI:** Yes, it is definitely so.

**The Hon'ble the SPEAKER:** The hon. Member is firing questions and the Hon'ble Minister has gone on replying but what is the relevancy?

**The Hon'ble Srijut BISHNU RAM MEDHI:** There is reference, Sir, in the question on account of subsequent re-encroachment and that is why he is putting these questions.

**Maulavi Dewan ABDUL BASITH:** With regard to (g) and (h), Sir, the reply is "No. The allegations are absolutely unfounded." May I know, Sir, what is the source of this reply?

**The Hon'ble Srijut BISHNU RAM MEDHI:** Sir, I had been to the locality. The Deputy Commissioner came to the locality, the Superintendent of Police also visited the locality, I also met large number of public men in the locality, even some of the Muslim Leaguers were present there but even they did not come forward with any complaint of the nature mentioned in Questions (g) and (h).

### **Lady students of the Berry-White Medical School**

**Srijut DALBIR SINGH LOHAR** asked :

249. (a) Will Government be pleased to state what facilities are there for the lady students of the Berry-White Medical School in Dibrugarh for residence in hostel?

(b) Are Government aware of the feeling that the present arrangement in rented house for residence of lady students is wholly inadequate and undesirable from the point of view of privacy and safety of the boarders?



(c) Are Government aware that a male and female students were lately expelled from the school for gross misbehaviour in the lady students' hostel ?

(d) Do Government propose to make full enquiry into the matter and take adequate measures against those who were responsible for the laxity of discipline in the hostel ?

**The Hon'ble Srijut RAMNATH DAS** replied :

249. (a)—Two new buildings with accommodation for 16 girls in a suitable site just opposite to the quarter of the Superintendent of the hostel have been taken over newly for residence of girl students.

(b)—Government having been aware of some defects in the hostel under the previous arrangement thought fit to make the new arrangement.

(c)—Yes.

(d)—Government already made inquiry into the matter. The Matron who was found responsible has been dismissed and a new Matron appointed.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY**: Sir, may I know from the Hon'ble Minister, with regard to answer to question (c) the names of the students who were expelled from the hostel ?

**The Hon'ble Srijut RAMNATH DAS**: Sir, I do not exactly remember the names of the students.

**Srijut DANDESWAR HAZARIKA**: Sir, may I know from the Government if it is a fact that the new arrangement is also not suitable as there is no fencing so far as I know on the back side.

**The Hon'ble Srijut RAMNATH DAS**: There is fencing on the back side but there is no fencing on the front side.

**Srijut LAKSHIDHAR BORAH**: Not even on the two other sides, Sir, that is, there is no fencing on three sides.

**The Hon'ble Srijut RAMNATH DAS**: Yes, that may be a fact.

**Srijut DANDESWAR HAZARIKA**: Will the Hon'ble Minister make arrangement for fencing ?

**The Hon'ble Srijut RAMNATH DAS**: The present arrangement is not unsuitable, Sir.

#### Recognition of Labour as a separate Community

**Srijut CHANOO KHERIA** asked :

250. Will Government be pleased to state whether they propose to recognise Labour as a separate community in matters political ?

**The Hon'ble Srijut RAMNATH DAS** replied :

250.—As a new Constitution is going to be framed by the Constituent Assembly, it is difficult to anticipate how the political adjustments would be formed as a result of that Constitution. But judging by the present standard it is possible to anticipate that in any future constitution Labour will find adequate representation and Government will always be prepared to recognise labour's right to franchise and representation.



**Tols affiliated under the Assam Sanskrit Board**

**Srijut GAURI KANTA TALUKDAR** asked :

251. Will Government be pleased to state—

- (a) The number of Tols in the Province affiliated under the Assam Sanskrit Board in the years 1943, 1944 and 1945 ?
- (b) The amount of money spent as (i) scholarships to successful candidates and (ii) rewards or aid to Adhyapaks during the three years?
- (c) The average amount of money spent under the said two heads for an affiliated Tol during the said three years ?
- (d) Whether Government propose to raise the amount of the annual grant made to the Assam Sanskrit Board so as to enable the Board to spend more money in aid of Tols ?
- (e) If not, why not ?

252. Are Government aware—

- (a) That the aid given to Adhyapaks of Tols is dependent upon the results of examinations of the Assam Sanskrit Board ?
- (b) That as results of examinations are not always upto the standard the rewards received by Adhyapaks are unsteady and renowned and meritorious Pandits are often deprived of rewards for want of good pupils and as such good Tols get extinct ?
- (c) That this state of affairs cause great hardships to large number of Tols ?

253. If the answer to the above question be in the affirmative, do Government propose to start a number of model Tols receiving a certain monthly aid irrespective of rewards earned by the Adhyapaks ?

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

251. (a)—1943-44	...	...	...	...	...	215
1944-45	...	...	...	...	...	217
1945-46	...	...	...	...	...	228

(b)—Amount of money spent under the heads—

(1) Scholarship to successful candidates.

(2) Rewards or aids to Adhyapaks.

	Rs.					Rs.
1943-44	4,042	...	...	...	...	11,930
1944-45	3,803	...	...	...	...	12,011
1945-46	3,439	...	...	...	...	16,512

(c)—Average expenditure for the last three years under the above two heads:—

Rs.					Rs.
3,761	...	...	...	...	13,484

giving an average pay of Rs. 6-8-0 per month per Tol.

(d) & (e)—The matter is under consideration of Government.

252. (a) & (b)—Yes.

(c)—No complaint as to hardship has been received.

253.—The matter is under consideration of Government.



**Intermediate Islamic College at Hamidabad**

**Maulavi ABDUL HAI** asked :

254. (a) Will Government be pleased to state whether any stipend has been awarded to any student passing from the Intermediate Islamic College of Hamidabad ?

(b) If not, why not ?

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

254. (a)—No student has been awarded any scholarship.

(b)—Because no student from this institution could compete for a scholarship upto 1945. This year, of course a student secured scholarship marks but as he is not a native of the Province he is not entitled to scholarship under the rules.

**Qualification of an Assistant Sub-Inspector of Schools**

**Srijut MAHENDRA MOHAN CHOUDHURY** asked :

255. (a) Will Government be pleased to state whether qualification of an Assistant Sub-Inspector of Schools is Matriculation *plus* Normal Third year ?

(b) If so, whether there is any one in this Cadre who is not so qualified ?

(c) Do Government propose to replace such person or persons by suitable person or persons adequately qualified for this job ?

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

255. (a)—There is no fixed standard of qualification for appointment to the posts of Assistant Sub-Inspectors. From 3rd Year Normal passed and Matriculate to Graduates all are eligible for the posts.

(b)—No.

(c)—Does not arise in view of the reply given at (a) above.

**Provincialisation of the office of the Assam Sanskrit Board**

**Srijut MAHENDRA MOHAN CHOUDHURY** asked :

256. Are Government aware that a resolution requesting Government for immediate Provincialisation of the Office of the Assam Sanskrit Board was adopted unanimously at the Kamakhya Session of the Assam Sanskrit Association held on the 17th December, 1945, and was forwarded to the Director of Public Instruction, Assam by the President-Secretary, Assam Sanskrit Board?

257. (a) Are Government aware that a resolution requesting Government to shift the Office of the Assistant Director of Public Instruction for Sanskrit Education, Assam, as also of the Office of the Assam Sanskrit Board from Sylhet to Shillong was adopted unanimously at the Kamakhya Session of the Assam Sanskrit Association held on the 17th December, 1945, and was forwarded to the Director of Public Instruction, Assam by the President-Secretary, Assam Sanskrit Board?

(b) Is it a fact that a resolution for the immediate shifting of the Office of the Assistant Director of Public Instruction for Sanskrit Education, Assam as also of the Office of the Assam Sanskrit Board from Sylhet to Shillong was recently unanimously adopted by the Prachin Kamrup Brahman Samaj and was duly forwarded to the authorities concerned by the Secretary to the said Samaj?



(c) If so, what action have the Government taken or they propose to take in the matter?

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

256.—Yes.

257. (a)—Yes.

(b)—Does not appear to have been received the resolution.

(c)—The matter of shifting the office of the Assistant Director of Public Instruction for Sanskrit Education and that of the Assam Sanskrit Board is under consideration.

### **Damage to Cocoanut trees by insects**

**Srijut GAURI KANTA TALUKDAR** asked :

258. (a) Will Government be pleased to state whether they have received information to the effect that of late some kind of insects are causing great damage to cocoanut trees by eating up the leaves in various parts of the Kamrup District, particularly in the town of Gauhati ?

(b) Are Government aware that this pest is causing immense loss to growers of cocoanuts in the said District ?

(c) Do Government propose to investigate into this matter and take immediate steps for the prevention of such mischief ?

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

258. (a)—Yes.

(b)—Yes.

(c)—Yes.

**Srijut GAURI KANTA TALUKDAR** : With regard to (c), will the Government be pleased to let us know whether any particular officer has been engaged to investigate into the allegations ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : The answer is already there : "Yes".

**Srijut GAURI KANTA TALUKDAR** : I wanted to know whether any officer has been specially engaged to investigate into this matter.

**The Hon'ble the SPEAKER** : How many cocoanut trees are there at Gauhati to justify appointment of a Special Officer ?

**Srijut GAURI KANTA TALUKDAR** : I am speaking of the whole of Assam, Sir. I have mentioned Gauhati to give an instance as it will be very convenient for the officers of the Department at least to go to Gauhati and see for themselves the condition under which the growers have been placed. I may also mention that the village Hajo, from which the Hon'ble Revenue Minister comes, has been severely affected by these insects.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : This is the first time that the hon. Member has brought this fact to the notice of the Government. But unless we can train a man specially for this purpose, the suggestion of the hon. Questioner cannot be implemented.



**Srijut GAURI KANTA TALUKDAR:** I want to know whether Government have been pleased to employ any particular officer to investigate into the matter.

**The Hon'ble the SPEAKER:** The reply was that an officer will have to be trained, as this is a new matter.

**Srijut GAURI KANTA TALUKDAR:** Do we understand that there is not a single officer in the present staff of the Agriculture Department who can undertake such investigation?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** The answer is there, Sir. The question was "Do Government propose to investigate into this matter and take immediate steps for the prevention of such mischief"? The answer is "Yes".

**The Hon'ble the SPEAKER:** Will the Hon'ble Minister please try to appreciate the question of the hon. Questioner?

**Srijut GAURI KANTA TALUKDAR:** Sir, I wanted to know definitely whether Government have, in view of the nature and extent of the mischief, engaged any special officer to investigate into the matter?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Not yet, Sir.

**\*Srijut MAHENDRA MOHAN CHAUDHURY:** May I know from the hon. Questioner whether by "insects" he means also "*Kerketus*"?

**The Hon'ble the SPEAKER:** There is no procedure to elicit information from the hon. Questioner. The procedure is that all information should be elicited from the Government.

**Srijut GAURI KANTA TALUKDAR:** In that case I would be compelled to request the Hon'ble Speaker to make my hon. Friend, Srijut Chaudhury understand whether *kerketuas* fall under the category of insects.

**Maulavi ABDUL HAMID:** May I inform Government, Sir, that there is an Entomologist whose services I and others requisitioned? He treated my trees, he also treated the trees of many other gentlemen at Sylhet.

**The Hon'ble the SPEAKER:** Where does he stay?

**Maulavi ABDUL HAMID:** At Sylhet, Sir.

**The Hon'ble the SPEAKER:** But the question relates to Gauhati.

**Srijut DANDESWAR HAZARIKA:** Will the hon. Questioner kindly enlighten the House about the name of the insect so that we may be careful?

**Srijut GAURI KANTA TALUKDAR:** I am sorry I cannot oblige my hon. Friend because I do not know the name of the insects, and that is why I had to seek redress from the Agriculture Department which must have got experts.



**Srijut SARAT CHANDRA SINHA:** Sir, the Hon'ble Minister has been left out of the picture.

**The Hon'ble the SPEAKER:** The discussion has digressed, but I am permitting several questions because cocoanut forms an important item of food.

**Srijut GAURI KANTA TALUKDAR:** All I want Government to do is that they should take early steps to check this mischief created by these insects.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** As this relates to food, I can assure the hon. Member that the best available man in the Department of Agriculture will be deputed to look into the matter.

**Srijut GAURI KANTA TALUKDAR:** I thank the Government very much for this kind assurance.

### **Allegations against the Deputy Commissioner and Additional District Magistrate of Sylhet**

**Shri ABALA KANTA GUPTA** asked:

259. (a) Has the attention of the Government been drawn to the proceedings of a public meeting held at Golapganj on the 27th March last, particularly to the speech of Maulavi A. Hamid Choudhury, *ex-M.L.C.*, wherein he made serious allegations against the Deputy Commissioner and the Additional District Magistrate, Sylhet?

(b) Do Government propose to investigate into those allegations?

(c) Is it a fact that an enquiry is now being held by the Deputy Commissioner against the conduct of the Additional District Magistrate, Sylhet on a petition by some of the Additional District Magistrate's neighbours?

(d) Are Government aware of the public feeling that for obvious reasons such inquiries ought not to be held by the immediate superior of the accused officer?

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

259. (a)—No.

(b)—Does not arise.

(c)—The enquiry has already been completed by the Deputy Commissioner, Sylhet.

(d)—Government are prepared to accept that in some cases such a course is better avoided, but it is not always possible to find a better person to hold the enquiry.

**Shri ABALA KANTA GUPTA:** With regard to (c), what is the result of the enquiry?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have not as yet been in possession of the result.



**\*Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Sir, I put some questions regarding the same matter. My question is numbered 313†. May I be allowed to put some supplementary questions now ?

**The Hon'ble the SPEAKER:** All right.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I think, Sir, the Hon'ble Home Minister will be able to give details of the replies much better than I shall be able to do. He may therefore please reply to these questions.

**The Hon'ble Mr. BASANTA KUMAR DAS:** Which enquiry does the hon. Member refer to ? Against the Deputy Commissioner or the Additional District Magistrate ?

**\*Shri ABALA KANTA GUPTA:** Against the Additional District Magistrate, Sir.

**The Hon'ble Mr. BASANTA KUMAR DAS:** The result is that the Deputy Commissioner has reported that the allegations are all false and he has recommended prosecution of some persons under Section 182, Indian Penal Code.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Sir, the Hon'ble Minister stated that the Deputy Commissioner recommended for prosecution of those persons who had made false allegations against this Government officer. May I know what steps Government propose to take in that recommendation ?

**The Hon'ble Mr. BASANTA KUMAR DAS:** There are some difficulties in the way of Government undertaking a prosecution under Section 182, Indian Penal Code. The thing is, Sir, that allegations against this Government officer were lodged with the Commissioner of Divisions. The Commissioner will have to lodge the complaint, and if a prosecution is started it will take a long time to conclude it for various reasons. Complainants said that many of the witnesses were not examined by the Deputy Commissioner and they may insist on their examination in a prosecution under Section 182, Indian Penal Code. It may be also that in a prosecution under Section 182, Indian Penal Code, the Magistrate

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\*Speech not corrected.

#### ALLEGATIONS AGAINST THE ADDITIONAL DISTRICT MAGISTRATE OF SYLHET

Maulavi MAYEENUD-DIN AHMED CHOWDRY asked :

†313. (a) Is it a fact that an enquiry under orders of Government was held by the Deputy Commissioner, Sylhet, regarding certain allegations made against Maulavi Syed Nabib Ali when he was Additional Deputy Commissioner, Sylhet ?

(b) If so, will Government be pleased to lay on the table copies of the enquiry report submitted by the Deputy Commissioner, Sylhet, in that connection ?

(c) What action, if any, has been taken by Government in the matter ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

313. (a)—The attention of the hon. Member is invited to the answers given to Unstarred Questions No. 259(a)—(d) asked by Shri Abala Kanta Gupta, M. L. A., at this Session. The enquiry was ordered by the Commissioner.

(b) and (c)—Government will consider these matters on receipt of the original petition on which the enquiry was held, and for which they have called.



concerned would have to come down from Jorhat to attend the Sylhet Court very often for the prosecution dislocating his duties at Jorhat. However, Government are considering the question.

**Maulavi MAYEENUD-DIN AHMED CHOWDRY:** Do Government realise that they should protect their officers when such kinds of false and baseless allegations are made ?

**The Hon'ble Mr. BASANTA KUMAR DAS:** Certainly, it is the duty of the Government to protect their officers when such false allegations are made.

**\*Shri ABALA KANTA GUPTA:** Sir, will Government make an enquiry about the allegations that the Deputy Commissioner was partial to the Additional District Magistrate ?

**The Hon'ble Mr. BASANTA KUMAR DAS:** Of course, there are allegations that the complainants brought witnesses for several days to Sylhet Court, but the Deputy Commissioner did not examine all those witnesses and so they went back but were required to come again. There were no allegations against the Deputy Commissioner questioning his impartiality.

#### **Distribution of Saries and Dhuties and sale of Umbrellas and food-stuffs in Sunamganj Subdivision**

**Maulavi ABDUL KHALEQUE AHMED** asked :

260. (a) Will Government be pleased to state the number of Saries and Dhuties distributed from the special quota to the Muslims and the Hindus respectively of Sunamganj Subdivision during the last three months on special representation to the Subdivisional Officer, Sunamganj ?

(b) Is it a fact that on 7th June 1946, one Babu Kumod Ranjan Goswami of Sunamganj was allowed by the Subdivisional Officer to purchase at a time from the Trading Company, Sunamganj 31 yards of mill-made shirting cloth ?

(c) If so, what was the special consideration for allowing such a big quantity at a time to a particular individual ?

(d) Whether any such special consideration was shown to any other persons either before or after the aforesaid date ?

(e) If so, when and for whom and on what occasion ?

(f) Is it a fact that the said Babu Kumod Ranjan Goswami, as a retailer was allowed by the Subdivisional Officer to sell in Sunamganj market umbrellas at an excess rate of annas eight on the retail price of each ?

(g) Is it a fact that the retail dealers in food-stuff in Sunamganj town formerly were allowed to enjoy the benefit of the quota of flour and sugar for sweetmeats by turn month by month ?

(h) Is it a fact that the present Subdivisional Officer all on a sudden discontinued the former practice and inspite of representation from the other dealers, allowed the said Babu Kumod Ranjan Goswami the entire quota of flour and sugar permanently ?

(i) If so, what were the special reasons for doing so ?



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

260. (a)—There is no record in the office to show the number of Saries and Dhuties issued from the special quota to Hindus and Muslims of this Subdivision separately.

Four hundred and thirty-five pairs of Saries and 375 pairs of Dhuties were issued to the people of this Subdivision on special representation as special quota during the last three months.

(b)—No.

(c)—Does not arise.

(d) & (e)—Special consideration was shown to Khan Sahib Maulavi Mudabbir Hussain Choudhury, B.L., M.L.A., *ex-Minister*, Maulavi Munawwar Ali, B.A., LL.B., M.L.A., *ex-Minister*, and some other persons whose names are not traceable now before the said date on the occasion of religious festivals.

(f)—It is not a fact.

(g)—No.

(h) & (i)—The free ration supplier of Sunamganj town stopped supply of free ration and rice at concession rate on the ground that the margin allowed by the Government did not cover the expenses of supplying the same. There are five Wholesalers of food-stuff in this town for issue of food-stuff to retailers. Each of them has a quota fixed for this purpose. In addition to this each of them used to get a quota of sugar and flour for supply to registered sweetmeat dealers by rotation every month. These wholesalers were asked to supply free ration and rice at concession rate when free ration supplier stopped supply. They refused to do this. They on the other hand combined in order to force the Government to raise the margin. Other dealers were also tried but they did not agree to take up the supply of free ration, etc. Babu Kumod Ranjan Goswami agreed to supply free ration, etc., if he was given also the above mentioned addition quota of sugar and flour for sweetmeat dealers so that he may not have to incur loss. He was accordingly appointed free ration supplier and also allowed the additional quota of sugar and flour to sweetmeat dealers in order to ensure regular supply of free ration and rice at concession rate to Government servants without causing inconvenience to them.

**Maulavi ABDUL KHALEQUE AHMED**: Sir, will Government take it from me that only 100 pairs of Saries and 75 pairs of Dhuties were distributed to the Muslims out of the 435 pairs of Saries and 375 pairs of Dhuties though Muslims in that Subdivision are overwhelmingly in majority?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE**: Sir, may I be enlightened by the hon. Questioner on what occasion that special issue of quota was made?

**Maulavi ABDUL KHALEQUE AHMED**: On special representation by those people for the purpose of marriages, etc.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE**: I am now in a position to reply to that question, Sir. Supposing in a place 100 marriages took place, and out of them 75 were in Hindu families and 25 in Muslim families. Naturally in such a case the issue of quota to the Muslims was less.

**Maulavi ABDUL KHALEQUE AHMED**: May I inform the Hon'ble Minister that there were more marriages in the Muslim families there.



**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Sir, this is a controversial matter. So if the hon. Member writes to me, certainly I will try to make things right. It is my assurance that Government will give serious consideration to this matter.

**Maulavi ABDUL HAMID:** Sir, in reply (d) it is said that special consideration was shown to Khan Sahib Maulavi Mudabbir Hussain Chaudhury, B.L., M.L.A., *Ex-Minister*, Maulavi Munawwar Ali, B.A., LL.B., M.L.A., *Ex-Minister*, and some other persons whose names are not traceable. Now, may I know why the names of other gentlemen could not be traced when the names of these two gentlemen could be traced?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** I am trying to get the names of other gentlemen. I am still pursuing the matter. The names of other gentlemen are not available in my file, Sir.

**Maulavi ABDUL HAMID:** I hope, Sir, the Hon'ble Minister will please make enquiry.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Yes, Sir, I have said that.

**The Hon'ble the SPEAKER:** Probably it was due to the outstanding personality of these two gentlemen that their names could be supplied.

**\*Maulavi ABDUL BARI CHAUDHURY:** Sir, may I know why special consideration was given to Maulavi Mudabbir Hussain when he is not a Member of Legislative Assembly of that Subdivision?

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Most probably he went to that Subdivision in some other connection and tried to get special consideration there while he failed to get his requirement in his own Subdivision (Habiganj). That might be the reason.

#### **Food and cloth rations for the Children of Tea Garden Labourers**

**Srijut DALBIR SINGH LOHAR** asked :

261. Will Government be pleased to state whether they contemplate to move the tea-garden authorities in order to secure for the children of the tea garden labourers adequate food and cloth rations at concession rates?

**The Hon'ble Srijut RAMNATH DAS** replied :

261.—The whole question will be discussed at a conference to be held with representatives of employers and employees in the Tea Industry and other welfare works and Government propose to take necessary action thereafter on the basis of the Rege Report.

#### **Supply Department at Dhubri**

**Srijut SANTOSH KUMAR BARUA** asked :

262. (a) Is it a fact that the local Supply Department at Dhubri has lately issued order restricting open sale of salt at a lower rate than the price fixed by Government?



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(b) If so, does not this measure force the public to pay more when they could get salt at cheaper rate?

(c) Is it a fact that the purchase of a quantity of salt has been made compulsory for the sale of kerosene oil to the public in the control shops?

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

262. (a)—The Deputy Commissioner, Goalpara has not issued nor was it necessary to issue such orders as he received no complaints of open sale of salt at a lower rate.

(b)—Does not arise.

(c)—Yes, in order to save the Government from heavy loss for non-disposal of Government salt the wholesalers only were instructed so by the Deputy Commissioner. The practice has been stopped since.

**Maulavi M. IDRIS ALI**: Sir, may I know from the Hon'ble Minister whether there is any restriction for selling salt at lower rate ?

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

**The Hon'ble the SPEAKER**: Order, order. We shall now pass on to the next item.

**Discussion on statement *re*: Publication of distorted Report of Assembly Proceedings in certain Newspapers**

**Maulavi Saiyid MUHAMMAD SAADULLA**: Mr. Speaker, Sir, before we go to the next item I may be allowed to revert to the point of privilege, that I raised the other day, and refer to a serious distortion and mischievous report in the two Calcutta dailies, of the proceedings on the floor of this House. I refer to the discussions on the food debate and certain statements made by hon. Member, Maulavi Mayeenud-Din Ahmed Chowdry. I handed in the papers over to you, Sir, so that you could see for yourself whether these are true reports regarding the proceedings of this House. I am placing before the House that portion from the *Ananda Bazar Patrika* of the 18th September. The offending portion runs thus :

“এই প্রসঙ্গে আসাম ব্যবস্থা পরিষদে জনৈক লীগ সদস্য যাহা নির্লজ্য চাপে পড়িয়া পরিষদে প্রচার করেন তাহা প্রত্যাহারের ব্যবস্থা উল্লেখযোগ্য।”

There is absolutely no justification for the words that have been used in this report as there was no withdrawal of the statement made by the hon. Member. Again it says—

“পরিষদে দাঁড়াইয়া এই উৎসাহী সদস্য অভিযোগ করেন যে মন্ত্রীগণও তাহাদের সমর্থকগণের স্বাধ সরকারের খাদ্য সরবরাহ প্রসঙ্গে জড়িত আছে। সঙ্গে সঙ্গে এই অভিযোগ প্রমাণের দাবী উঠে। বিপাকে পড়িয়া সদস্য সাহেব একদিনের সময় প্রাথ না করেন।”

This is also absolutely false. The hon. Member did not ask for any time, but you, Sir, were pleased to give time till the next day to submit his list of names secretly to you so that you can pass it over to the Hon'ble Premier.

Then again it says—

“স্পীকার তাহাতেই সন্তুষ্ট হন। কিন্তু নিশ্চিষ্ট একদিন অতিবাহিত হইলে জানা যায় উৎসাহী লীগের সদস্য কোন প্রমাণ দাখিল করিতে পারেন নাই।”



This is another false statement. Again it says—

“এই অবস্থায় আসাম পরিষদের স্পীকার লীগদলের উপরোক্ত সদস্যের বক্তৃতা হইতে নিষ্কিষ্ট অংশ কাটিয়া দিবার নির্দেশ দিয়াছেন।”

This is also absolutely wrong. Then again—

“ইহাতে লীগ দলীয় সদস্যগণ অনুতপ্ত ও লজ্জিত হইয়াছেন কিনা জানিনা।”

It must be in the remembrance of the hon. Members of the House, under what circumstances the Hon'ble Speaker proposed to expunge certain portions from the speech of the hon. Member. Sir, you were pleased even to suggest that the House should be adjourned so that the matter could be discussed between myself, as the Leader of the Opposition, and my Friend, the Hon'ble the Premier. Again it says—

“তবে স্পীকার কর্তৃক সদস্যের বক্তৃতার এই অঙ্গচ্ছেদ ভদ্রভাবে তাহার কাণ কাটার সামিল নয় কি?”

It is beneath our dignity to complain about this; for, nothing better or more courteous language can be expected from a rag of this repute. The report of the *Amrita Bazar Patrika* is no less offensive. In continuation of the editorial, issued in the paper of 18th September, this paper's statement is this—“But the crowning instance of the League's standard of public behaviour was provided in the Assam Legislature where a League stalwart brought serious charges of bribery and corruption against some of the Congress legislators whom he took care not to name in the House.”

How the entire Organisation can come in for the statement by one hon. Member, on the floor of the House, I fail to see. The report is obviously a distortion in order to bring the great Muslim Organisation into dis-repute for certain political purposes. It says—“The Speaker asked him to name the persons concerned in secret to him by a specified time but this gallant gentlemen turned tail and could not divulge his secret information even to the Speaker.” This is also absolutely false. The hon. Member rose up to substantiate his allegation and I also stated before the House, on three separate occasions, on the same day, that the Member is prepared to substantiate his allegation fully; but in order to preserve amity and good-will among the Members and in order not to increase bitterness in the country between the two great communities, I prevented him from placing that matter on the floor of the House, but I was willing to place it in the hands of the Hon'ble Prime Minister for his attention and action in the matter. Then again—“That the League's malicious cry of injustice to the Muslims in the non-League Provinces is ridiculously false is provided by the fact that when confronted with a challenge to cite definite instances, its charges vanish into thin air. This is, to say the least, pathetically dishonest”. I can put the same term that the statement made here by the paper is blatantly dishonest.

Mr. Speaker, Sir, on a previous occasion, if I remember aright, in 1937, a similar matter came to the notice of the House. Certain paper produced distorted version of what the then Hon'ble Speaker, the present Home Minister, ruled on the floor of the House. I do not like to take up the time of the House by reading in-extenso, from what the Hon'ble Mr. Das said on that occasion. I will simply refer them to the ruling from ‘A Selection from the Decisions of the



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IN CERTAIN NEWSPAPERS

Chair illustrative of the procedure of the House drawn from the Sessions of 1937 to 1945.' I think the volume is probably with each hon. Member and the special report is to be found at pages 157 to 160, item No.216. Here the Hon'ble Speaker said that the report in the paper was a gross travesty of what had happened in the House and that it was certainly unwarranted, and the hon Members were quite justified in saying that the privileges of the House against such breaches were maintained. We were giving latitude to the representatives of the various newspapers for giving publication to the proceedings of the House and the House would be quite justified to take such steps as to stop this gross violation of the privileges of the House.

So, I submit, Sir, that suitable action be taken in this matter, as was done by your predecessor as early as 1937. I will leave to you, Sir, the step that will be most suitable on the present occasion.

**The Hon'ble the SPEAKER:** Which portion does the hon. the Leader of the Opposition refer to, I want to go through it.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Well, it is a distortion. At the top of page 159 of 'Assam Legislative Assembly—A Selection from the Decisions of the Chair illustrative of the procedure of the House drawn from the Sessions of 1937-45' the Speaker said. "If there be such writings, if there be such comments against the impartiality of the Chair, certainly all this would constitute breaches of the privilege of the House. Perhaps the hon. Members know what is the rule with regard to similar matters which is observed in the mother of Parliaments. Breaches of the privilege of the Parliament are punishable by law in the United Kingdom.

There are also several other ways in which action against breaches of the privilege of Parliament are severely dealt with, but the Legislatures in India have not got that power. This is really a question which is agitating the minds of all the Speakers and Presidents of the Legislatures, as to what can be done to prevent such contempt of the Legislatures, and I think some way may be found out. But before this is done we must find out a way for protecting the privileges of the House against such breaches. Of course we cannot reach all the newspapers of the country who publish matters like this, but there are certain papers who send their representatives to report the proceedings of the House, and we can certainly reach them. And when the hon. Members are keen to maintain the dignity of the House, then the power that has been given to me would be quite sufficient to take disciplinary action against those newspapers, who are guilty of such conduct."

**The Hon'ble the SPEAKER:** Does the hon. the Leader of the Opposition opine that the representatives of the newspapers who are guilty should be taken into task and suitable action taken against them?

**Maulavi Saiyid MUHAMMAD SAADULLA:** If I remember aright, the privilege that was given to the press representatives was withdrawn.

**The Hon'ble the SPEAKER:** Has any other hon. Member got anything to say?

**Babu RABINDRA NATH ADITYA:** Mr. Speaker, Sir, may I say a few words in reply to the allegations made by the hon. the Leader of the Opposition?



**The Hon'ble the SPEAKER:** Do I take it that the hon. Chief Whip is speaking on behalf of his Party?

**Babu RABINDRA NATH ADITYA:** No, Sir. I want to say only on the question of the privilege of the House. The ruling that was given by the Chair then is not analogous to the present case. Because if the Chair's decisions were distorted, he had no other course to correct it. The Chair is one who speaks the least and gets the least chance to give vent to his feelings if any of his statements is distorted. That is perhaps what he observed on that occasion. Here we can cite many instances of newspapers with various inclinations and bias to stretch facts to suit their own purpose and sometimes they distort statements to suit their own ends. If on all occasions the hon. Members of the House are to pursue those newspapers, then it will be a terrible thing for us and there will be no end of it. The hon. the Leader of the Opposition may have the remedy for it not in this forum but elsewhere. Certainly this matter does not encroach on the privilege of this House.

**\*Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, I am afraid, the ruling that has been quoted does not apply in this case. Because on the previous occasion it was an entirely different matter. The portion that has been read out by the hon. the Leader of the Opposition clearly shows that on the previous occasion the impartiality of the Chair was questioned. I will read—"certainly all this would constitute breaches of the privilege of the House." In the present case, as the hon. the Leader of the Opposition said, it is a question of perversion of facts or rather perversion of the proceedings of the House, I don't know, Sir, whether it is really a perversion and whether that constitutes breaches of the privilege of the House. Any way, Sir, I don't think the ruling that the hon. the Leader of the Opposition has quoted does apply in this case. Also I submit, Sir, that what has been published was under the protection of the ruling of the Chair. I think on all consideration, this matter cannot be treated as a breach of the privilege of the House.

**The Hon'ble the SPEAKER:** The hon. the Leader of the Opposition has drawn the attention of the House and of me to certain comments in the leaderettes of the *Ananda Bazar Patrika* and the *Amrita Bazar Patrika* of September 18th, 1946—Wednesday.

✓ In this connection, I have also looked into the Associated Press report that was transmitted from Shillong and published in the Calcutta papers. The Associated Press news appeared in the *Amrita Bazar Patrika* of Monday, the 16th September 1946 and the *Hindusthan Standard* of the same date. In both these papers the same report appeared. To my mind the news reported by the Associated Press is fairly accurate. Now, the two leaderettes in the two papers about which the hon. the Leader of the Opposition complains are editorial comments based on the report of news received by them. It is very difficult for me to say that the news are incorrect. Broadly speaking the news published in these two papers are fairly correct, but certain details are not strictly accurate. What I had hoped was that the curtain over this unhappy episode had dropped. But unfortunately I have to refer to it again painfully and to recapitulate what really happened. Certain allegations were made by the Opposition Members against the Government Benches including the Hon'ble the Prime Minister. There was vehement protest against this demanding disclosure of the names and facts then and there. I gave time to the hon. Member till after the 'question hour' on the following day to substantiate the charges brought. After the 'question hour', no statement was forthcoming



and after I was going to take up the next item on the agenda the Hon'ble Prime Minister made mention of the matter. Thereupon the hon. the Leader of the Opposition got up and said that the Member was ready with the statement but that as it will only increase bitter feeling he advised him to desist from further pursuing the matter. He also made a suggestion that he should like to meet and to talk the matter over with the Leader of the House. I expressed the opinion that if they wanted to do so I had no objection to adjourn the House for 10 or 15 minutes for the purpose. But the Hon'ble Leader of the House declined the offer to meet and as the old saying goes 'one can take the horse to water but cannot make him drink'—that proposal fell through and no question for adjournment arose. The Chair was only concerned with the fact that the hon. Member was given a specified time to make a statement substantiating the allegations and the statement was not forthcoming. Therefore, in deference to the sense of the House as expressed by the Leaders of different groups on various occasions in this matter, I declared that I would expunge the objectionable portions from the proceedings.

Now, as regards these newspapers editorial comments, in the present times when party organs or party papers give their editorial or sub editorial comments according to their own political or social or religious inclinations, it becomes extremely difficult for a Speaker of any Assembly to give any ruling about the propriety or impropriety of such comments and probably he will be going a little out of his way in doing so. While I say this I positively affirm that when a report or comment is shown to encroach upon the privileges of this House it will be the duty of the Speaker to take such disciplinary action as is provided for under the Rules and as is deemed appropriate in the circumstances. In this matter, I will certainly take the suggestions of the hon. Leader of the Opposition into consideration, but I must point out that the rule which the Leader of the Opposition has cited does not really throw much light. On that occasion, the matter was of different nature, and I take it that the then Speaker took the advice of the present hon. Leader of the Opposition, who was the then Prime Minister. Going through pages of the proceedings quoted by the hon. Leader of the Opposition I find that no conclusion was arrived at and no indication was given as to what action would be taken or should be taken. I find a very pertinent passage giving a very sound advice by the then Prime Minister, the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla, at page 1346 of the Assam Legislative Assembly Debates, Vols. I-II—Part I, 1937. Save and except this passage, I find no other light or clue to the conclusion of that episode. On that occasion the attention of the House was drawn to very serious, but maliciously false, reflections cast upon the Chair by certain newspapers and the then Prime Minister, the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla said as follows :—

\* \* \* \*

If we are to go by the writings or comments of the newspapers then we will not be able to carry on with our work at all on the floor of this House.....Sir, the writer has not gone beyond the proceedings of this House itself. During this Session of the Assembly, you were compelled to call members to orders on various days..... Sir, If we are to take notice of what the paper writes, then I think, we will not be able to go on with our work". Again he says:—"if hon. Members have to take notice of such writings in the papers, there will be no day when we cannot bring such matter to your notice. Therefore my submission before the House is that we should ignore such writings in the papers with deserved contempt".

*(Shouts of hear, hear, from Government Benches.)*



This is the only guiding light I find in course of the whole proceedings on that occasion. The Speaker rather made a statement leaving everything inconclusive. This wise advice given by the then Prime Minister, now the Opposition Leader, will also influence me considerably. I will take into consideration of all that has been said on the floor of the House and see what can be done.

Now, we pass on to the next item—item No. 5 of to-day's agenda and with respect to that the Amendment No. 7 standing in the name of Maulavi Abdul Bari Chaudhury is to be taken up.

**Presentation of the authenticated schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1946-47**

**The Hon'ble Srijut BISHNURAM MEDHI:** Sir, before you take up the consideration of the Amendments to the Assam Local Self-Government (Amendment) Bill, 1946, I wish to present the authenticated schedule.

**The Hon'ble the SPEAKER:** Is it item No. 7 ?

**The Hon'ble Srijut BISHNURAM MEDHI:** Yes, Sir.

I beg, Sir, to present the \*authenticated schedule of authorised expenditure in relation to Supplementary Demands for Grants for the year 1946-47 as laid before the Assembly.

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

**Mr. C. W. MORLEY:** Sir, we are now taking up the Amendments to the Assam Local Self-Government (Amendment) Bill. We have reached Amendment No. 7 of clause 2. I wish to draw attention to the fact that there is the words "lets in hire" it should be "lets on hire".

**The Hon'ble the SPEAKER:** I think, nobody will object to it.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in the second line of proposed sub-section (7A)(i) of clause 2, after the words "carriage or cart", the words "which he lets on hire or employs in business and" shall be added. Sir, my only object in moving this Amendment is that carriages or carts which are only used for profit should come under the purview of this Bill.

In many places there are cultivators who use their own carts for transporting their paddy or other agricultural commodities from their own *Khamar*. My idea is, that such carts which are used for the purpose of the cultivator should not fall a victim to the provisions of this Bill. Perhaps you remember, Sir, that to this proposed sub-section already one Amendment has been made and the word "plys" has been added after the words "carriage or cart". So if this particular Amendment of mine is accepted by the House it will read thus: If any person owns, keeps or is in possession of any carriage or cart or plys the same and which he lets on hire or employs in business, etc. I think, the Hon'ble Minister also does



not want that the *bona fide* cultivator who uses the cart or carriage for their own cultivation purposes should come under the purview of this Bill. So, I think, he should accept this Amendment.

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

"That in the second line of proposed sub-section (7A) (i) of clause 2, after the words 'carriage or cart', the words 'which he lets on hire or employs in business and' shall be added".

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** I am sorry I cannot accept this Amendment. The reason, Sir, is that we have already added the words "and plys the same" after the words "carriage or cart". Local Boards are concerned with whether the cart is used on the roads. It may be difficult for the Local Board authority, Sir, to find out which carts are using their roads for their own business or let out on hire. That will not be possible for the Board. Of course, Sir, as my hon. Friend has pointed out, carts used for agricultural purposes by the owners should not be taken into consideration. If the matter is brought to the notice of the Local Board then they may exempt such carts from the operation of this Amendment. If we add these words, instead of simplifying the procedure to be used by the Local Board we make it rather complicated. For this reason, Sir, I cannot accept the Amendment and I request the hon. Mover, in consideration of what I have said, to withdraw his Amendment.

**Maulavi ABDUL BARI CHAUDHURY :** Mr. Speaker, Sir, I do not know exactly whether there is any provision in the Parent Act for exempting the carts and carriages which are not used for profit ; if the Amendment is not accepted this provision of the Amending Bill will be inconsistent with the Parent Act. I do not know the actual provision. If the Hon'ble Minister will enlighten us.....

**The Hon'ble the SPEAKER :** Does the hon. Mover want to withdraw his Amendment ?

**Maulavi ABDUL BARI CHAUDHURY :** I do not press the 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.

**Maulavi ABDUL BARI CHAUDHURY :** I beg, Sir, to move that in the third line of proposed sub-section (7A)(i) of clause 2, for the words "Local Board", the word "Chairman" shall be substituted. Sir, the proposed sub-section (7A)(i) reads as follows :—"If any person owns, keeps or is in possession of any carriage or cart for which no license has been taken as required by the foregoing sections, the Local Board, or any person authorised by them in that behalf, may seize and detain such carriage or cart etc". My submission is that the words. 'Local Board' are too vague. Already, Sir, in the Local Boards much confusion has been created by the existence of the words "Local Board" and "Local Board at a meeting" in the Local Self-Government Act. Actually it has not been defined what is the difference in the meaning of "Local Board" and "Local Board at a meeting". If these two words "Local Board" mean Local Board at a meeting and be identical in that case the procedure would be very lengthy.



A meeting of the Board shall have to be convened before the opinion of the Board can be obtained. This difficulty may be obviated if the Hon'ble Minister means business and if the Amendment proposed by me is accepted. I want that the words "Local Board" should be substituted by the word "Chairman". As amended, Sir, that particular proposed sub-section will read as follows:—.....for which no has been taken as required by the foregoing sections, the Chairman, or license any person authorised by the Local Board in that behalf..... I hope, Sir, for the better operation of the amending Bill the Hon'ble Minister will accept my Amendment.

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

"That in the third line of proposed sub-section (7A) (i) of clause 2, for the words 'Local Board', the word 'Chairman' shall be substituted".

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** Mr. Speaker, Sir, of course, we have no definition in the Parent Act for the words "Local Board" still, Sir, the fact is when we use the words "Local Board", the implication is so far as the execution of any order is concerned, that it means the executive head, that is the Chairman.

**Maulavi ABDUL BARI CHAUDHURY :** Local Board means the Chairman ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** We have in the Parent Act expressions like this, such as, "Local Board or any person authorised by them in that behalf may at any time between sun rise and sun set enter in the stable or house, etc., etc."

This Bill has followed the Parent Act and I do not think any difficulty will arise when it is clearly stated therein "the Local Board or any person authorised by them in that behalf." So I cannot accept the Amendment because I do not think it to be necessary. There is no other objection. If, however, the words "Local Board" are not found suitable, of course, it will be taken into consideration when the Parent Act will be amended on a large scale but for the present, Sir, no useful purpose will be served by substituting these words in the amending Bill when these words are occurring at many places in the Parent Act. So these words have been placed in the amending Bill just on the same line as the Parent Act. I will, therefore, request my hon. Friend to withdraw his Amendment as this will not cause any inconvenience.

**Maulavi ABDUL BARI CHAUDHURY :** Sir, my difficulty is that I could not follow the trend of the argument of the Hon'ble Minister. Sir, may I enquire from him whether he means to say that it is the interpretation of the Government that Local Board means the Chairman ?

**The Hon'ble the SPEAKER :** But he read out certain portion from the Local Self-Government Act.

**Maulavi ABDUL BARI CHAUDHURY :** That is something different, Sir.



**The Hon'ble the SPEAKER:** Any way what the hon. Member proposes to do ?

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

**The Hon'ble the SPEAKER:** Since the hon. Member does not withdraw his Amendment, I am putting it as a question.

The question is :

“That in the third line of proposed sub-section (7A) (i) of clause 2, for the words ‘Local Boards’ the word ‘Chairman’ shall be substituted.”

The question was lost.

**The Hon'ble the SPEAKER:** Now we pass on to Amendment No.9 standing in the name of Maulavi Abdul Bari Chaudhury.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in the fourth line of proposed sub-section (7A) (i) of clause 2, for the words “by them”, the words “by the Local Board at a meeting” shall be substituted.

Sir, my contention is based on two points. First of all these two words ‘by them’ are not clear by themselves and secondly I want that these persons are to be authorised on behalf of the Local Board and must not be authorised on behalf of the Chairman. With these two objects, Sir, I have tabled this Amendment.

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

“That in the fourth line of proposed sub-section (7A) (i) of clause 2, for the words ‘by them’, the words ‘by the Local Board at a meeting’ shall be substituted.”

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I admit that there is nothing very offensive about the Amendment proposed by the hon. Member, but as he himself has just now stated that there will be much delay in taking action on the lines of the Amending Act if one has to wait for the decision of the Board at a meeting, this can be safely entrusted to the Chairman. And, Sir, if the Chairman in his action exceeds his authority or goes out of his way the power is there to take proper action against him. So, I think, Sir, the proposed Amendment is not necessary, and I would, therefore, request my hon. Friend to withdraw his Amendment.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, all this while the Hon'ble Minister is persisting in the interpretation that the words “Local Board” mean the Chairman. If he is agreeable to circularise this interpretation to different Local Boards I would be too glad to withdraw my Amendment.



Sir, there has been a good deal of controversy about this interpretation; some Chairmen interpreted that the words "Local Board" meant the Chairman, and the "Local Board at a meeting" meant some items of business transacted by the Local Board at that meeting. My submission is that the Hon'ble Minister will be pleased to inform by a circular to all the Local Boards that the words "Local Board" meant the Chairman, so that this controversy may be set at rest.

**The Hon'ble the SPEAKER:** I think, this is beyond the ambit of our present discussion.

**Maulavi ABDUL BARI CHAUDHURY:** I realise that, Sir. If the Hon'ble Minister is prepared to do that, I shall gladly withdraw my Amendment.

**Babu KAMINI KUMAR SEN:** Can a conditional withdrawal be allowed, Sir?

**Maulavi ABDUL BARI CHAUDHURY:** The Hon'ble Minister is here, and he can reply.

**Maulavi ABDUL HAMID:** The Hon'ble Minister is not correct when he says that the words "Local Board" mean the Chairman. The words "Local Board" meant the Board as a whole and not the Chairman alone. Subsequent use of the word "them" to signify the Board makes my point clear.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Sir, as regards "Local Board at a meeting", if any occasion arises for clarification of these words, and if so desired by the Chairman of any Board, I will see what can be done to that end.

**The Hon'ble the SPEAKER:** Nothing can be done.  
What about the Amendment?

**Maulavi ABDUL BARI CHAUDHURY:** I do not like to press it, 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.

**Srijut DANDESWAR HAZARIKA:** Mr. Speaker, Sir, I beg to move that in the fifth line of proposed sub-section (7A) (i) of clause 2, after the word "cart" the words "or after seizure may leave in proper *zimma*" shall be added.

Sir, my object in moving this Amendment is to give relief to the Board as well as to the poor people who possess carts. Now, Sir, when a cart is seized, say at a distance of 40 or 50 miles from the Local Board Office, it will be very difficult on the part of the Local Board officer to bring the cart to the Local Board Office. So, if the person who seizes the cart is authorised to keep the cart in proper *zimma* there will be no difficulty on the part of the Board's employee as he will not be required to bring the cart from such a distance. Another aspect of my Amendment is this: supposing an officer of the Local Board seizes a cart and brings it to the Local Board Office, there may not be proper space to keep it. If the cart is kept outside, it may be drenched in rain and dried in sunshine, and



after some days some parts may be broken. So, Sir, to give benefit to both the officers of the Local Board as well as the owners of the carts I have brought forward this Amendment, and, I hope, the Hon'ble Minister in-charge will accept my Amendment.

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

"That in the fifth line of proposed sub-section (7A) (i) of clause 2, after the word 'cart' the words 'or after seizure may leave in proper *zimma*' shall be added."

**Maulavi ABDUL BARI CHAUDHURY :** Mr. Speaker, Sir, I am in agreement with the proposed Amendment, but it is necessary to define what "proper *zimma*" means. The term "proper *zimma*" is very vague and it might be interpreted in any way a person would like.

**Srijut DANDESWAR HAZARIKA :** By "proper *zimma*" I mean the custody of any person who could be trusted.

**The Hon'ble the SPEAKER :** Any dependable person who can furnish security.

**Maulavi MD. ROUFIQUE :** The cart may also be released to the owner after taking some sort of security from him. The hon. Member said that the cart should be kept in the custody of some reliable person. But I submit that the cart can either be kept in the custody of some person or it may be released to the owner on his furnishing proper security.

**Maulavi ABDUL HAMID :** The hon. Mover might change the word "*zimma*" by the word "custody".

**Srijut DANDESWAR HAZARIKA :** It is up to the employees of the Board to find out a person who can furnish proper security for the cart. If the person who possesses the cart cannot furnish proper security the officer of the Board may seize the cart and hand it over for custody to some reliable person, e.g., the Gaonbura or the Mandal or the like.

**Maulavi Md ROUFIQUE :** In that case the word "*zimma*" will not do. It should be specifically stated that the cart may be released to the owner on his furnishing some sort of security.

**Srijut DANDESWAR HAZARIKA :** My hon. Friend is a lawyer and he knows the meaning of the word "*zimma*" perfectly well.

**Maulavi ABDUL HAMID :** Mr. Speaker, Sir, I do not think that the Amendment is very much necessary in as much as when a cart will be seized by the Board it will certainly be in the '*zimma*' of the Local Board. For any damage or loss that might be incurred on account of the seizure, the Local Board will certainly be liable. Therefore any officer of the Board seizing the cart would see that it is placed in proper care and is produced when required. As such, no such Amendment is necessary. The officer of the Board who will be deputed for such seizure will certainly have sense of responsibility.

### Adjournment

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



*(After lunch)*

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, a cart may not be seized conveniently near the Local Board Office. If a cart is seized by the Local Board authorities at a distance of say a few miles from the Local Board Office it may cause some inconvenience both to the owner of the cart as well as to the Local Board itself. But when there is seizure I think the cart must be left in proper *zimma*. Therefore, I accept this Amendment moved by the hon. Member Srijut Dandeswar Hazarika.

**Maulavi MD. ROUFIQUE:** Sir, the word "*zimma*" has not been made clear.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Sir, the hon. Member may take guidance from the Civil Procedure Code in this respect.

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

"That in the fifth line of proposed sub-section (7A)(i) of clause 2, after the word 'cart' the words 'or after seizure may leave in proper *zimma*' shall be added".

The question was adopted.

**Maulavi ABDUL BARI CHAUDHURY:** Sir, I beg to move that in the seventh line of proposed sub-section (7A) (i) of clause 2, the word "all" shall be deleted.

Sir, in the Bill it is given as: "and all police officers are required". There is no necessity of the word "all" as the wordings "and police officers" will cover the wordings "and all police officers". So my submission is that the word "all" is redundant.

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

"That in the seventh line of proposed sub-section (7A) (i) of clause 2, the word 'all' shall be deleted".

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, it also seems to me that the word "all" is not necessary. So I accept the Amendment.

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

"That in the seventh line of proposed sub-section (7A) (i) of clause 2, the word 'all' shall be deleted".

The question was adopted.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in the seventh line of proposed sub-section (7A) (i) of clause 2, for the words "are required" the word "shall" shall be substituted.

Sir, the wording in this Amends Bill so far as that portion is concerned are not happy. It is written "all police officers are required.....". The point is—required by whom?



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

"That in the seventh line of proposed sub-section (7A) (i) of clause 2, for the words 'are required' the word 'shall' shall be substituted".

**The Hon'ble MAULAVI ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I find that the proposed Amendment for inserting the word "shall" in place of "are required" makes the sub-section a better reading decidedly. I, therefore, accept the Amendment.

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

"That in the seventh line of proposed sub-section (7A) (i) of clause 2, for the words 'are required' the word 'shall' shall be substituted."

The question was adopted.

**Srijut LAKSHMIDHAR BORAH:** Sir, on acceptance of this Amendment there will be another consequential Amendment. The word 'to' before the word 'assist' in the ninth line will not be required.

**The Hon'ble the SPEAKER:** Yes, the hon. Member is right. Then the word "to" is deleted.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in the eighth line of proposed sub-section (7A) (i) of clause 2, for the words, "the application of" the words "requisition by" shall be substituted.

Sir, my submission is that the Local Board should not be required to apply for police help. The other day I stated in the House that if the Local Board was required to make any application it ought to be made to the Superintendent of Police and not to the Officer to the local thana. To obviate this difficulty, I have suggested that in place of the words "the application of" the words "requisition by" shall be substituted so that when police help is requisitioned the police officers will be compelled to help the Local Board.

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

"That in the eighth line of proposed sub-section (7A) (i) of clause 2, for the words, 'the application of' the words 'requisition by' shall be substituted."

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I appreciate the Amendment proposed by the hon. Mover. The sub-section will read better after this substitution. So I accept the Amendment.

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

"That in the eighth line of proposed sub-section (7A) (i), of clause 2, for the words, 'the application of' the words 'requisition by' shall be substituted."

The question was adopted.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in both the second and seventh lines of proposed sub-section (7A) (ii) of clause 2, for the word "ten" occurring therein, the word "thirty" shall be substituted.



Sir, the period that has been provided in the Amending Bill is too short. Therefore, I want to extend it to thirty days. With this purpose I have tabled this Amendment.

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

“That in both the second and seventh lines of proposed sub-section (7A) (ii) of clause 2, for the word ‘ten’ occurring therein, the word ‘thirty’ shall be substituted”

\* **Srijut DANDESWAR HAZARIKA:** Mr. Speaker Sir, I beg to point out that here, after ‘thirty days’ he has not mentioned from when. I have tabled another Amendment *viz.* thirty days from the date of seizure”. So, I think I will request my hon. Friend to withdraw his Amendment.

\* **Maulavi ABDUL BARI CHAUDHURY:** After such seizure the Local Board shall forthwith issue notices, that is, simultaneously, as soon as the seizure is affected the notices will be served.

**The Hon'ble the SPEAKER:** Does the hon. Member mean the first Amendment tabled on the 21st September, 1946 ?

\* **Srijut DANDESWAR HAZARIKA:** Yes, Sir.

**The Hon'ble the SPEAKER:** Hon. Member may then move his Amendment.

**Srijut DANDESWAR HAZARIKA:** Mr. Speaker, Sir, I beg to move that in the second and third lines of proposed sub-section 7 (A) (ii) of clause 2, for the words “the expiration of ten days” the words “thirty days from the date of seizure” shall be substituted.

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

“That in the second and third lines of proposed sub-section 7(A) (ii) of clause 2, for the words ‘the expiration of ten day s’ the words ‘ thirty days from the date of seizure’ shall be substituted. ”

\* **Maulavi ABDUL BARI CHAUDHURY:** Sir, in view of the Amendment that has just now been moved by my hon. Friend Srijut Dandeswar Hazarika, I beg leave of the House to withdraw my Amendment.

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

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

**The Hon'ble the SPEAKER:** The Hon'ble Minister may please reply.



**\*The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR.** Mr. Speaker, Sir, both the Amendments moved by Maulavi Abdul Bari Chaudhury and Srijut Dandeswar Hazarika, aim at giving better scope and facilities to the cart owners to pay their taxes and want to prevent oppression on them. So, I accept the Amendment moved by Srijut Dandeswar Hazarika which also includes the Amendment moved by Maulavi Abdul Bari Chaudhury.

**The Hon'ble the SPEAKER:** Does the hon. Member Maulavi Md. Abdul Latif want to move his Amendment No. 18? Government have accepted the period of thirty days. Does the hon. Member really want to put his Amendment for sixty days?

**\*Maulavi MD. ABDUL LATIF:** Yes, Sir. I beg to move that in both the second and seventh lines of proposed sub-section (7A) (ii) of clause 2, for the word 'ten' occurring therein, the words 'sixty days' shall be substituted.

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

"That in both the second and seventh lines of proposed sub-section (7A) (ii) of clause 2, for the word 'ten' occurring therein, the word 'sixty days' shall be substituted."

That is a further Amendment. Of course, if the Hon'ble Minister accepts that then the previous one falls through. If the Hon'ble Minister does not accept it I shall have to put it.

**\*The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** If I go on accepting Amendment in mathematical multiplication, then there is no knowing where this will end. I have already accepted the Amendment for 'thirty days' and that was also moved by two other hon. Members. As it is decided that thirty days should meet the requirements of law, I do not accept the Amendment suggesting sixty days; that will cause delay and will defeat the ends for which this measure has been sought to be enacted.

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

**\*Maulavi MD. ABDUL LATIF:** I do not like to press my Amendment and I beg leave of the House to withdraw my Amendment.

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

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

**The Hon'ble the SPEAKER:** I now put hon. Srijut Dandeswar Hazarika's Amendment as a question.

The question is:

"That in the second and third lines of proposed sub-section 7(A) (ii) of clause 2, for the words 'the expiration of ten days' the words 'thirty days from the date of seizure' shall be substituted".

The question was adopted.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in the second line of proposed sub-section (7A) (ii) of clause 2, after the words "on demand to" the words, "the owner or in the absence of the owner to" shall be added.



Sir, the relevant clause runs as follows: "the surplus sale proceeds (if any) shall be credited to the local fund, and may be paid on demand to any person who establishes his right thereto to the satisfaction of the Local Board or in a Court of competent jurisdiction."

My submission is, the surplus, if there be any, shall be paid to any person who establishes his right on it. With this aim in view I move this Amendment, and I think, the Hon'ble Minister shall have no difficulty in accepting it.

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

"That in the second line of proposed sub-section (7A) (iii) of clause 2 after the words 'on demand to' the words, 'the owner or in the absence of the owner to' shall be added."

**The Hon'ble MAULAVI ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I have no objection in accepting this Amendment as it does not make much difference, rather makes the meaning clear.

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

"That in the second line of proposed sub-section (7A) (iii) of clause 2 after the words 'on demand to' the words, 'the owner or in the absence of the owner to' shall be added".

The question was adopted.

**The Hon'ble the SPEAKER:** Maulavi Abdul Bari Choudhury may move his next Amendment.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg next to move that in the fourth line of proposed sub-section (7A) (iii) of clause 2 for the words 'Local Board' the words 'Chairman of the Local Board' shall be substituted.

Sir, the first four lines of the proposed sub-section (iii) read as follows:—

"The surplus sale-proceeds (if any) shall be credited to the local fund, and may be paid on demand to any person who establishes his right thereto to the satisfaction of the Local Board or in a Court of competent jurisdiction."

Sir, here the "Local Board" shall mean "the Local Board at a meeting". So, if the disposal of the surplus sale-proceeds are to be decided in the Local Board meeting, it would involve much delay. For this reason, I think, the Chairman in his individual judgement should apportion the sale-proceeds. I have therefore suggested that the words "Local Board" should be substituted by the words "Chairman of the Local Board".

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

"That in the fourth line of proposed sub-section (7A) (iii) of clause 2 for the words 'Local Board' the words 'Chairman of the Local Board' shall be substituted".

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I do not agree with my hon. Friend that 'Local Board' will necessarily mean 'Local Board at a meeting'. As I have already submitted in connection with a previous Amendment, the words 'Local Board' as used in the Local



Self-Government Act, means the Executive of the Board, *i. e.*, the Chairman and they do not mean 'the Local Board at a meeting'. So, here the words 'Local Board' seem better than the words 'Chairman of the Local Board'. For this reason, I do not like to accept the Amendment. I hope the hon. Mover will withdraw his Amendment.

**Maulavi ABDUL BARI CHAUDHURY:** May I inform the Hon'ble Minister-in-charge that some three years back when a reference was made by me to Government regarding the meaning of the words 'Local Board' the Secretary, Local Self-Government Department informed that the words 'Local Board' meant 'the Local Board at a meeting'. So it is the decision of 'the Provincial Government that the words 'Local Board' means 'the Local Board at a meeting' and it does not mean 'the Chairman'.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, on the point raised by the hon. Member, I shall have to look up. But so far as the present Amendment is concerned, I do not agree.

**The Hon'ble the SPEAKER:** We have got a very heavy agenda for this afternoon, and if hon. Members do not desist from digression, they will have to sit up to 6 p. m. Has the hon. Member any objection to withdraw his Amendment? He could not reasonably say anything after the Hon'ble Minister has replied.

**Maulavi ABDUL BARI CHAUDHURY:** I beg leave of the House to withdraw my Amendment.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, as I have submitted, it will not cause any inconvenience either to the Board or to the Court of competent jurisdiction if the words 'Local Board' remain here. If however any inconvenience arises, we will have to deal with it later on.

**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:** Next Amendment to be moved by hon. Maulavi Abdul Bari Chaudhury.

**Maulavi ABDUL BARI CHAUDHURY:** Mr. Speaker, Sir, I beg to move that in the fourth line of proposed sub-section (7A) (iii) of clause 2, the words "or in a Court of competent jurisdiction" shall be deleted.

Hon. Members have already noticed that we have scrupulously avoided the interference of the court in the Amending Bill. Sir, the usual procedure in the Local Self-Government Act was that in case of default regular proceedings should be instituted in a court of law, but now we have got to sell the cart on auction and from the sale-proceeds the cart tax or the license fee will have to be deducted. I don't see why at the last stage the court of competent jurisdiction should be sought for.

**The Hon'ble the SPEAKER:** Amendment moved:  
"That in the fourth line of proposed sub-section (7A) (iii), of clause 2 the words 'or in a Court of competent jurisdiction' shall be deleted."



**Maulavi NURUL HOSSAIN KHAN:** Mr. Speaker, Sir, I think, the words "or in a Court of competent jurisdiction" should be omitted. The amount of money that will remain after payment of fines and other things will be really very scanty. The Chairman of the Local Board appears to me to be quite competent to dispose of this. In these days of Self-Government it is highly desirable that we should have confidence on the elected Chairman of the Local Boards. It will be really harmful to allow the public any choice for going to the Law Court with petty matters like this. Therefore, with these words, I support the Amendment of hon. Maulavi Abdul Bari Chaudhury.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, to my mind, unless a saving clause is added to this, I don't think an action in the Law Court will be excluded by simply mentioning 'the Local Board'. Even if we make this provision here for a remedy in the Local Board, still I think an action with the Civil Court will lie automatically. So, the addition of the words "or in a Court of competent jurisdiction" will not be in any way harmful—rather it will give an incentive to the Chairman of the Local Board to do justice; because he will see that in case he fails to do proper justice, the matter may be dragged to the Law Court.

(A voice :—How ?)

In this view of the matter, the addition of the words "or in a Court of competent jurisdiction" will rather make the clause more useful than without these words. I hope, my hon. Friend will withdraw his Amendment.

**Maulavi ABDUL BARI CHAUDHURY:** In view of what has been said, I beg, Sir, 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:** Maulavi Nurul Hossain Khan may move the next Amendment.

**Maulavi NURUL HOSSAIN KHAN:** Mr. Speaker, Sir, I beg to move that the *Proviso* to proposed sub-section (7A) (iii) of clause 2, shall be deleted.

Sir, this provides that, if, at any time before the sale is concluded, the person whose carriage or cart has been seized shall make payment to the Local Board, or to the person authorised by them to sell the carriage or cart, of the amount of the license-fee and all the expenses incurred by the Local Board, the Board shall forthwith release the carriage or cart so seized.

Sir, I think that the proviso is not at all necessary. It will simply create confusion to the parties concerned, and therefore, it should be deleted.

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

"That the *Proviso* to proposed sub-section (7A) (iii) of clause 2, shall be deleted"

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, the proviso throws more light on the main clause and makes it clear that in case a cart owner deposits or pays his dues to the Local Board his cart will



at once be released. For all these reasons, Sir, I cannot accept his Amendment and I hope he will withdraw his Amendment because the proviso gives all the advantages to the cart owners for whom he wants to plead.

**Maulavi NURUL HOSSAIN KHAN:** I withdraw 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 Dewan ABDUL BASITH:** Mr. Speaker, Sir, I beg to move that in the fifth and sixth lines of the *proviso* to proposed sub-section (7A)(iii) of clause 2, the words "and all the expenses incurred by the Local Board" shall be deleted.

Sir, my intention in moving this Amendment is to save the innocent poor cart owners from harassment by the Local Boards' employees. Sir, from my experience I know that in this respect the Local Boards will utilise the services of road mohorars, surveyors, sub-surveyors or tax collectors in enforcing this Amendment Act. The term 'all the expenses incurred by the Local Board' will surely include travelling allowance and other incidental expenditures incurred by the Local Board employees who will be employed in enforcing these clauses of the Act and one Local Board employee may be required to go 20 miles or 30 miles from his headquarters in order to realise a cart tax of Rs. 4 or Rs. 5; but if this portion is not deleted the whole amount will be realised from the sale-proceeds of the cart. So, Sir, to save the poor carters, I hope the Hon'ble Minister—who I know was associated with the administration of a Local Board and who was connected with the poor people in the moffusil—will agree to accept my Amendment.

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

"That in the fifth and sixth lines of the *proviso* to proposed sub-section (7A)(iii) of clause 2, the words 'and all the expenses incurred by the Local Board' shall be deleted."

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I am sorry, I cannot accept this Amendment on the ground that the Local Board after spending so much money for the seizure of a cart will not be satisfied only with the payment of the cart tax. This will make the Local Board loser. If we accept this Amendment, Sir, we no doubt do a great injustice to the Local Boards because Local Boards will have to incur a certain amount of expenditure for the seizure of the carts and they cannot be penalised for seizure of carts. If a cart owner breaks the provisions of the Act it is only proper that he should be made to pay for his fault. In this view of the matter, Sir, I am sorry, I cannot accept the Amendment of my hon. Friend and I would request him to withdraw his Amendment.

**Maulavi Dewan ABDUL BASITH:** It seems the Hon'ble Minister is determined not to accept any Amendment from this side of the House; therefore I do not like to press my Amendment.

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

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



**Srijut DANDESWAR HAZARIKA :** I beg to move that in the third line of proposed sub-section 7(a) (ii) of clause 2, after the word "such" occurring for the second time the words "time and" shall be added.

My intention is to give sufficient time for the auction. Owners must know at what time their carts will be sold.

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

"That in the third line of proposed sub-section 7(a) (ii) of clause 2, after the word 'such' occurring for the second time the words 'time and' shall be added."

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** It seems something like an omission here. Without reference to time the meaning is not clear. The Amendment makes the meaning clear. I accept it.

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

"That in the third line of proposed sub-section 7(a) (ii) of clause 2, after the word 'such' occurring for the second time the words 'time and' shall be added."

The question was adopted.

**Srijut DANDESWAR HAZARIKA :** Mr. Speaker, Sir, I beg to move that in the seventh and eighth lines of proposed sub-section 7(A) (ii) of clause 2, for the words "to the Local Board within ten days after the issue of such notice" the words "within the period mentioned in the notice" shall be substituted.

It is needless to say that it will be only a repetition of the words 'Local Board.' So in order to avoid repetition I move it.

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

"That in the seventh and eighth lines of proposed sub-section 7(A) (ii) of clause 2, for the words 'to the Local Board within ten days after the issue of such notice' the words 'within the period mentioned in the notice' shall be substituted."

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

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

"That in the seventh and eighth lines of proposed sub-section 7(A) (ii) of clause 2, for the words 'to the Local Board within ten days after the issue of such notice' the words 'within the period mentioned in the notice' shall be substituted."

The question was adopted.

**The Hon'ble the SPEAKER :** Have any other Amendments been left out ?  
(Voices---No.)

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

"That clause 2 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 stand part of the Bill,"

The question was adopted.



**The Hon'ble the SPEAKER:** We come now to item No.5(b) of the Agenda.

†**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker Sir, I beg to move that the Assam Local Self-Government (Amendment) Bill, 1946 be passed.

**Maulavi ABDUL BARI CHAUDHURY:** I rise on a point of order, Sir. I refer you to sub-rule (2) of Rule 70. It reads like this: "If any Amendment be made, any Member may object to the passing of the Bill at the same Meeting; and such objection shall prevail, unless the Speaker, in his discretion, allows the Bill to pass."

We cannot but object to the passing of the Bill as too many Amendments have been made to the provisions of the Amending Bill. This Amending Bill is not of such an urgent nature that it should be rushed through in the same sitting. Therefore I submit that the Motion that has been moved by the Hon'ble Mr. Abdul Matlib Majumdar is not in order. It should not be passed in the same sitting.

†**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** I think this Motion is rather too late in the day.

**The Hon'ble the SPEAKER:** He has raised a point of order. He raised objection to the passing of the Bill under Rule 70.

†**The Hon'ble Maulavi ABDUL MATLIB MAJUMDAR:** I have heard the objection. I do not think any serious Amendment has been made and accepted in connection with this Bill. The Amendments that have been moved and accepted are rather of formal nature. These have been made to clarify the meaning of the proposed sub-section. These have not taken away the utility of the Bill. So, Sir, I think that the Bill may be passed.

**Maulavi ABDUL HAMID:** Mr. Speaker, Sir, more than one Bill in this House has been rushed through. Previously also another Bill in which substantial Amendments were carried, was passed in this House in the same sitting. The hon. Members of the House will be deprived of the privilege of reconsidering the whole Bill if they accept the final Motion for passing of the Bill. I, therefore, through you, Sir, make a protest against this hurried method of legislation which the present Government is adopting.

**The Hon'ble the SPEAKER:** The hon. Member has raised a point of order under Rule 70 of the Assam Legislative Assembly Rules. I have given anxious thought over the matter whether the Bill should be allowed to pass to-day or it should be vetoed under Rule 70 (2). A few points are required to be considered in this connection. (1) This Bill was tabled for consideration clause by clause on the 14th. Because of the fact that time did not permit, the House could not reach up the Bill on that day. Although the Bill was put in the agenda for the 14th yet the Amendments tabled on the 17th have been admitted for the simple reason that I thought that the fullest scope and opportunity should be given to the hon. Members to table Amendments. In fact, the Bill has been very well thrashed out and I may also be permitted to say, leisurely. Now what is this Bill about? From the discussion of the Bill at various stages and also from the large number of Amendments tabled, it appears that the Bill has been brought up with a view to give facilities to the Local Boards in the matter of realisation of cart tax which tax already exists; only better facilities have been

†Speech not corrected.



offered to Local Boards for the realisation of this tax, at the same time without being oppressive to the cart owners or to any section of the public. The result is that this Bill will enable the Local Boards to have their dues without unnecessary harassment, adding to the revenues of the Local Boards which is very greatly needed at the present moment for giving relief to the people in various matters, such as, medical help, rural water supply and village roads. Considering all these points I am of the opinion that this Bill should be allowed to pass.

**Maulavi M. IDRIS ALI:** Mr. Speaker, Sir, I beg to oppose the passing of the Assam Local Self-Government (Amendment) Bill, 1946. It has been made perfectly clear from this side of the House, that this piece-meal amending Bill had no justification and no useful purpose will be served by passing it. By passing it we will provide another weapon in the hands of the authorities and the police to oppress the poor cultivators. The carts are only used by the villagers in the Mofussil areas. So the burden of this new Act will fall entirely on the poor.

The Hon'ble Minister so often boasts that he has been connected with a Local Board for a long time. But what is that Local Board? Is it not a fact that it is smaller than a Thana in any of the subdivisions of the district of Sylhet? So what is possible in Hailakandi may not be possible for the other Boards in the Province.

Sir, we are sincerely convinced that this Bill is not only unnecessary but it is harmful for the general public. It will not increase the income of the Local Boards but it will lead to prolonged litigation. The interference of the police in the matter of administration of self-governing institutions, is most objectionable. I cannot understand why the Hon'ble Minister is so eager to take police protection. This is surely something new for the Congress Government after their hostility towards the police for such a long time.

**The Hon'ble the SPEAKER:** Order, order, this is irrelevant.

**Maulavi M. IDRIS ALI:** Sir, I have been connected with a Local Board for a pretty long time and from my personal experience I may say that the Boards are not feeling any disadvantage in the absence of such provision in the Local Self-Government Act. As such there is no earthly reason why it should be extended to the Surma Valley.

Sir, at present the Hailakandi Local Board is not properly functioning. Four Chairmen out of the remaining six Boards in the Surma Valley are Members of the Assembly. All of them are definitely against the amending Bill. I maintain that they are the proper persons who can speak with authority about the subject and their opinion should not be brushed aside. I do hope that the Hon'ble Minister will have no difficulty in dropping the Bill.

Sir, the Hon'ble Minister only yesterday declared in an open public meeting that possibly he was going to bring forward a comprehensive Bill for amending the Local Self-Government Act. This is another reason why he should not proceed with the present Bill. If he is still convinced that the provisions of the present Bill are so urgent, he can incorporate these provisions in that Bill.

With these words, Sir, I beg to oppose this Bill.

**Maulavi NURUL HOSSAIN KHAN:** Mr. Speaker, Sir, at the very outset, I would like to say that this Bill is not at all necessary; some harmful provisions have been incorporated in the Bill which will lead the public to unnecessary litigation. Sir, the people should be allowed to live in peace and they should not



be allowed to go to law courts, as far as possible. It is unfortunate that the present Government should incorporate such provisions in the Bill which will compel the people to go in for litigation. Sir, it has been made abundantly clear that this Bill is not wanted by the Members of the House in general. Sir, in making laws many things require consideration. The rushing of a Bill with such inordinate haste, certainly, will not be conducive to the good of the country. We wish that Government should give us and the public sufficient time to assimilate the implications of the Bill and to see whether the Bill should be passed or rejected. I do not understand the necessity of this haste on the part of the Hon'ble Minister to rush through this Bill. Sir, I think, whenever any enactment is necessary, we should be given sufficient time to look to the pros and cons of the matter so that we may be in a position to give a correct verdict as regards the utility or otherwise of the Bill. I am certainly very much against this move of rushing through legislation which is not at all urgent. I would request the Hon'ble Minister and the hon. Members of the House to look into the matter in its true perspective and to wait. In this view of the thing, Sir, I submit that this Bill should not be passed.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I do not agree with hon. Maulavi Nurul Hossain Khan that this Bill was not desired by the whole House generally. The Motion for consideration of the Bill was adopted after a division, and it was found that about 57 Members were in favour of the Bill and 22 against it; that showed the sense of the House. Be that as it may, Sir, I do not see any abnormality about this Bill. There is already a provision for realising cart-tax in the Local Self-Government Act, and it is up to the Chairman of the Board either to impose this tax or not. If the Local Board think that they should impose the tax on a particular cart-man they can do it; or if they think that they should not fall upon a cart-man they may also do that. Only, Sir, where there is evasion on the part of a cart-man, and wilful negligence, it is only to provide against him that this Amending Bill has been brought forward. My hon. Friend is the Chairman of one Local Board; it may be that he is going on very leisurely and happily, but there are Boards, of which we have got reports, in whose case thousands of cases are pending and they are in heavy arrears. So, Sir, as I already submitted, on the report of the Commissioner in connection with his inspection of some of the Boards that we had to take initiative in this matter. Sir, I do not see why there should be apprehension about police *zulum* and oppression. If a certain cart-man evades payment and he is detected on the way, the Local Board officer will catch him and if necessary his cart will be placed under proper *zimma*. It may be that better sense would prevail and the cart-man would make the payment and take away his cart. Where is then any scope for police oppression? Of course, if he still evades the provisions of law it will necessarily fall upon him; his cart will be sold to realise the tax. This is a very simple provision, Sir, and I do not see any scope for any such apprehension of the hon. Members opposite. The measure is also very simple; if we take so much time in passing such a simple measure, how can I expect I will be able to bring in a comprehensive Amending Bill, and have it passed within a reasonable time? Sir, as the purpose of the Amending Bill has been so clearly put before the House by the Hon'ble Speaker and as the purpose has been discussed threadbare on the floor of the House, I do not think there is any more necessity for me to dilate on this matter further. This is a very simple matter and, Sir, in one word, it has been brought forward simply to enable the Local Boards to realise the cart-tax rather easily, and there is no scope for any oppression being done to the cart-owners either by the Local Board employees or by the Police. I therefore hope, Sir, there will not be any further objection to the passing of this measure.



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

23/9/46

"That the Assam Local Self Government (Amendment) Bill, 1946, be passed."

The question was adopted.

**The Hon'ble the SPEAKER :** We pass on to item No.6.

### **The Assam Primary Education Bill, 1946**

**The Hon'ble Srijut GOPINATH BARDOLOI :** Mr. Speaker, Sir, I beg to introduce the Assam Primary Education Bill, 1946, and to move that the Bill be referred to a Select Committee consisting of the following Members:—

1. Maulavi Saiyidur Rahman.
2. Maulavi Abdul Bari Chaudhury.
3. Dr. Emran Hussain Chaudhury.
4. Mr. A. C. Tunstall.
5. Srijut Gauri Kanta Talukdar.
6. Srijut Chanoo Kheria.
7. Srijut Purna Chandra Sarma.
8. Hon'ble Maulavi Abdur Rasheed.
9. Srijut Bidyapati Singh.
10. Srijut Rajendra Nath Barua and
11. The Hon'ble Minister in-charge of Education, Chairman.

The report is to be submitted on or before the 31st January, 1947. Five Members will form a quorum.

Sir, before I enter into a discussion about this Bill, I must take this opportunity of congratulating my hon. Friend, the ex-Education Minister of the Government of Assam, Maulavi Sayidur Rahman, for having conceived this Bill, for making a preliminary survey of the whole situation for introducing this Bill, and for adopting many other measures which he had to adopt before the Bill could be conceived. The Government had to pass through various stages before they could actually come to the stage of introducing this legislation and these preliminary stages were gone through under the last Government, and we have come in only to take the place of what the last Government did in this behalf, with a view to completing this big task.

Sir, the Objects and Reasons of the Bill are there; I am sure they represent the hopes and aspirations of not merely Government but, I hope, of all the people of the Province as a whole. I do not want to take the time of the House by going into the reasons why the Province, in spite of its serious attempts to get rid of illiteracy, has succeeded in getting only 10 to 11 per cent. literate on the average. We hear of great improvements in other countries, of how Russia within the course of 20 years had, from 20 per cent. of her literacy, become cent per cent. literate. In England as early as 1870, i.e., 75 years ago, they had adopted an Education Act whose object was similar to what we conceive of to-day.

Well, free countries have their own way of thinking and tackling matters. I must say Sir, that if we have not been able to get rid of illiteracy in our country, it is because we have been under a foreign rule all these long years. Sir, many changes have come and are to come in the meanwhile in the hopes and aspirations of the people. We therefore think that this is an opportune moment when a Bill of this kind should be considered not only by this House but also by all the people in the country.



The demand for compulsory primary education is not a new thing to India. The earliest sponsor of compulsory primary education was, Shree Gopal Krishna Gokhale, one of the greatest men of India. He moved a Bill in 1911 in the Imperial Council. His Bill sought to introduce compulsory primary education all over the country. Although the Bill was none too early, the Government of India defeated Mr. Gokhale's motion; but nevertheless gave an assurance that they would take it up as early as possible and would do their best to push up primary education in this country. But as is true of Government assurances of those days, the matter remained there without any progress. Then Sir, the Montague Chelmsford Reforms came to prevail in India. During this time, *i.e.*, between 1919-1926, you will be pleased to find that a number of legislations were introduced by almost all the provinces including Assam to enforce some kind of compulsion in primary education. I will come to Assam more particularly when I shall be discussing our present Bill. As I said, Sir, all the provinces in India adopted some kind of legislation for this purpose. If these did not mean anything, it showed how Indians, to whose hands education came, were alive to the problem. I do not like to take up the time of the House by going into the details of them now. But I may nevertheless venture to give you some central idea which may probably help us in examining the Bill before the House. Bengal, for example, took up this kind of measure in 1919. According to that measure, they formed an Advisory Board with the object of co-ordinating the activities of the District Boards of Education; they levied an education cess to make primary education free. It may interest the hon. Members to know that unlike Assam till then the primary education in Bengal was not free primary education. It will be observed that this measure which largely depended on the education cess they levied for its success, could not go very far and was a failure. In 1920 Madras brought a legislation of this nature which is in existence even now under modified form. The peculiarity of all this legislation is that powers were left with local bodies to enforce the provisions of this Act in areas they considered suitable. The result was that such areas were very small, and in Assam there was none.

With the advent of the present Reforms of 1935 Act, the provinces adopted another set of legislation according to which the powers of compulsion were taken over by Government. In Madras, Government made primary education compulsory in 27 towns and 114 villages. Similarly, other provinces like the United Provinces, Bihar, the Central provinces also passed Primary Education Acts for their respective provinces and almost all the provinces, particularly the Punjab, had large areas brought under compulsion by operation of provisions as is proposed in our Bill. It is a tragedy that Assam was so much divided politically, that none of the Government had time to bring forward such a legislation during the course of the last 9 years. I may inform the hon. Members of this House that the Punjab has made great headway in this respect. The number of towns and villages which they brought under the operation of their Act—for compulsory education—is larger than those of most of the provinces. Thus it proves that provinces with solid majority parties have not lagged behind in this important matter as our Province has done. Sir, I take this opportunity of acknowledging with thanks the step that was taken by the hon. Leader of the Opposition in putting into the Statute Book—Assam Act of 1926. It was under his efforts that this Act came into force. But, as I said, that Act is a dead letter: It had many defects; it is to remove these that this Bill has been brought before this House. For example, according to that Act the whole operation of compulsion was left to the local bodies. The local bodies were free to choose any particular area they liked for levying a cess and to introduce compulsory primary education there. But no local body had the courage to resort to any levy of tax, or possibly had they the resources enough to make primary education compulsory and free in any area. As a result, things remained exactly where it had been before. I am happy to remark



that the system of primary education already prevalent in our Province, according to all reports in that behalf, is better than what is found in many other provinces and has been commended by many educationists. All the same, the appalling rate of illiteracy has remained. It is true that in certain areas, *i.e.*, one from which my hon. Friend Srijut Gauri Kanta Talukdar comes, the percentage of literacy is about 60 ; but generally in the average villages it is not more than 11. The object of this Bill is therefore to remove this bane of illiteracy from our Province by a method of education and compulsion which I shall explain when I will go into the details of the Bill.

In order to avoid wasting the time of the House, I, at the moment, propose only to place before the House some of the salient features of this Bill. The first and the most important object of this Bill is to invest the power and function of primary education in a Statutory Body. It will be a body just like the Municipal Board or Local Board. It will function independently of Governmental control except for the grants which it will receive from Government, and for certain extraordinary purposes in which Government must exercise certain functions. Subject to above, this will be a body which will be, for the purpose of this primary education, the final authority and this Statutory Body will not merely act as an Advisory Board to the Government but will also act as an Executive Body. The main executive bodies which have been termed in this Bill as School Boards, will be under the guidance of the Provincial Board for funds, for curricula of studies, etc. The School Board will do the details of administrations in the particular places, the subdivisions, where School Boards shall function and work.

Then, the second important feature about this Bill, is the compulsion. And here the compulsion is not sought to be made all at once in every place. The places where compulsion should be exercised, will, more or less, be determined on the advice of the School Boards and the Provincial Board, and Government will decide finally where it might be applicable.

The third point that has been proposed in this Bill is a tax in only the compulsory areas. A tax is proposed to be levied in areas where compulsion will be used and not throughout. These, to my mind, are the fundamentals of this Bill. To summarise, they mean, in the first place, that, you take out primary education from the hands of the Local Boards: that is a very important fact for us to remember. A Statutory Body shall have its own funds and it will disburse those funds. It shall have its own officers, it shall have its common seal, and, as I have said before, there will be taxation only in those areas where compulsion is sought for. The sum total of this means that if we are to improve education, we have to introduce compulsion ; and where we do introduce compulsion we must try to bring it into perfection. This is actually the summary of the provisions of this Bill.

I do not propose to refer to all the clauses of the Bill. But the clauses in reference to the formation of the Provincial Board which has been termed as Advisory Board will be found in clause 3 of the Bill. Clause 9 of the Bill defines the duties and functions of this Provincial Board.

Then, we have in clause 11—Provincial Primary Education Fund. In clause 16 we find the Constitution of the School Board and what the definition of a School Board is. In clause 24, the duties and functions of the School Boards are specified. In clause 32 what is to constitute funds of these Subdivisional Committees, Boards or School Boards, is mentioned ; and here is one particular clause—sub-clause (vi), about which there might be some misunderstanding among the Local Bodies. The clause is this—“such part of the local rate, being not less than the average amount annually spent for Primary education by the



Local Board for the 3 years immediately preceding the year in which the School Board is first constituted, as may be determined by the Provincial Government from year to year." It means that 3 years average of expenditure which the Local Boards are incurring for maintenance of the schools within their jurisdiction, shall form part of this School fund. I am pointing this out specifically so that your attention might be drawn to this.

In clause 41 of the Bill, attempt has been made to localise the areas where compulsion is to be used. Clause 45 is a very important clause. It lays down that "No person shall utilise the time or the services of a child in connection with any employment of such child, whether for remuneration or otherwise, in such a manner or at such times of the day as to interfere with the regular attendance of the child at the recognised primary school." This is something which gives a new perspective to education.

Lastly is clause 50, which shows how an education tax should be imposed in any particular area and for what reasons.

So, Sir, these are all the clauses of the Bill and I have already tried to explain the implications of the Bill as best as I could. I hope you will be pleased to accept the Motion. I hope that within the period that we have fixed for the submission of the report, we shall be able to sit together to discuss the provisions of the Bill, then come before the House with the report at its next sitting, for its consideration.

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

"That the Assam Primary Education Bill, 1946 be referred to a Select Committee consisting of the following Members :—

1. Maulavi Sayidur Rahman,
2. Dr. Emran Hussain Chaudhury,
3. Maulavi Abdul Bari Chaudhury,
4. Mr. A. C. Tunstall,
5. Srijut Gauri Kanta Talukdar,
6. Srijut Chanoo Kheria,
7. Srijut Purna Chandra Sarma,
8. Babu Bidyapati Singha.
9. Hon'ble Maulavi Abdur Rasheed,
10. Srijut Rajendra Nath Barua and
11. The Hon'ble Minister-in-charge of Education—Chairman.

Five Members to form a quorum and the Select Committee to submit its report by the 31st January, 1947."

**Maulavi SAYIDUR RAHMAN :** Mr. Speaker, Sir, I take this opportunity of expressing my gratitude to the Hon'ble Prime Minister for complimenting me on the steps that were taken by me for the framing of this Bill. If I take my stand to-day to participate in the discussion on this Motion, I do so not with an avowed object of opposing the measures but only with a view to place before the House the merits and demerits of the Bill as they appear to me on a careful examination of the same. This Bill is no doubt an outcome of earnest efforts on the part of successive Governments to place primary education of the Province on a sound and stable basis and for achieving the ideal of having compulsory primary education free in the Province. I must say that this Bill is an essential and indispensable step in the achievement of our goal. As the Bill is going to affect the destiny of the future education of the Province and of the people of all communities and creed, it is all the more necessary that it should not be hurried through, but should be subjected to a very searching and close examination by this hon. House.



So far as the principles are concerned, as the Hon'ble Premier has already pointed out, the main principle that underlies the Bill is to take away the control of primary education from the Local Bodies. Obviously this will appear to be a very unpalatable and retrograde measure. If I am permitted to go a bit into the history of this move, I may inform the House that the Central Advisory Board of Education appointed as far back as in 1937 a Vernacular Education Committee to consider certain questions connected with the administration and control of primary education. In that Committee we had eminent persons like Rajkumari Amrit Kaur, Mr. B. G. Kher—the present Premier of Government of Bombay. They came to the conclusion that a Board of Vernacular Education consisting of not more than 7 members with the Minister of Education should be constituted to discuss the question of Primary Education. In that Committee's report we find that they suggested that they would like to see that all provinces make a survey of the existing schools, as has been and is being carried by the United Provinces and Madras, with a view to wider location of schools, improvement of schools, closure of unnecessary ones and amalgamation of others. During my time this survey was undertaken and I think, the report has already been submitted to the present Government. I hope, with the result of this survey it will be easy for this Government to give effect to the proposal of expansion of primary education on a stable basis. After the report of that Committee, the United Provinces Government submitted a memorandum to the Central Advisory Board. It is a long report, but I shall take the indulgence of the House to read only a certain portion of it. The memorandum says:—"The only arguments for the control of education by local authorities are two, *viz.*, that the local interests will be better looked after and, that is necessary to train Local Government Bodies by handing over to them the control of education. Neither of these arguments will bear examination and the history of primary education carried out under these conditions is a record of waste, mismanagement and intrigue. The cause of children cannot be allowed to suffer any longer owing to what at the best is sentimental belief in decentralisation. There is no doubt that a central organisation of primary education will lead to the spread of literacy by better organisation, better use of the money available and avoidance of local intrigues and jealousies".

It goes further on that local control on primary education may be justified where the population is educated but it cannot be justified in a country where the vast majority of its population are entirely illiterate. The Central Advisory Board at their 8th meeting considered this memorandum of the United Provinces and accepted the recommendations of the Standing Committee generally and decided that Government should assume full responsibility for the administration of primary education wherever practicable but where that was not practicable the Government should assume greater control over primary education under local bodies, particularly in matters of general policies, distribution of grants, appointment and transfer of officers, etc. This recommendation was made several years back and the provinces were asked to implement the recommendations and accordingly we in Assam also appointed a committee under the Chairmanship of Mr. S. C. Roy. Mr. Roy in his report stated that a Central Advisory Board should be constituted in the Province. So, Sir, from this history it would appear that however unpleasant a measure this might be to the local bodies who had been controlling primary education for such a long period, it will surely enable the Government to place primary education on a sounder basis. Having approved of the principles of this Bill I pass on to its provisions. The Hon'ble the Prime Minister told just now that the Bill was conceived by me but I may inform the House that I do not take the responsibility for the provisions of this Bill. As I said before that this Bill is going to affect the people



of all communities, I am to consider whether there are sufficient guarantee in the provisions of this Bill for future expansion of primary education as is understood by my community. Sir, primary education to the Muhammadans does not mean only the learning of the three R'S and general knowledge and all that, but religious education forms an indispensable part of the primary education. Now, this fact—this special position of Muhammadans in the sphere of education—had been recognised from the earliest time. Even the East India Company also recognised that elements of religious education for the Muhammadans as a community should be encouraged. Sir, I need not waste the time of the House by giving a history of this but I may say this much that in the Educational Despatch of 1854 the Government of India said :—

“We shall receive with favour any proposition which may appear to you to be likely to supply the want of so large portions of the natives of India”. Under the Viceroyalty of Lord Mayo the Government passed a resolution on the subject of Muslim Education in 1871 laying down certain principles which were accepted and elaborated by the Hunter Commission of 1882. Doctor Hunter in his Book entitled the ‘Indian Mussalmans’ attributed the general apathy evinced by the Mussalmans towards Western education to 3 main causes—(a) want of muslim teachers (b) absence of the provision of moslem languages and (c) absence of religious education. The Commission of 1882 recommended among other things that special encouragement of Muslim education was to be regarded as a legitimate charge on local, municipal and provincial funds. Indigenous schools for Moslems were to be liberally encouraged to add purely secular subjects to their curriculum.”

So, my object in reading out the extracts above is to show that the Government of India had consistently been following the policy of having religious education as indispensable to the curriculum for Moslem education.

Now, I have to refer to the change that has come in that policy. Sir, we have often been hearing about the Wardha System of education. The Muslim Community has been consistently opposing the Wardha System of education. The Central Advisory Board of Education appointed two committees to consider the Wardha System of education. In the first committee Dr. Zakir Hussain—the author of the Wardha Scheme, was invited and he was asked to explain the Wardha System. Dr. Zakir Hussain next answered the criticism which had arisen in one form or other mainly from Muslim sources that the proposed Wardha Schools neglected religious education, and were entirely secular in outlook. He admitted that the Scheme prescribed no syllabus in religious education as the difficulties were obvious, but one of its foundations was a respect for all religions. Again Dr. Hussain stated that no community need have the least apprehensions that the Wardha Scheme was intended to discourage any form of religion or religious observance.

From this it will be clear that Dr. Hussain had to admit that there is no direct provision for religious education in the Wardha Scheme. Now, Sir, the Sargent Report had also given the go-bye to religious education. It will be seen that the basic education of which we have heard so much is also based on the Wardha Scheme. The Sargent Report says :—“Basic education as envisaged by the Central Advisory Board embodies many of the educational ideas contained in the original Wardha Scheme, though it differs from it in certain important particulars. The main principle of ‘learning through activity’ has been endorsed by educationists all over the world. At the lower stages the activity will take many forms, leading gradually up to a basic craft or crafts suited to local conditions. So far as possible the whole of the curriculum will be harmonised with this general conception”.



So, this shows that basic education, as adumbrated by the Sargent Report, is mainly based on the Wardha Scheme and Mr. Sargent admitted that "The question of religious education, however, falls into a different category. The importance which the Board attach at all stages of education to the training of character has already been stressed. There will be probably general agreement that religion in the widest sense should inspire all education and that a curriculum devoid of an ethical basis will prove barren in the end. The Board certainly envisage that private schools conducted by denominational and other bodies will have their appropriate place in a national system, provided that so far as secular instruction is concerned, they comply with the conditions and reach the standards prescribed in the case of State Schools".

Now in this report recommendation made by them is that State should provide facilities as at present for every community to give religious teaching when so desired but not at the cost of the State. So I say that both this Wardha System and the basic education as adumbrated in the Sargent Report do not insist that religious education should form part and parcel of the education that is to be imparted to the children of the great Muhammadan community, and that the State should bear the expenses of such education.

\***Babu RABINDRA NATH ADITYA**: Will the hon. Member please explain what he means by 'religious education'?

**Maulavi SAYIDUR RAHMAN**: It is knowledge of religious principles, tenets and rituals.

My hon. Friends opposite feel that it is not proper for me to bring any communal consideration in considering this Bill. To them I say that they conveniently forget that Muhammadans do not regard themselves as a community but as a Nation. In any system of national education there must be statutory provision for giving the Muslims religious teaching.

\***Babu RABINDRA NATH ADITYA**: Is it a nation for India or for the entire Muslim Community?

**Maulavi SAYIDUR RAHMAN**: The Hindus and Muslims are two nations in India. With this background let me examine the provisions of this Bill now. First of all the definition. Definition of primary education means education in such subjects and up to such standard as may be prescribed in this behalf by the Provincial Government. Definition of primary education is left to be prescribed by rules by the Government. So it is uncertain and vague. It may be that the Government as at present constituted, a Government which is wedded to the basic system of education, will feel inclined to define primary education later in a way to suit their own purposes and give effect to their own ideology.

The most important provision in this Bill is the constitution of the Provincial Board which is not only advisory as pointed out by the Hon'ble Premier, but is also executive. It will exercise executive control over the School Board. So on the constitution of this Board depends everything. But the pity is that the constitution of this Board is also left to be prescribed by the rules. Clause 4 says that "The Provincial Board shall consist of the prescribed number of members amongst whom shall be included....." I may point out that in the Bill which was drafted under my guidance, the number of provincial boards was given there. In this clause it has been omitted and moreover, if I remember aright, we provided in the constitution that there will be certain number of members from the Muhammadan community also. But this provision has also been omitted. There was a

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\*Speech not corrected.



further provision that in the Board the minority communities will be adequately represented but that important provision has been omitted from this Bill.

In the matter of the constitution of the School Board also similarly everything has been left to be prescribed by the rules. In clause 17 it has been said that The Subdivisional Board shall consist of the prescribed number of members amongst whom shall be included so and so. This School Board will exercise extensive powers. The School Board shall perform the following duties and functions within its own area namely: (1) creation of new primary schools; (2) recognition, control, redistribution, expansion and amalgamation of primary schools. (3) Appointment, transfer, leave, reward and punishment of primary school teachers, attendance officers; (4) Provision of adequate accommodation in and supply of necessary equipments to primary schools; (5) Grant of funds to primary schools for their contingent expenditure; (6) Payment of salary of primary school teachers and attendance officers. These important functions have been given to the proposed School Board.

Then under clause 51 the Provincial Government have been empowered to make rules for carrying out the provisions of this Act. Amongst others, the following had been powers given to them namely: Prescribing the curriculum, duration; standard and syllabus of the course of inspection to be imparted in a primary school. Now, Sir, my submission is this that the Provincial Government have been empowered to make rules about everything. The Provincial Government is going to act on the advice of the Provincial Board. So it is essential that there should be adequate representation of Muhammadans in the Board to ensure that type of primary education, which 33 per cent. of the population of this Province want, may be imparted without any check or hindrance. There is no such guarantee. The provisions are absolutely uncertain as to any future facilities that will be given to absorb the present Maktab education into the proposed scheme of primary education. This Bill therefore falls short of our expectations. With these words I resume my seat.

**\*Maulavi ABDUL BARI CHAUDHURY:** It is already 4 o'clock, Sir.

**The Hon'ble the SPEAKER:** What do the hon. Members propose to do?

**\*The Hon'ble Srijut GOPINATH BARDOLOI:** We shall carry on and finish this Bill at any rate.

**\*Maulavi ABDUL BARI CHAUDHURY:** From this side of the House, there are at least ten speakers. They must take at least four hours.

**The Hon'ble the SPEAKER:** Should we rise at 4-30 for tea and then re-assemble.

**Maulavi Saiyid MUHAMMAD SAADULLA:** If we break up for tea, Muslim Members will require some more time to say their afternoon prayer. If we break now, we must re-assemble at five and then we shall have to re-break at 6-30 for sunset prayer.

**The Hon'ble the SPEAKER:** What should we do in the circumstances? I seek the co-operation of the hon. Members.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Many Members are going away to-morrow, and they want to break up early. In spite of my best efforts to curtail this debate, I have a list of nine Members who want to take part.

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*\*Speech not corrected.*



**The Hon'ble the SPEAKER :** Is it possible that we break up at 4-30 and re-assemble at 9 so that we can carry on and finish the business ; otherwise, I do not see how we can finish this important piece of legislation. Has the Hon'ble the Leader of the House any suggestion ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** I am disposed to think, Sir, that this piece of legislation should be finished by any means within the course of the day. If we sit in a co-operative mood to finish the business, I think, by about 5-30 at the latest it will be finished ; I think we can sit till then, if the hon. the Leader of the Opposition wishes it.

**The Hon'ble the SPEAKER :** But he has several Members to speak.

**The Hon'ble Srijut GOPINATH BARDOLOI :** I suppose 1½ hours will be enough time.

**The Hon'ble the SPEAKER :** As regards the position of the Chair, I want to make it clear that I am anxious to finish the business, at the same time I am equally anxious to carry on the wishes of the hon. Members of the House. Therefore, I am seeking the advice and co-operation from the different parties and groups as to how best we can dispose of to-day's business. The other Motion will not probably take long time although I am not sure if I am treading upon surer ground. The statement may, if necessary, be kept in abeyance for more opportune time but as regards the Bill I seek suggestions and co-operation from the different groups and leaders as to what should be done really.

**Mr. W. R. FAULL :** Mr. Speaker, Sir, since the large number of Members who wish to speak to-day will not ultimately be deprived from speaking if we cut the debate short, as the Motion is only to refer the Bill to Select Committee, I think, if we sit for an hour or for an hour and a half and the hon. the Leader of the Opposition could get a fewer number of his party to speak at less length than they normally would, we might get through the business by 5-30.

**\*Maulav ABDUL HAMID :** I think, Sir, this Bill involves a great principle which is to be discussed and there is difference of opinion on the principle. If we send the Bill to a Select Committee, we accept the principles of the Bill. That position we are not ready to accept. After hearing me, I think, Mr. Faull will think differently and say that the Motion is premature.

**The Hon'ble the SPEAKER :** But after hearing what the *ex-Education* Minister has said so eloquently and covering the vital clauses and fundamental principles so forcefully do you think that there will be much to say ? Of course, I do not anticipate.

All right let us carry on.

**Mr. A. C. TUNSTALL :** Mr. Speaker, Sir, on behalf of this group I rise to support this Bill as we feel that this is a very important matter and we all hope and assume that the education proposed will be more suited to the needs of the agricultural workers generally than the present system. The present system, I think, has failed because it has no direct relationship with the lives of the manual workers.



**Maulavi ABDUL HAMID :** Mr. Speaker, Sir, I am not a little surprised that such a piece of legislation has been introduced in this House in this manner. First of all, before introducing this Bill, I think, a survey should have been made of the existing primary schools and what number of primary schools we shall require for the purposes of implementation of the provisions of the compulsory Primary Education Bill. I am sorry, Sir, the Hon'ble Prime Minister has not given us any indication of the financial implications of the Scheme. That is very necessary. The hon Members must know before they accept the principle of compulsory Primary Education Bill what is going to be our commitment and what resources are at our disposal, and what area initially we are in a position to take up for compulsion. Sir, we can get credit from the public if we go ahead. If I remember aright and if my information is correct, in all other provinces they have not gone upto 14 years in their Acts. They are not making it compulsory from the age of 6 to 14. They have limited compulsion from 6 to 11. Sir, the Government of Assam is not in possession of enough resources. They therefore, want to introduce compulsion piece-meal. It is always bad that certain areas will get the benefit of compulsion and introduction of compulsion should be delayed considerably so far as the other areas are concerned. If the age is raised from 6 to 14 it will mean tremendous increase in expenditure. Moreover, Sir, I do not think the Hon'ble Education Minister has taken into consideration the economic condition of our cultivators. I do not think he has sufficiently appreciated the difficulties of the cultivators who in the busy agricultural season has to requisition the services of their boys for the purpose of tending cattle and other works. This is always done at the busy season of cultivation and the busy season of harvesting. Sir, this difficulty if he could appreciate, he would not have raised the age from 11 to 14, rather would have thought of lowering the same.

Sir, provision has been made for Provincial Advisory Board. The very name signifies that it is Advisory Board to control the Sub-divisional School Board. The School Board is a statutory body, they have got independent powers, but the Advisory Body that is to control them are merely advisory and entirely under the thumb and control of the Government. It appears to me, Sir, that the whole intention behind the Bill is to keep control in the hands of Government. Lest I forget I may make another point clear. Before introducing this Bill in this House, the Hon'ble Premier has not consulted the Opposition. If there be need for continuity in any measure adopted by Government this is a measure in which continuity of policy is necessary. Suppose the present Government goes out and another Government take over the latter may alter the whole system, and that will be disastrous so far as expansion of primary education in the Province is concerned. So, Sir, this is a matter in which there must be complete agreement between the Opposition and the Government so that the question of expansion of primary education may not be a subject of controversy between different parties, groups and communities. I am sorry, Sir, not the slightest opportunity had been given to us to look into its provisions before the Bill was introduced ; the Opposition was not taken into confidence in this matter.

The Government merely say in the preamble that these committees will have non-official representation, but the procedure for selection of such members has not been laid down. If the procedure be the same as in the case of Supply Syndicates and the Debt Conciliation Boards, then, Sir, God help the future of compulsory primary education in the Province. Sir, the mind of the Government is not working on the lines on which democracy is run ; the Opposition in England is treated as His Majesty's Opposition. We have grave doubts whether proper selection of members will be made for the Committee. Therefore, Sir, it should be provided in the Bill how these Boards are to be constituted.



The objection of mine as regards the constitution of the Provincial Board applies also to the constitution of the Subdivisional Boards. Here also it should be indicated in the Bill how the members are to be selected. There should be minority representation. I do not press the claim of the Muslims alone; it is very necessary that the backward people, *viz.*, the scheduled castes, hill tribes, plain tribals, etc., should have statutory representation. From the small experience I have got of Local Boards and of the public I have gathered that advanced and clever people take away all the money that is provided by the Local Boards for primary education for schools in their respective localities, leaving the backward people to their lot. So, Sir, it is very necessary that the Muslims, the scheduled castes, the tribals and the hill tribes should have statutory representation in the Provincial and Subdivisional Boards, and it must not be left to the sweet will of the party that is thrust into power.

Then, Sir, I refer to clause 28 wherein it is stated "The Provincial Government may, on the advice of the Provincial Board or otherwise rescind in part or in whole any resolution, order or decision of a School Board and may also prohibit the doing of any act in pursuance of such resolution, etc." Sir, the whole mentality of the present Government is demonstrated by this provision. They can rescind everything even without the advice of the Advisory Board selected by them. This is giving too much latitude to Government in the matter of administration of the provisions of this important Bill. I do not know, Sir, who will constitute the Boards; if the members be of their own party they may not take it as a slur, but no respectable man will agree to be a member of the Advisory Board if they are to be treated in this way. Sir, no self-respecting man will agree to serve in the Provincial Board unless greater consideration is showed to their susceptibilities in making provision in this Bill.

Then, Sir, I refer to clause 29 (1), wherein it is stated "..... the Provincial Government may, by notification in the Official Gazette supersede such School Board and reconstitute it afresh.....". Here, Sir, in the matter of supersession and nomination of members of the reconstituted School Board the poor Advisory Provincial Board is entirely left in the lurch. They are not even to be consulted in superseding and reconstituting a Board which they are supposed to control. The whole thing is left with the Government.

Then, Sir, I am reading clause 41: "As soon as possible after the commencement of Part I of this Act, the Provincial Government shall, by notification in the Official Gazette, declare that primary education shall be compulsory in the area or areas for which School Boards have been constituted". Sir, after knowing a bit of the working of the Local Boards in the matter of primary education, I have gravest doubts that people who are advanced and who have got influence will be able to force the Government or the School Board to introduce compulsion in their area. I submit, Sir, if a Board is to introduce compulsion in any subdivisional area the whole area must be taken up all at once; otherwise I have grave doubts that coal will be carried to New Castle. That is my apprehension, Sir. They will say "introduce it in our area as there are more schools, the expenditure will be less". So, Sir, the areas which were not well-served before will be left to their lot. I do not, therefore, think that the words "area or" should remain at all.

Then, I am reading from clause 50: "The Provincial Government may, by notification in the Official Gazette, impose an education tax in any area of compulsion....." I do not know, Sir, whether there is any such provision of taxation in any place or in any constitution in the world. Sir, have you ever heard that taxes are imposed on people by notification and they are not given any opportunity to have their say before they are actually taxed. The people I submit, Sir, have not been provided with any forum for ventilating their grievances; and need I point out that this hon. House also has been over-



looked. Its valued right of sponsoring taxation measure is being surreptitiously taken away. I am really surprised to find the Congress Party is showing scant regard to public opinion and trying to assume dictatorial power, more dictatorial than those of the Czar of Russia. This sort of taxation will bring shame. The taxes will be not less than Rs 2 and not more than Rs.25, and we are to accept that principle. Has the Hon'ble Education Minister who is also the Premier given out any indication on what basis he has calculated and how he has fixed that the tax should vary from Rs.2 to Rs.25? I think it must have been fixed at his sweet will. This sort of measure was never introduced even under the Reforms of 1919 in this Legislature. This is a retrograde measure which involves the acceptance of a principle that will override all principles of democratic Government. Therefore Sir, I respectfully submit that there is inherent defects in the Bill as it is going to nullify the democratic principles, perhaps unconsciously. The scheme to be adopted here should be so framed as calculated to bring the backward areas under the system of compulsion first, by giving more education grant to the School Board to be constituted for the purpose of compulsion. But we have not been given any indication how Government will introduce compulsory education. In such circumstances it is not proper that we should accept the principle of the Bill by agreeing to the Select Committee. I, therefore, formally propose that this Bill be circulated for eliciting public opinion by the 31st January, 1947 in order that the people who are going to be vitally affected could have their say before this piece of legislation is discussed and decided upon in this House.

I also suggest that in the meantime the Government should make it a point to see that the Opposition and other minority communities in the Legislature are consulted so that this piece of legislation at least may not be a plaything with succeeding Government. Such a measure can be evolved by eliciting public opinion and consulting every shade of opinion in this House. This will be a measure which will vitally concern the rural economy. I personally want and I think other hon. Members also want that primary education should be made compulsory. Future constitution, I am sure, will enlarge the scope of franchise and so more people will have vote. It is vital that they should be well-equipped to cast their vote judiciously in any future election. Sir, I do realise the situation but at the same time I want to know what the people have got to say about it. This is people's Government and so the Government should take the opinion of the people on any matter of vital importance. If any change is found necessary after taking the opinion of the people that must be incorporated in the Bill. When it will again come before this House after public opinion has been obtained, it will have to be thoroughly discussed on this floor so that no room may be left for any future Government that might come in to make any vital change and dislocate the whole machinery.

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

"That the Assam Primary Education Bill, 1946 be circulated for eliciting public opinion by 31st January, 1947."

**Maulavi ABDUL BARI CHAUDHURY :** Sir, I beg to support this Motion that the Bill be circulated to elicit public opinion by the 31st of January 1947.

At the very outset I must make it perfectly clear, that we are in agreement with the main principle underlying the provisions of the Bill. For a large number of years we have been clamouring for making suitable arrangements for early introduction of free compulsory primary education in Assam. As a matter of fact this is the prior responsibility of any Government worth the name.



I have been long connected with the primary education in Assam. And from my experience I am fully convinced that drastic reforms in the field of education is long overdue. For lack of supervision, for lack of financial resources and for lack of proper vision our schools are pining in the cold shade of neglect. The time has come when we should examine the problem in all its bearing. The appalling wastage in the field of primary education should be stopped and that without delay. The curriculum and the courses of studies require a thorough overhauling. The small children require very careful handling. We must create such an environment so that a child's mind may unfold itself more easily.

In the Primary Education Conference held in 1942 at the instance of the Provincial Government, I insisted that primary education should be made the sole charge of the Government and I moved a resolution for establishing School Boards in the subdivisions and a Provincial Board at the centre so as to co-ordinate the activities of the School Boards. The resolution was adopted in the Conference.

But unfortunately the Bill as presented by the Hon'ble Prime Minister falls far short of our demand. I am afraid, as drafted it will not meet the need of the moment. I am convinced that it will not further the cause of primary education to a large extent. The ugliest feature of the present Bill is the centralisation of power in the hands of the Provincial Government. This is something which is not in consonance with the spirit of the time and should be resented by all sections in this hon. House. I entertain great misgiving that under the fetters of Governmental control, the progress of primary education will be hampered at every stage and the Bill as drafted will defeat its own purpose. This is a very serious matter and should engage our earnest attention.

The Bill has been presented before the House in a skeleton form, and too much has been usurped by the Provincial Government to be provided for under their rule-making power. I do not know what prompted Government to take this unusual course. As a matter of fact, the rules that are yet to be made have come up to the forefront and the Bill has receded to the back-ground. Even cardinal principles of primary education have been left out to be provided for by the rules. In going through the Bill I have been confronted at least forty times by the words 'prescribe' and 'prescribed'. What is the constitution of the Provincial Board and the School Boards? It will be provided by the rules. What is the School age, what is the curriculum, what will be the course of studies,—the Bill does not bother to answer. These are left with the Government and will be provided in the rules. As a matter of fact everything that is needed for a successful execution of the Bill is left out for the rules. This is an extraordinary course that the Government have followed and calls for the strongest protest from the public. It may be argued that rules will be placed before the Assembly; I doubt very much whether this course will be taken. Even if it be so, the rules will lack the sanctity of legislation. Ordinarily the rule confines itself on matters of procedure and does not dabble with matters of policy.

My next objection to the Bill is that it is equally permissive in character like the Primary Education Act of 1946. In the old Bill the initiative of introducing compulsory education in any area or areas was left with the Local Boards and



in the present case it is left with the vagaries of the Provincial Government. It will mean hardly any improvement in the state of things and I do not know how far it will lead us on our way to the introduction of primary education in the Province, free and compulsory.

The Bill as presented before the House betrays a lamentable lack of correct appreciation of the actual state of things in the Province of Assam, otherwise it would not have gone for extending the age of compulsion to 14 years. It is rather curious that while other provinces with more resources are trying to introduce compulsory primary education for a period of 4 or 5 years, Assam with its very limited resources are rushing in for an elementary education for long 8 years. One may very well be excused if he doubts the *bonafides* of the Government as regards their intention in introducing compulsory primary education throughout the Province.

Another landmark in the Bill under discussion is the absence of statutory provision as regards minority representation in the Boards. Whatever the Congress propagandist might say, such protection is essentially necessary in these days of party administration.

Coming to the Bill itself, first of all I will refer to the preamble. The latter portion reads as follows: "whereas it is the declared policy of the Government that universal, free and compulsory primary education should be introduced in the province as early as possible". So, Sir, we find an indefinite time—'as early as possible'. So, we do not set out a definite time limit for introducing universal compulsory primary education. The words 'as early as possible' in the preamble read along with sub-clause (3) of clause 1 makes it all the more vague and indefinite. I submit that the introduction of primary education is the urgent need of the day and option of starting it cannot be left with the sweet will of the Government. We must specifically mention when we are going to enforce compulsion and it must be stated in the body of the Bill.

The word 'Child' has been defined as follows: "'Child' means a boy or a girl whose age is between six years and fourteen years as the Provincial Government may, from time to time prescribe in this behalf". Sir, this definition is also not complete by itself. The option of modification is left with the Provincial Government. Herein we are going to restrict the school age of compulsion from 6 to 14. Of course the Provincial Government may alter it afterwards. The hon. Members will remember that the same age is provided for the boys as well as for the girls. Also remember that we are providing mainly for the rural areas. Can you conceive that a village guardian either a Hindu or a Muslim will allow his girl to walk about a mile in going to schools in broad day light? It should also be considered whether it would be practicable to enforce the attendance of unwilling boys upto 14 years even with the best efforts of the guardian.

**The Hon'ble the SPEAKER:** Cannot the Select Committee alter the school going age?

**Maulavi ABDUL BARI CHAUDHURY:** I do not think, Sir. It is a vital matter concerning policy, and I do not know if the Bill is referred to a Select Committee, the Select Committee will be competent to alter the provisions of the Bill.



I am conscious that the framers of the Bill were eager to ensure a permanent literacy amongst the adults. But we must maintain a touch with reality and should not attempt an impossibility. I am also conscious that a good deal of controversy is raging amongst the educationists over the problem of school-going age. Seven *plus* appears to me to be a good number, and it may extend up to the age of 12. This will ensure more efficiency and less wastage in our children. Apart from these considerations we must also think over our meagre resources. Even with the post-war boom it will not be unlimited. So how can we dare to experiment in an eight years course ?

Sir, now I will take up the vexed question of the constitution of the Subdivisional and Provincial Boards. Provision has been made for *ex-officio* members only. We do not know what will be the actual number of members in this Board. In the Statement of Objects and Reasons, the Hon'ble Minister-in-charge states as follows: "Government feel therefore that the time has come to grapple with the problem of illiteracy, so as to attain a solution as early as possible; and have designed this Bill to arm themselves with the necessary statutory powers, and to set up an organisation, largely non-official in character, with ample powers for ridding the province completely of the shame and shadow of illiteracy" Sir, stress is put specially on 3 words—organisation, non-official and powers. Here by the word organisation he means the Provincial Boards and the Subdivisional Boards. Will these Boards be largely non-official in character ? Let us turn to the constitution as provided in the body of the Bill. I may submit for the information of the hon. Members that under the provision as has been provided in the Bill, the machinery for the control over primary education will be largely official and not non-official.

As regards the constitution of the Provincial Board, it has been stated that the Director of Public Instruction will be the *ex-officio* Chairman of the Board and that two representatives elected by the Assam Legislative Assembly and one representative elected by the Assam Legislative Council shall be included amongst the members. Excepting these four persons we do not know how many more will be taken in the Provincial Board. In this connection, I would like to submit that the representatives from the Legislature must be at least five. And that out of these five members at least two must be Moslem. Sir, I also feel, as a Chairman of a Local Board, that the Local Boards are being deprived of their main share in primary education. These Boards must find adequate representation in the constitution of the Provincial Board and that must be provided by the Act. My suggestion is that at least three Chairmen of Local Boards must be taken in the Provincial Board.

As regards the constitution of the Subdivisional Board, here also the number of members has not been specifically mentioned ; it is to be prescribed by rule. The Deputy Inspector of Schools for the Subdivision shall be the Secretary and the Senior Sub-Inspector of Schools, a member. As regards the rest of the members, the Bill is silent. Sir, the members of the Local Board are elected representatives of the people, and I do not understand why adequate representation of the Local Board should not be made on the Subdivisional Board. The Primary School teachers have been clamouring for a long time for representation on the Local Board as so many of them are employed by the Boards. So provision should be made for including some representatives of the Primary School teachers in the Subdivisional Board.



Now, Sir, I will discuss about the power that has been conferred on the Boards. From the provisions made in the Bill especially clauses 23 to 28—hon. Members will find that practically no power has been given to the School Boards. Government at their own option can remove any member of the Board if they think that he is not working properly. Then, again, any resolution that is passed by the School Board will not be binding on the Government. They may rescind any resolution of the Board however important it might be, under their executive powers.

There is another dangerous provision in clause 29. The Provincial Government may supersede these School Boards at any time they like and may in their turn nominate all the members of the Board and appoint their own Chairman. Sir, on the point of Chairmanship of the School Board the Bill is also silent. But it has been provided that for the first ten years the Chairmen of the Boards will be nominated by Government. It is more than certain that in the Subdivisional Board the Subdivisional Officer will be appointed Chairman. Sir, can the Subdivisional Officer with his multifarious engagements give his whole-hearted attention to primary education—I ask. Moreover, in these days of democracy we do not understand why an official should be allowed to preside over the School Board even for five years. This is the most objectionable feature of the Bill and we cannot but register our emphatic protest on this point.

Sir, one of the main intentions of the Provincial Government is to do away with the dual control of primary education, but from the provisions of the Bill it is found that the dual control will rigidly remain as it is now. The School Boards, as they will be constituted, will be analogous to the Local Boards. The School Boards with most of their members nominated will be worse even than the Local Boards who are at present administering over the primary education of the Province. Hon. Members are aware that there are two kinds of primary schools at present. The majority of these schools are administered by the Local Boards but there are also a large number of schools which are managed directly by Government. The Bill is silent over what will happen to the Government Primary Schools.

Then, the Hon'ble Premier referred to item (vi) of sub-clause (2) of clause 32 of the Bill regarding constitution of the Subdivisional Primary Education Fund. I may inform him that only yesterday under the Chairmanship of the Hon'ble Minister of Local Self-Government a conference of the Chairmen of Local Boards was held where a resolution was unanimously passed to the effect that as primary education is going to be in sole charge of the Provincial Government, the quota of local rate should not be taken off from the Local Boards as they are passing through difficult time. I hope, Sir, this question will receive serious consideration of the Hon'ble Premier.

Now, I would refer to the very important omission in the Bill. We do not know what kind of education we are going to impart in the Primary Schools as contemplated in the Bill. The Bill is scrupulously silent over the matter. From Clause 51(2)(b), we find that the Provincial Government may make rules under the Act prescribing the curriculum, duration, standard and syllabus of the course of instruction to be imparted in a primary school. So, under the Act the Provincial Government is empowered to prescribe the curriculum and the course of instruction. They will prescribe according to their own ideology and bias. Such curriculum shall not be placed before the Assembly and it shall not have the sanction of the Legislature behind it. This no doubt is a very clever manoeuvre and this has been so devised with an ulterior motive. The caravan of the Congress-Raj must pass on and no dog shall bark at it.

We are going to introduce compulsory primary education throughout the Province and that at an enormous expenditure. The country at large has a right to know what type of education we are going to impart to our children.



The Members of the hon. House has a right to demand a plausible explanation from the Hon'ble the Prime Minister on this point. We should not be forced to rush in with our eyes blindfold.

We have heard so much about the Post-War Planning in Education. We have also been told that the Primary Education Bill is the first step for implementing the Sargent Scheme as our Post-War Programme. But we entertain shrewd suspicion that under the cover of the Sargent Plan, the Congress Government of Assam intends to introduce on a very wide scale the Gandhian ideal in the field of education. Their conduct, past as well as present, only corroborates our apprehension.

During the 1st week of July, 1946, the Government of Assam called an Educational Conference at Shillong in which three of the main protagonists of the Wardha Scheme were invited. Though Dr. Zakir Hussain was not available, Sree Aryanyyakam and Mrs. Asha Devi actually attended the Conference at a great personal inconvenience. Incidentally these two persons are the original signatories of the Zakir Hussain Report of the Wardha System of education. And at the present moment they are engaged in working out the Wardha Scheme in the Hindustani Talimi Sangha at Wardha. Could no other expert be found out throughout India? The Members attending the Conference were led to believe that the Government of Assam were going to implement the Sargent Recommendations to take advantage of the big capital grant under the Post-War Plan. But it was a camouflage, a clever bluff to hoodwink specially the members of the Opposition.

In an explanatory note to the Supplementary Demand on Education we find that Government have provided funds for establishing some additional training schools within the Province. We have also been told that a certain number of our officers have been sent to Delhi and Wardha for training in basic education. And also that their services will be utilised in the schools meant for the training of the Primary School teachers. We know that certain provincial Governments have established training institutions to train up teachers in the basic system as outlined in the Sargent Scheme, and these institutions have received the approval of the Government of India. But still we chose to send our officers to two privately managed institutions which have not as yet been accepted by the Central Government as conforming to their conditions. There are Government institutions at Patna and Bombay. Allahabad has started a new Training College with a six months course. But we avoided all these places and sent our teachers to Wardha and Delhi, the only two centres where training in basic education of the Wardha pattern is being imparted in all its bearing. Is it not a prelude to the introduction of Wardha Scheme of Education in the Primary Schools? The Government of Assam ought to have known that the curriculum of Wardha and Jamia Milla at Delhi has not yet been approved by the Central Advisory Board of Education. In the 12th Session of the Advisory Board held at Mysore in January last, it was decided to call for the schemes of these two institutions for examination before they could accord their approval to them. The appointment of Mr. Small as Special Officer of Basic Education is another point for consideration.

Sir, in this state of things, the conclusions are irresistible that the Government of Assam are going to introduce the Wardha Scheme in its entirety. But be it Wardha or Sargent, it will mean a very big jump—a major change of policy entailing the destiny of the future generations in Assam. Should not public opinion be consulted over such a big issue? Should not the elected



representatives of the people be taken into confidence before this is launched in the Province? Should the Provincial Government arrogate to itself the entire responsibility over such a matter of momentous importance? I am not here to plead for the present system of education prevailing in our primary schools. Rather it has often been stated that the curriculum of the primary schools is very narrow and too much literary. By receiving education in a school a child does not become a better or more useful member of the society. So long literacy has been recognised as the sole aim of our primary education, and we do hold that literacy should always be the main aim of such education. But we also agree that by becoming literate a child should not alienate himself from his home. The education he receives must be in keeping with the child mind and the community life he leads. The defect in our system of primary education did not go unnoticed and from time to time attempts were made to remedy the shortcomings. But these piece-meal changes had no appreciable effect and the superstructure remained the same.

We will welcome a change but that change must be for the better. Sir, we tried our best to raise a discussion over the advisability of introducing the Wardha Scheme of Education in Assam. Just on the eve of the session I tabled a Motion for such a discussion but unfortunately the Motion was disallowed and we had no opportunity to give vent to our feeling over the Wardha Scheme of Education.

**The Hon'ble Mr. BAIDYANATH MOOKERJEE:** You have got opportunity now.

**Maulavi ABDUL BARI CHAUDHURY:** Sir, it has already been stated on the floor of this House that Muslem opinion in India has roundly condemned the basic education under the Wardha Scheme on the ground that it is a godless system of education. The explanation of Dr. Zakir Hussain that the truths that are common to all religion should be taught to all children, did not allay their apprehension.

Sir, before the Government of Assam try to introduce this Wardha Scheme of Education as an experimental measure they would do well to call for reports from Bihar, Orissa, Madras and Bombay. The hon. Members are aware that this Scheme was taken up by different Congress provinces in the year 1937. The province of Bihar indulged in an expensive experiment in the year 1938, 27 schools were started in the Champaran District and were allowed to develop into full-fledged basic schools. At the end of 4 years the Government of Bihar appointed an officer of their education department to report on the working of these basic schools. According to that officer, the progress in the cultural subjects were not satisfactory. This has damned the enthusiasm of many protagonists of the Wardha Scheme.

As regards Orissa, Sir, the Government set up a Board of Basic Education. A training school with a hostel was started at Beri in the district of Cuttak. Fifteen schools were started in a compact area near Beri. These continued to function up to February 1941 and ultimately closed down as being unsuccessful. It was also tried in Pombay and Madras but nowhere did it achieve any appreciable results.

The crux of the whole thing is that the Scheme has not as yet passed through the experimental stages. It has never been tried anywhere in Assam. Nowhere in the world has it been introduced. Should Assam be the experiment ground for the rest of India?

I do not like to speak too many words about the Sargent Scheme. No doubt it is a memorable document and presents a comprehensive scheme of educational reconstruction in India.



Sir, if we make a comparative study of the Wardha System of education and the Sargent Scheme we find there is a gulf of difference between these two. The Sargent Report has torpedoed the self-supporting aspect of the Wardha Scheme. According to the report only small percentage of the expenditure may be recovered from the school. Here craft is not the pivot, it is only subsidiary but unfortunately the detailed syllabus has not yet been worked out.

Finally I would ask the Hon'ble Prime Minister that it is a vital subject over which destiny of the whole Province, present and future, is depending. It demands our sincere examination and scrutiny. Time should be available to the educationists of Assam so that this Bill may be scrutinised in all its aspects.

With these few words, Sir, I support the Motion that has been moved by Maulavi Abdul Hamid.

**Maulavi Dewan TAIMUR RAZA CHAUDHURY :** Mr. Speaker, Sir, it is our sincere desire that primary education must be made compulsory without further delay. But at the same time we do feel that we cannot support the present Bill in this form. We must know clearly and definitely what we are going to do in the matter of primary education. But unfortunately, so much has been left under the rule-making power of the Provincial Government, that it is not possible to form a correct idea as to the intention of the Government.

Sir, we are aware of the fact that the present system of education in our primary schools is not satisfactory. It needs a thorough change. But we must know what that change will be. Surely it will not be wise to leap in the dark. The Congress Government ought to realise that the Muslim League do not share their ideology in matters of education. They should also know that any system of education divorced from religious teaching will be strongly resented by the Mussalmans of India. But the Bill under discussion is silent over the matter.

Sir, all the hon. Members will surely admit that the success of this Bill or any such Bill will depend largely on the teachers of the primary schools. A dissatisfied lot of teachers with a small pay will be of little use for the success of compulsory system of education. They must be given a living wage so that they can devote all their energy in teaching the boys at their disposal. But I am sorry to note that there is no provision for improving their conditions of service. From the second proviso to sub-clause 3 of clause 30, we are only told that their pay and prospects as they enjoy under the Local Boards will not be reduced. The Sargent Scheme has provided a minimum basic pay for these teachers. This should also be provided under the present Bill.

Sir, going into the details of the Bill, it is found from clause 3 that a Provincial Board will be constituted with *ex-officio* Chairman and appointed Secretary and 3 representatives from the Legislature, but we do not know, Sir, how many of them will be Muslims. The Government should specifically provide the number of Muslim and non-Muslim members of the Board.

Sir, in clause 16 provision has been made to constitute a Subdivisional Board for primary education for each subdivision. In the Subdivisional Board, the Deputy Inspector of Schools and the Senior Sub Inspector of Schools will be *ex-officio* members. Who else will be members of the Subdivisional Board has not been provided in the Bill. In these days of democracy, the Government should give up the idea of nomination. The members of the Subdivisional Board should be elected by the members of the Local Boards. The Lower Primary School teachers may be given at least one seat in the Subdivisional Board. Thus the teachers will have a scope for ventilating their grievances.

Going through the provisions of the Bill I am convinced that Government is very anxious to keep all powers in their own hands. I should request the Government to vest all such powers in the hands of the public. They should not



also try to nominate the Chairman of the Subdivisional School Board but such Chairman should always be elected by the members of the Subdivisional Boards. I also find, Sir, that there is no sufficient safeguard of the Muslim interest in the proposed Bill. I request the Government to make sufficient provision for such safeguard.

Finally Sir, I submit that this is a very important Bill and it concerns all the inhabitants of the Province. As such, public opinion should be ascertained before we proceed with the Bill.

**The Hon'ble Srijut GOPINATH BARDOLOI :** May I make a submission, Sir ? In view of the fact that it will take long to finish the debate we are asking permission from His Excellency to sit on the 25th. Prorogation order need not be read to-day. Communication has already been sent to His Excellency. I would personally like to finish the business in course of this day, but as it is impossible we shall have to extend the sitting to the 25th.

**The Hon'ble the SPEAKER :** If we are sitting on the 25th, probably hon. Members may not feel inclined to overstay this evening.

**The Hon'ble Srijut GOPINATH BARDOLOI :** We are prepared to sit long.

**The Hon'ble the SPEAKER :** 25th is a Wednesday.

**The Hon'ble Srijut GOPINATH BARDOLOI :** We have no objection.

**\*Maulavi MAHAMMAD ROUFIQUE :** All these should have been foreseen in making the programme of the Session.

**The Hon'ble the SPEAKER :** All these would be taken note of for future sessions. Hon. Members might know that the Privileges Committee which sat the other day have also made some recommendations so that hon. Members may transact business in a business-like manner.

**\*Srijut PURNA CHANDRA SARMA :** I am afraid there have been many repetitions of the same argument.

**The Hon'ble the SPEAKER :** Anyway let us carry on.

**Maulavi MAHAMMAD ROUFIQUE :** Mr. Speaker, Sir, we listened with rapt attention to the speech of Hon'ble Premier delivered on the floor of this House in introducing the Bill. I may tell him that we are not going to criticise the provisions of the Bill simply because we are sitting on the opposite. If we are criticising, it is because we feel that we are vitally interested in compulsory primary education. There are no two opinions that a comprehensive scheme for compulsory primary education is an urgent need of the time. There are no two opinions that the stigma of illiteracy has blackened the face of India. There are no two opinions that the percentage of illiteracy is the highest; the percentage of literacy is the lowest in India of all the countries in the world. Therefore there can be no two opinions that any attempt to efface this stigma is welcome. Come—from whatever source it may.

We can never differ from the Government view that the existing arrangements for primary education should be thoroughly overhauled. While admitting the urgency of the step I think I shall not be wrong in saying that the time chosen for taking the step is not quite opportune in view of the fact that the country at present is passing through a process of transition and everything is in the melting pot. It would have been discreet indeed if the Ministry had waited a while so that a measure like this was taken up in a peaceful and favourable atmosphere in a settled condition of the country which is bound to emerge out of the present unsettled condition of the country.

\*Speech not corrected.



I want to make it clear to the Hon'ble Premier that we from this side of the House have not the slightest intention of opposing the Bill for the sake of opposition. We are even prepared to extend to the Hon'ble Premier our co-operation in carrying out a measure into law. But to tell the Government frankly, we will not feel free in our minds unless we know from the Hon'ble Premier and have before us a full picture of the situation—a clear enunciation of the principle of the Bill—so that we know where we, the Muslims, stand.

It must be admitted on all hands that the Bill has a far-reaching effect. The Bill will play a great deal in shaping the life of the children of the present generation and the posterity to come. That is why we have to look at the principle and provision of the Bill with a scrutinising eye. Basic or no basic—through craft or without craft, we have a right to know from the Hon'ble the Sponsor of the Bill whether his Bill has as its object and whether it aims at making every Hindu child, a true Hindu and a useful citizen and every Muslim child a true Muslim and a useful citizen and aims at making these two neighbourly brothers. Besides this there are certain vagueness in the Bill—certain uncertainties in certain provisions of the Bill and we have genuine fears that unless the Bill is ridden of the objectionable features, we will not be justified in according support to the Bill.

From our point of view, the most glaring defect in the Bill is the absence of any provision for safeguarding the interests of the Muslim children receiving education in the primary school. Muslims will send their boys to schools, Muslims will pay taxes for education but there is nothing in the Bill that the Muslims will have any voice in controlling the management and preparation of the curriculum.....

**The Hon'ble Mr. BAIDYANATH MOOKERJEE :** Where they have been eliminated ?

**Maulavi MAHAMMAD ROUFIQUE :** There is absolutely no provision. (A voice : That is the glaring defect in the Bill.)

**Maulavi ABDUL BARI CHAUDHURY :** There ought to have been some provision.

**Maulavi MAHAMMAD ROUFIQUE :** Now you have seen in the provision for the Provincial Board. The Board is going to be constituted with two representatives elected by the Assam Legislative Assembly, one representative to be elected by the Assam Legislative Council, and the prescribed number will be filled by somebody. Now what is the guarantee so far as the representation of the Muhammadans are concerned that they will be adequately represented ? We have got our experience from the election of the members to the Communication Board.....

**The Hon'ble the SPEAKER :** Order, order, I have been informed by the Hon'ble the Deputy Leader of the Government Party that His Excellency has agreed to holding up of the order proroguing the Assembly to-day. This Bill is an important one with far-reaching consequences. I am of the considered opinion that we should not sit any longer to-day. Therefore, I adjourn the House till 11 A.M. on Wednesday, the 25th. The hon. Member will be able to go on with his speech on that day.

#### Adjournment

The Assembly was then adjourned till 11 A.M. on Wednesday, the 25th September, 1946.

SHILLONG :

*The 14th December 1946,*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*



**APPENDIX F**

**Authenticated schedule of supplementary statement of expenditure for the year 1946-47, laid before the Legislative Assembly in the July-September Session, 1946, under section 81 of the Government of India Act, 1935**

Number of Grant	Heads	Supplementary amount laid before the Assembly in this Session			Amount of cut made by the Assembly		Amount included by Governor		Amount now authenticated			Remarks
		Charged		Non-excluded areas (Voted)	Non-excluded areas (Voted)	Non-excluded areas (Voted)	Charged		Non-excluded areas (Voted)	Non-excluded areas (Voted)	Excluded areas	
		Non-excluded areas (Voted)	Excluded areas				Rs.	Rs.				
1	2	3	4	5	6	7	8	9	10	11		
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
1	7.—Land Revenue	28,690	..	..	..	..	28,690	..	..	..		
2	10.—Forests	100	..	..	..	..	100	..	..	..		
3	11.—Registration	3,525	..	..	..	..	3,525	..	..	..		
4	18-B.—Navigation, Embankment and Drainage Works..	3,71,595	..	..	..	..	3,71,595	..	..	..		
5	27.—Administration of Justice	100	..	..	..	..	100	..	..	..		
6	28.—Jails and Convict Settlements	3,460	..	..	..	..	3,460	..	..	..		
7	29.—Police	2,55,432	..	..	..	..	2,55,432	..	..	..		
8	36.—Scientific Department	1,320	..	..	..	..	1,320	..	..	..		
9 & 10	37.—Education (other than European)	4,54,622	..	66,403	..	..	4,54,622	..	66,403	..		
10 & 11	38.—Medical	25,569	..	28,378	..	..	25,569	..	28,378	..		
11	39.—Public Health	23,199	..	..	..	..	23,199	..	..	..		
12 & 13	40.—Agriculture	63,732	..	1,600	..	..	63,732	..	1,600	..		
13	41.—Veterinary	43,696	..	..	..	..	43,696	..	..	..		
14	43.—Industries	66,945	..	..	..	..	66,945	..	..	..		
15	47.—Miscellaneous Departments	14,894	..	..	..	..	14,894	..	..	..		
16 & 17	50.—Civil Works (Excluding Tools and Plant and Establishment).	6,89,631	..	1,25,319	..	..	6,89,631	..	1,25,319	..		
17	Tools and Plant and Establishment charges	69,141	..	..	..	..	69,141	..	..	..		
18 & 19	57.—Miscellaneous	16,688	..	21,482	..	..	16,688	..	21,482	..		
	Grant total	21,32,339	..	2,43,182	..	..	21,32,339	..	2,43,182	..		

The 21st September 1946.

HENRY KNIGHT,  
Governor.