Proceedings of the Seventh Session of the First Assam Legislative, Assembly, assembled under the provisions of the Government of India Act, 1935

The Assembly met in the Assembly Chamber, Shillong at 2 p. m. on Friday the 8th March, 1940

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 87 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred question No. 106 standing in the name of Babu Nirendra Nath Dev was not put and answered as the questioner was absent.)

Amount spent for the members of the Retrenchment and Resources Committee

Maulavi MUHAMMAD AMJAD ALI asked :

*107. Will Government be pleased to state—

(*a*) The sum spent for each member who worked in the Retrenchment and Resources Committee ?

(*b*) The total sum spent for the purpose ?

(*c*) The date on which the said Committee submitted its recommendations ?

(*d*) What steps, if any, have Government taken to give effect to the said recommendations ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

107. (*a*)—A statement is laid on the Table.

Statement referred to in reply to starred question No. 107(*a*).

	Rs.	a.	p.
Maulavi Abdul Hai, M.L.C.	396	0	0
Khan Sahib Maulavi Abdur Rahim Chaudhuri, M.L.C.	177	0	0
Babu Satyendra Mohon Lahiri, M.L.C.	335	0	0
The Hon'ble Rai Bahadur H. P. Barua, M.L.C. ...	394	14	0
The Hon'ble Srijut Rupnath Brahma	635	2	0
Khan Bahadur Maulavi Mahmud Ali	522	6	0
Maulavi Ghyasuddin Ahmad	770	8	0
Mr. A. K. Chanda	660	6	0
Srijut Debeswar Sarmah	828	0	0
Srijut Purandar Sarma	625	10	0
Mr. Baidyanath Mookerjee	532	0	0
Mr. W. Fleming	545	12	0

	Rs.	a.	p.
The Hon'ble Maulavi Munawwar Ali	15	0	0
Srijut Gopinath Bardoloi...	299	8	0
Maulavi Abdul Aziz	415	10	0
Rai Bahadur P. C. Dutt	78	0	0
	7,230	12	0

(*b*)—Rupees 8,096.

(*c*)—9th February, 1939.

(*d*)—The hon. member is referred to the reply given to the Starred question No.13 (*b*) and (*c*) asked by Maulavi Abdur Rahman, M.L.A., at this session of the Assembly.

Maulavi MUHAMMAD AMJAD ALI: The total given in the statement is Rs.7,230-12-0, whereas the total given in answer to (*b*) is Rs.8,096. May I know the reason why they do not tally ? Is it a mistake in calculation ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Probably there was some expenditure in sending the proceedings to the hon. members by post and some other expenditure beyond what is shown in the statement.

Maulavi MUHAMMAD AMJAD ALI: The recommendations of the Retrenchment Committee were submitted on the 9th February, 1939. Are Government considering the retrenchment proposals from then ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The previous Government passed orders only on few items. The bulk of the recommendations are still to be looked into. I propose to consider them after the Session is over.

Maulavi MUHAMMAD AMJAD ALI: Did not this Government on assuming office take up this question ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This Government assumed office at a time when they had to be very busy with the preparation of the Budget. Therefore, they had no time to look into these recommendations which are of complicated nature.

Maulavi ABDUR RAHMAN: The report of the Retrenchment Committee was submitted on the 9th February, 1939. May I know why for all this time it was lying without being given any attention to ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already stated that certain recommendations were given effect to by the previous Government and I cannot say why they did not dispose of all the recommendations while they were in office. When I was confronted with the huge number of recommendations, I thought of taking them as a whole instead of taking them separately. That is why I have ordered office to put them before me after the session is over.

Maulavi ABDUR RAHMAN: Is it not a fact that in defiance of the recommendations of the Retrenchment Committee the previous Government made certain appointments ?

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

Mr. L. Dela Nougerede, the present Extra Assistant Conservator of Forests, Garo Hills

Maulavi MUHAMMAD AMJAD ALI asked:

*108 Will Government be pleased to state—

(a) Whether it is a fact that Mr. L. Dela Nougerede, the present Extra Assistant Conservator of Forests in charge of Forests, Garo Hills, passed the efficiency bar in about 1925-26 ?

(b) Whether the Conservator of Forests certifies when an officer passes an efficiency bar that the officer is capable of holding charge of any Forest Division in the province ?

(c) Whether the present Extra Assistant Conservator of Forests, Garo Hills was recommended on two occasions by two different Conservators of Forests for promotion to the Indian Forest Service before Mr. R. N. Dey was promoted to that service ?

(d) Why this officer was not promoted ?

(e) Whether it is a fact that Mr. C. Purkayastha is a very junior officer and that he was made a temporary Deputy Conservator of Forests ?

(f) Whether the said Extra Assistant Conservator has reached his maximum pay for several years ?

(g) Whether there is nothing against him ?

(h) If so, why should he not be compensated ?

The Hon'ble Srijut RUPNATH BRAHMA replied:

108. (a)—The reply is in the affirmative.

(b)—There is no question of a certificate. It is considered whether the officer is fit to hold charge of a division.

(c)—Government are not prepared to disclose the recommendations made by their officers.

(e)—Mr. Purkayastha was junior to five officers of the Provincial Forest Service when he was appointed to a temporary post on the scale of the Indian Forest Service. He had 13 years' service.

(f)—Yes.

(d) & (g)—Government are not prepared to discuss the merits or demerits of their officers.

(h)—Does not arise in view of the reply to 108 (c), (d) and (e).

Replacement of wooden bridges on the South Trunk Road from Gauhati to Lakhipur

Maulavi MUHAMMAD AMJAD ALI asked:

*109. Will Government be pleased to state—

(a) The location by mile of the wooden bridges that lie in the South Trunk Road from Gauhati to Lakhipur ?

(b) The approximate cost for converting each of the said wooden bridges into iron bridges ?

(c) Whether the Hon'ble Minister-in-charge proposes to prepare an estimate for the purpose and place it in the next meeting of the Communications Board ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

109. (*a*) & (*b*)—The information asked for is furnished in the two lists A and B laid on the table.

'*A*'

REPLACEMENT OF TIMBER BRIDGES ON A. T. ROAD WEST OF GAUHATI (UNDER PETROL TAX PROJECT ALREADY PREPARED)

Mile	Length in feet			Approximate cost of replacement	Remarks
	Bridge No.	Bridge with *sal* piles, troughing and concrete roadway	Bridge with *sal* pile and planked roadway		
				Rs	
26	26/1	...	66½	9,097	
26	26/2	...	261	11,410	
27	27/1	...	124¼	16,919	
28	28/1	...	122	17,243	
29	29/2	...	75¼	9,648	
30	30/1	...	5	529	R. C. Culvert.
30	30/1	...	87¼	13,810	
31	31/3	...	36	7,718	
32	32/2	...	48	7,718	
33	33/2	...	5	529	R. C. Culvert.
33	33/4	...	5	500	R. C. Culvert.
34	34/2	...	41¼	6,543	
35	35/3	...	5	500	R. C. Culvert.
35	35/4	...	5	500	R. C. Culvert.
37	37/4	...	88	14,210	
38	38/1	...	63¾	9 710	
38	38/2	...	44½	5,194	
41	41/1	...	18¼	3,451	
41	41/2	...	11	2,505	
41	41/3	...	10	2,505	
42	42/1	25	...	5,446	
43	43/3	...	100	1,110	To be closed.
44	44/3	...	41½	7,704	
45	45/1	...	5	500	R. C. Culvert.
46	46/1	136⅚	...	18,470	
48	48/2	54¾	...	12,510	
49	49/1	30	...	6,117	
47	47/2	...	21	4,046	

'B'

STATEMENT OF BRIDGES BETWEEN GAUHATI AND LAKHIPUR WITH TIMBER PILES WHICH ARE NOT YET PROPOSED TO BE REPLACED BY STEEL

Structure

Mile	Length in feet			Approximate cost of replacement	Remarks
	Bridge No.	Bridge with *sal* piles, troughing and concrete roadway	Bridge with *sal* pile and planked roadway		
		GOALPARA SUBDIVISION			
				Rs.	
53	53/2	132	...	19,800	
54	54/2	173	...	25,950	
63	63/3	37⅔	...	5,650	
64	64/3	12	...	1,800	
66	66/3	22	...	3,300	
68	68/3	12	...	1,800	
85	85/1	73	...	10,950	
88	88/1	104	...	15,600	
91	91/3	56	...	8,400	
92	92/1	33	...	4,950	
93	93/2	16	...	2,400	
95	95/1	126	...	18,900	
97	97/4	63½	...	9,526	
98	98/6	47	...	7,050	
100	100/1	40	...	6,000	
100	100/3	53½	...	8,025	
102	102/5	49½	...	7,425	

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

(*e*)—This has already been done but construction has been delayed owing to the war.

Maulavi MUHAMMAD AMJAD ALI: From the statement given in the tables A and B, we see that from mile 26 to 47 project for replacement of timber bridges on A. T. Road west of Gauhati is already prepared but from mile 53 to 102 between Gauhati and Lakhipur no project is yet prepared. May I know the reason why the Hon'ble Minister in charge is not prepared to submit project for these bridges in the Communication Board? Is it because the table 'A' falls in Kamrup in the Premier's constituency and 'B' in Goalpara in my constituency?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I am not aware in which constituencies the bridges referred to fall, but the bridges referred to in list B are not proposed to be replaced at present.

Maulavi MUHAMMAD AMJAD ALI: May I know the reason why the bridges have been taken up from mile 26 to 47 and not from mile 53 to 102 ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Because bridges in list A have been approved by the Communication Board.

Maulavi MUHAMMAD AMJAD ALI: At which meeting of the Communication Board ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Third meeting.

Maulavi MUHAMMAD AMJAD ALI: May I know when the Hon'ble Minister wants to place these proposals of Goalpara Subdivision before the Communication Board for approval ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Not at present.

Khan Bahadur Maulavi KERAMAT ALI: Are not these things discussed in the Communication Board meetings ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: These things must have been discussed and the bridges that are mentioned in list A have been approved for replacement by steel bridges.

Maulavi MUHAMMAD AMJAD ALI: May I know why the Hon'ble Minister likes to defer placing these projects before the Communication Board ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is not intended to replace bridges in list B at present. Even with regard to A we are experiencing difficulty in getting steel due to war. Until this is finished we cannot take up the other.

Appointment of Mr. S. C. Sen Gupta as one of the members of the Public Service Commission

Maulavi MUHAMMAD AMJAD ALI asked :

*110. Will Government be pleased to state—

(a) Whether the Hon'ble Premier and his Colleagues were consulted before the appointment of Mr. S. C. Sen Gupta, as one of the members of the Public Service Commission ?

(b) Whether it is a fact that the Hon'ble Babu Kamini Kumar Sen and other Members of the Cabinet from Sylhet recommended Mr. Sen Gupta for the said appointment ?

(c) Whether the Ministry brought to the notice of His Excellency the Governor that the Retrenchment Committee recommended the abolition of this post as soon as the term of the former incumbent had expired ?

(d) Whether the Ministry asked His Excellency the Governor to keep this appointment in abeyance, until the Government had arrived at their decision on the recommendations of the Retrenchment Committee on this point ?

(e) If so, with what result ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

110. (*a*), (*b*), (*d*) & (*e*)—There was consultation of an informal and confidential nature, but appointments to the Public Service Commission are made by the Governor in his discretion under Section 265(1) of the Government of India Act, 1935 and on his responsibility.

(*c*)—Government are not aware of such a recommendation by the Committee.

***Maulavi MUHAMMAD AMJAD ALI:** Is Mr. Sen Gupta a man of the province or an outsider ?

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Does this question arise, Sir ?

The Hon'ble the SPEAKER: That question does not arise at all from the replies given.

***Maulavi ABDUR RAHMAN:** Was there no suitable candidate in the province ?

The Hon'ble the SPEAKER: This question also does not arise.

***Maulavi ABDUR RAHMAN:** May I know, Sir, whether there should not be any age limit for this appointment ?

The Hon'ble the SPEAKER: That also does not arise.

***Maulavi MUHAMMAD AMJAD ALI:** Are Government aware that a memorial was submitted to His Excellency the Governor-General as a protest against this appointment ?

The Hon'ble the SPEAKER: Does it arise from the answer ?

***Maulavi MUHAMMAD AMJAD ALI:** It does arise, Sir.

The Hon'ble the SPEAKER: How ?

***Maulavi MUHAMMAD AMJAD ALI:** Whether this Government is aware that a Memorial was submitted to His Excellency the Governor General as a protest against this appointment ? This is a question with regard to the appointment of a member of the Public Service Commission.

The Hon'ble the SPEAKER: Should all these questions come in whether a memorial was received and how it was disposed of ? Of course if the Hon'ble Premier likes he can give an answer.

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, this appointment took place during the time of the previous Ministry and I have absolutely no knowledge about that. Up-till-now I have not heard officially that any memorial was submitted. Moreover, Sir, this appointment has been made by His Excellency the Governor in his own discretion.

The Hon'ble the SPEAKER: How can the Hon'ble Minister say whether any memorial was submitted to His Excellency ?

***Maulavi MUHAMMAD AMJAD ALI:** Will the *ex*-Premier please enlighten us on this point ?

***Srijut GOPINATH BARDOLOI:** We cannot enlighten the hon. members on this.

The Hon'ble the SPEAKER: The *ex*-Premier owes no obligation now. The hon. member is to get the answer from Government.

***Maulavi MUHAMMAD AMJAD ALI:** May we know, Sir, whether the *ex*-Premier made any recommendation to His Excellency with regard to this appointment ?

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*Speech not corrected by the hon. member.

†**Srijut GOPINATH BARDOLOI:** I don't think, Sir, I have any responsibility now in this matter.

†**Maulavi ABDUR RAHMAN:** May we know whether His Excellency was not willing to take the advice of the Cabinet in this matter ?

The Hon'ble the SPEAKER: The answer is that the Cabinet was consulted informally and confidentially.

†**Maulavi MUHAMMAD AMJAD ALI:** May we know from the Hon'ble Speaker whether he was consulted by His Excellency the Governor with regard to this appointment ?

The Hon'ble the SPEAKER: No ; I should say that it is absolutely a false statement. I regret very much that an hon. member puts such question to the Chair. He ought to withdraw this question. A member is only to get informations from Government regarding affairs of the administration for which the Chair has absolutely no responsibility. (*In an angry tone*).

†**Maulavi MUHAMMAD AMJAD ALI:** I withdraw this question, Sir. It was reported so in some newspapers.

The Hon'ble the SPEAKER: I regret very much that anything and everything appearing in newspapers should be taken up by the hon. members as correct or as a basis for a question to be put to the Chair regarding matters pertaining to the affairs of Government. Papers may publish anything and an hon. member is supposed to be a bit circumspect in taking note of all these publications for a question to the Chair. The hon. member is putting the Governor and the Speaker in a very awkward position. He is dragging His Excellency the Governor's name to the floor of the House in a manner not permissible.

Re Babu Biraj Mohan Dev, a political prisoner

Maulavi MUHAMMAD AMJAD ALI asked :

*111. (*a*) Has the attention of Government been drawn to an article under the caption " [illegible] " published in the Muffasil Edition of the *Ananda Bazar Patrika* (Daily), dated the 10th *Sravan* 1346 Wednesday ?

(*b*) Are Government aware that Babu Biraj Mohan Dev, a political prisoner from Assam, is in Dum-Dum or Alipur Jail in Bengal ?

(*c*) Is it a fact that he has resorted to hunger-strike and the present condition of his health is causing anxiety ?

(*d*) If so, what steps, if any, do the Government of Assam propose or already have taken to have him released without delay ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

111. (*a*)—Yes.

(*b*)—He is a man of Bengal. He was convicted by the Calcutta High Court on a reference by the Additional Sessions Judge, Sylhet, in the Itakhola Mail Dacoity case, but was also convicted by the Comilla Special Tribunal in a Bengal case and sentenced to transportation for life. He is now in the Alipore Central Jail.

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†Speech not corrected by the hon. member.

(*c*)—The hunger-strike was suspended, and the health of the prisoner is good. His weight is 111 pounds as compared with 100 at his conviction in 1933.

(*d*)—Government have corresponded with the Government of Bengal, and have ascertained that his case can only be considered in the normal course under the 14 years' rule. The question of release in respect of the conviction in Assam can therefore only arise at that time.

(Starred question No. 112 standing in the name of Maulavi Mabarak Ali was not put and answered as the questioner was absent.)

Appointment of Maulavi Abdul Gani as an Extra Assistant Commissioner

Babu LALIT MOHAN KAR asked :

*113. Will Government be pleased to state—

(*a*) Whether it is a fact that Maulavi Abdul Gani, B.L., was appointed as an Extra Assistant Commissioner by the Congress-Coalition Ministry before they resigned and that the order of appointment was unconditional ?

(*b*) Whether it is a fact that the said order of appointment was kept in abeyance for some time by the present Ministry without communicating it to the gentleman concerned ?

(*c*) If so, why ?

(*d*) Whether it is a fact that after some time the order was communicated to the gentleman informing him that his appointment was conditional upon his proving his genuine ness as a Mussalman ?

(*e*) If so, why ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

There is an apparent mistake in the question of the hon. member. His question is whether it is a fact that Maulavi Abdul Gani, B. L., was appointed as an Extra Assistant Commissioner. Probably he was referring to Maulavi Nurul Ghani and on that assumption I am replying.

113. (*a*) to (*e*)—The decision to appoint Maulavi Nurul Ghani was reached by the late Ministry before their resignation. Before the order of appointment could be issued, certain allegations were made to Government that he is ineligible for the post. The appointment order was therefore issued provisionally by the Secretary before the new Ministry assumed office, making it clear to the candidate that his appointment would not be confirmed unless the Ministry were satisfied in regard to these allegations.

Mr. NABA KUMAR DUTTA : Sir, May I know who made this allegation before the Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : There was a protest against this candidate being taken in as a Muslim candidate both from the Muslim public of Shillong as well as Sylhet.

Mr. BAIDYANATH MOOKERJEE: Sir, have Government been satisfied about this allegation by this time ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Not yet, Sir. We are still waiting for some explanation from the Officer concerned.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact, Sir, that the appointment of Mr. Nurul Ghani was gazetted before the previous Ministry resigned ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of that, Sir ?

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Premier, take it from me that the appointment was gazetted before our Ministry had resigned ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will take the hon. member's statement to be correct, but it was stated that he will not be confirmed unless the Government was satisfied with regard to the allegation.

Mr. FAKHRUDDIN ALI AHMED: Does the Hon'ble Premier wish to say, Sir, that the gazette notification contained that condition ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am stating the order from the file.

Mr. FAKHRUDDIN ALI AHMED: Who passed that order, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The answer is already there that the order was issued by the Secretary.

Mr. FAKHRUDDIN ALI AHMED: Can the Secretary override the decision of the Minister and issue an order other than that was passed by the Hon'ble Minister-in-charge ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of such a power, Sir.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Premier take it from me that no provisional order was passed by the Minister concerned and therefore the Secretary had no business to insert a condition in the order issued under his signature particularly when Mr. Ghani was definitely given the appointment ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I have already stated in the reply, the present Ministry was not in office at the time when this order was passed.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Premier, Sir, be prepared to take action against the Secretary concerned for inserting the condition over stepping the decision of the Minister-in-charge ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If I find, Sir, that the Secretary has over-stepped the ordinary rules and procedure of the Secretariat, then surely the case will be looked into.

Mr. BAIDYANATH MOOKERJEE: What is the nature of the allegation, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Would it be proper in the interest of the officer concerned to discuss this thing on the floor of the House ?

Mr. BAIDYANATH MOOKERJEE: I mean, Sir, whether it was of such a serious nature that such a step was necessary ?

The Hon'ble the SPEAKER: That is asking too much.

Re **Appointment of Babu Promode Chandra Goswami as a Lecturer in the Murarichand College**

Babu LALIT MOHAN KAR asked :

*114. Will Government be pleased to state—

(*a*) Whether it is a fact that Babu Promode Chandra Goswami, M. A., acted as a lecturer in English in the Murarichand College, Sylhet, for several years ?

(*b*) Whether it is a fact that Babu Promode Chandra Goswami was appointed as a permanent lecturer in English in the Murarichand College, Sylhet, by the Hon'ble Minister for Education, of the Congress-Coalition Ministry ?

(*c*) Whether it is a fact that before the said order of appointment was published in the Gazette or communicated to the person concerned, the present Ministry came into power and cancelled that order by appointing another gentleman as a lecturer in the Murarichand College, Sylhet ?

(*d*) If so, why ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

114. (*a*)—Yes.

(*b*)—No.

(*c*) & (*d*)—Do not arise.

Newspaper article *re* "Injustice to the Scheduled Castes"

Maulavi JAHANUDDIN AHMED asked :

*115. Has the attention of Government been drawn to a letter of one Srijut Dhirendralal Das, B. L., Pleader, Goalpara, published in the "*Times of Assam*", in its issue of the 20th January, 1940, under the heading "*Injustice to the Scheduled Castes*" ?

*116. Will Government be pleased to state—

(*a*) Whether the contents of the letter mentioned in question No. 115 above are true ?

(*b*) If so, what action Government has taken on it ?

(*c*) Do Government propose to redress the grievances of the writer of the letter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

115.—Yes.

116. (*a*)—The letter makes a large number of statements, some of which are true and some untrue. The candidate was not found suitable for the appointment in question, and was therefore not recommended to Government by the Public Service Commission.

(*b*) & (*c*)—Do not arise.

Maulavi JAHANUDDIN AHMED: May I know, Sir, whether there were any other Scheduled Caste candidates ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The article in question mentioned that there was no other Scheduled Caste candidate. I am not sure whether there were any other Scheduled Caste candidates, as the list is with the Public Service Commission.

Maulavi JAHANUDDIN AHMED: May I know, Sir, he being the only Scheduled Caste candidate, why he was not recommended by the Public Service Commission ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Public Service Commission reported that the result of the examination of this particular candidate was very poor : he stood twenty-first out of a list of 22. They thought that the standard of this candidate was not up to the mark necessary for an Extra Assistant Commissioner,

Maulavi JAHANUDDIN AHMED: May I know the total minimum number of marks required by a candidate and whether the candidate secured that minimum ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I would require notice of that question, Sir, as I have not got the marks with me. The only report that I got was that the candidate's result was very poor and that he stood twenty-first out of a number of 22 that appeared.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Transfer of an Agricultural Inspector from Nalbari to Barpeta

Srijut RABI CHANDRA KACHARI asked :

111. (*a*) Is it a fact that the headquarters of the Agricultural Inspector at Nalbari has recently been transferred from Nalbari to Barpeta ?

(*b*) Are Government aware that the area under Backward Baska group of Mauzas to the North of Nalbari, and that under the Barkhetri group of Mauzas to the South of Nalbari, has long since been neglected by the Agriculture Department and that these areas can never be attended to by the Agricultural Inspector posted to the furthest corner of his circle at Barpeta ?

(*c*) Do Government propose to declare Nalbari as the headquarters station of the Agricultural Inspector and depute one Agricultural Demonstrator to Boroma in the Baska area ?

(*d*) Is it a fact that on the recommendations by the Agricultural Board, Government proposed to start one small Demonstration Farm at a place near Nalbari, under the said Agricultural Inspector ?

(*e*) If so, do Government propose to expedite the establishment of the same Demonstration Farm ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

111. (*a*)—Yes.

(*b*)—The Agricultural Inspector was placed at Nalbari for a pretty long time and the surrounding Mouzas got considerable help from

him in agricultural matters while Barpeta circle was deprived of all agricultural activities due to bad communication. The Nalbari Circle falls under the jurisdiction of Agricultural Inspector, Barpeta, and he will attend to the Mouzas near about that Circle as far as possible.

***Srijut GAURI KANTA TALUKDAR**: As regards (*b*) does the answer given mean that it would be optional for him to attend to the Mouzas near about Nalbari Circle ?

***The Hon'ble Maulavi MUNAWWARALI**: No.

***Srijut GAURI KANTA TALUKDAR**: Does it not indicate that he will not find much time to visit such Mouzas ?

***The Hon'ble Maulavi MUNAWWAR ALI**: It is within the range of possibility.

***Srijut GAURI KANTA TALUKDAR**: Do not Government recognise that the Barpeta Circle along with the Nalbari Circle is a very big area and quite unwieldy for a single Inspector of Agriculture to supervise ?

***The Hon'ble Maulavi MUNAWWARALI**: Government would be glad if they could provide another Agricultural Inspector.

***Srijut GAURI KANTA TALUKDAR**: Will Government consider the desirability of providing an Agricultural Inspector for Nalbari ?

***The Hon'ble Maulavi MUNAWWAR ALI**: The question is under consideration.

The Hon'ble Maulavi MUNAWWAR ALI replied:

(*c*)—It is proposed to place an Agricultural Demonstrator at Boroma if the demand for grant of additional posts of Agricultural Demonstrators is passed by the Assembly.

(*d*)—A scheme for opening a few Departmental Seed farms was received by Government from the Director of Agriculture as a result of the recommendations of the Development Board but the same could not be approved for lack of funds.

(*e*)—The question does not arise.

Headquarters of the Inspector of Agriculture at Nalbari

Srijut GAURI KANTA TALUKDAR asked:

112. (*a*) Is the Hon'ble Minister in charge of Agriculture aware that Nalbari is situated in the midst of an agricultural area linked with a large number of important agricultural centres ?

(*b*) Is it a fact that for the benefit of the cultivators of the surrounding localities, an Inspector of Agriculture was posted with his headquarters at Nalbari ?

(*c*) Is it a fact that the said headquarters have since been shifted to Barpeta ?

(*d*) If so, will Government be pleased to state the reasons for this action ?

(*e*) Are Government aware that on the strength of population and area, the Gauhati Subdivision is entitled to at least two Inspectors of Agriculture ?

(*f*) Are Government aware that the said transfer of headquarters has caused great loss to the cultivators of the localities near about Nalbari ?

*Speech not corrected by the hon. member.

(*g*) Have the Government received a resolution dated the 12th July 1939 of the North Kamrup Krisak Sanmilan, protesting against the said transfer of headquarters and requesting the Government to retain the headquarters of the said Inspector at Nalbari ?

(*h*) Do Government propose to retain the headquarters of the said Inspector at Nalbari and place another Officer at Barpeta, if thought necessary ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

112. (*a*)—Yes.

(*b*), (*c*) & (*d*)—The Agricultural Inspector was stationed at Nalbari for a long time and the cultivators of Nalbari Circle got continuous help from the Agricultural Inspector so long while Barpeta Circle was deprived of it for bad communication which is now improved. It is for the benefit of the cultivators of Barpeta circle, the headquarters of the Agricultural Inspector have been transferred to Barpeta ; the Nalbari Circle also is within the jurisdiction of the same Agricultural Inspector who looks after the needs of the cultivators of this circle also.

(*e*)—Government do not consider the necessity of placing two Agricultural Inspectors in this subdivision.

(*f*)—Government do not consider that any loss has been caused to the localities near about Nalbari as the Agricultural Inspector serves both Barpeta and Nalbari equally.

(*g*)—Yes, and a reply was sent to the Secretary.

(*h*)—No. There is no provision for a separate Agricultural Inspector for Barpeta.

Re **Plot of land covered by dags Nos.1509 and 1510 of Gauhati Town**

Srijut GAURI KANTA TALUKDAR asked :

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

(*a*) Whether a plot of land covered by dags Nos.1509 and 1510 of the town of Gauhati, contiguous to the southern side of the compound of the Gauhati Electric Supply Corporation and to the eastern side of the Madrassa, has been lying waste for a long time ?

(*b*) Whether the Managing Committee of the Kamrup Academy made an application to the Government for giving the said plot of land for erecting their school buildings thereon ?

(*c*) Whether the Director of Public Instruction, Assam, recommended to the Commissioner, Assam Valley Division, for lending the said plot of land for the said school building ?

(*d*) Whether the Hon'ble Revenue Minister of the Congress Co-alition Ministry passed an order, directing the said plot of land to be given to the Kamrup Academy ?

(*e*) Whether the said order has since been cancelled by the present Ministry ?

(*f*) If so, whether the Government consulted or informed the Managing Committee of the said Academy before the order of cancellation was passed ?

(*g*) Whether there were other applicants for the said land ?

(*h*) If so, who are they ?

(*i*) Whether it is a fact that the Burma Oil Company, Ltd., was one of the candidates for the said land and wanted it for establishing a Petrol Depôt there ?

(*j*) Whether the land has already been given to the Burma Oil Company, Ltd., or to some other person for establishing a Petrol Depôt there ?

(*k*) If the answer to question No. (*j*) is in the affirmative, will Government be pleased to state whether any auction was held before settling the said land ?

(*l*) If so when ?

(*m*) If not, why not ?

(*n*) If the reply to question (*j*) is in the negative, do Government propose to settle the land with the Burma Oil Company, Ltd., without any auction ?

114. (*a*) Are Government aware, that the public have objection in that plot of land being given to any business firm or company ?

(*b*) If not, do Government propose to sound public opinion before settling the said land with any private individual or business concern ?

(*c*) Do Government propose to reserve the said land for some public educational institution ?

115. (*a*) Is it a fact that the Hindusthani Prachar Samiti, Assam, which supplies our High English Schools with Hindusthani teachers, applied for this plot of land for erecting their office and school buildings thereon ?

(*b*) If so, do Government propose to give the land to the said Samity ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

113. (*a*) and (*b*)—The reply is in the affirmative.

(*c*)—It may be so.

(*d*)—The reply is in the affirmative.

(*e*)—Yes. On the objection raised by the Commissioner of Divisions and the Public Works Department the present Government had to review the whole question afresh.

(*f*)—No.

(*g*)—Yes.

(*h*)—Application for land for an Ayurvedic garden, Secretary, Kamrup Academy and Burma Oil Company.

(*i*)—Yes.

(*j*)—The land has been given to Burma Oil Company.

(*k*)—No.

(*l*)—Does not arise.

(*m*) & (*n*)—It was settled in accordance with the footnote to rule 67 of the Settlement Rules on a substantial premium and a fair rental for a first class business site.

Srijut GAURI KANTA TALUKDAR : With regard to (*e*), may I know, Sir, what were the objections raised by the Commissioner ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : The triangular plot of land was suggested by the Burma Oil Company and the Commissioner found that it was suitable for the petrol pump.

Srijut GAURI KANTA TALUKDAR : May we know, Sir, what was the objection raised by the Commissioner, to giving that plot of land to the Kamrup Academy ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That plot was not thought suitable for a school.

Srijut GAURI KANTA TALUKDAR: Do Government know that the Director of Public Instruction saw this plot and recommended that it would be a very suitable plot for the Kamrup Academy and that the land may be given to it ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: It may be so.

Mr. FAKHRUDDIN ALI AHMED: Has the Hon'ble Minister himself seen the plot in question ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

Mr. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware that there is another school near the plot which was proposed by the previous Ministry to be given to the Academy ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir.

Mr. FAKHRUDDIN ALI AHMED: In what way did the Hon'ble Minister think the plot unsuitable for the school, Sir ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: There are already two schools there and there will not be accommodation for a third.

Mr. FAKHRUDDIN ALI AHMED: What does the Hon'ble Minister mean by saying that there will be no accommodation when even after allotting a portion of the plot to the Burma Oil Company—still some area is left open.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That will be required for the expansion of the existing schools.

Mr. FAKHRUDDIN ALI AHMED: Does the Hon'ble Minister say that what was given to the Burma Oil Company was not required for the extension of the Bengali School ?

(no reply)

Srijut GAURI KANTA TALUKDAR: Is it not a fact that this land has been already given to the Burma Oil Company ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes.

Srijut GAURI KANTA TALUKDAR: Then how does the Hon'ble Minister say that the vacant space will be required for the expansion of the existing schools ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Only one half has been given to the Burma Oil Company.

Mr. FAKHRUDDIN ALI AHMED: Does the Hon'ble Minister realise that it is too dangerous to locate a petrol pump near a school ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir. I do not think it will be.

Srijut GAURI KANTA TALUKDAR: Do not Government realise that when half of the land has been given to the Burma Oil Company for petrol Depot the rest of the land will be unfit for any public purpose ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

Srijut GAURI KANTA TALUKDAR: Sir, may we know what were the grounds of objection on the part of the Public Works Department ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I have already stated that, Sir.

Srijut GAURI KANTA TALUKDAR: Were they the same grounds as advanced by the Commissioner ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes.

Srijut GAURI KANTA TALUKDAR: With regard to (*m*) and (*n*) the reply is that "It was settled in accordance with the foot note to rule 67 of the Settlement Rules on a substantial premium and a fair rental for a first class business site." But the Settlement Rules say that "in settlement of town land under this rule, the land should be put up to auction, unless the Commissioner of the Division directs otherwise by a special order." May I know what was the special order passed by the Commissioner of the Assam Valley Division in this case ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I am not aware of that, Sir.

Srijut GAURI KANTA TALUKDAR: Was any special order obtained before the order of the last Ministry was cancelled ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN. I am not aware of that, Sir.

Srijut GAURI KANTA TALUKDAR: May I know what was the "substantial premium" which the Government obtained from the Burma Oil Company :

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I am not aware of that.

Mr. FAKHRUDDIN ALI AHMED: These are very relevant questions and the Hon'ble Minister should be prepared to give information.

The Hon'ble the SPEAKER: To answer these details in reply to supplementary question is not so very easy. The documents will have to be consulted.

Srijut GAURI KANTA TALUKDAR: This question was put a long time ago and it demanded detailed information.

The Hon'ble the SPEAKER: But the question as to what premium was realised from the Burma Oil Company is not at all right.

Srijut GAURI KANTA TALUKDAR: The question is whether it was put to auction, and naturally the question follows as to what was the premium.

The Hon'ble the SPEAKER: The Hon'ble Minister will also say naturally that the hon. member ought to have put down that question.

Srijut GAURI KANTA TALUKDAR: May I know what was the rental ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I require notice.

Srijut GAURI KANTA TALUKDAR: May I know whether the Kamrup Academy with which the land was settled was asked if they were prepared to pay a premium or rental before this land was settled with the Burma Oil Company after cancelling the settlement with the Kamrup Academy ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is known to the hon. member himself.

Srijut GAURI KANTA TALUKDAR: I know the Academy was not asked.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

114. (*a*), (*b*) and (*c*)—No.
115. (*a*)—Government have no information.
(*b*)—Does not arise.

Construction of bunds and canals in the Eastern Dooars area

Kumar AJIT NARAYAN DEV asked:

116. (*a*) Are Government aware that a large part of the arable land could not be cultivated this year owing to draught in the Eastern Dooars area ?

(*b*) Are Government aware that irrigational canals are absolutely necessary in that part of the district for cultivation ?

(*c*) Is it a fact that many petitions have been made to the Government for help to construct 'bunds' and canals in that area ?

(*d*) If the reply to question 116 (*c*) above is in the affirmative, do Government propose to take any steps for this purpose ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

116. (*a*) to (*d*)—Provision has been made in the budget for opening an "Embankment and Drainage Division".

Mr. BAIDYANATH MOOKERJEE: Sir, the reply is: "Provision has been made in the budget for opening an 'Embankment and Drainage Division'." We want to know whether it is for this particular area ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The question is: 'Are Government aware that irrigation canals are absolutely necessary in that part of the district for cultivation' ? The reply is ; 'Provision has been made in the budget, etc.' That is the solution of the problem. Answer though abbreviated conveys the sense.

Mr. BAIDYANATH MOOKERJEE: I want to know whether provision has been made for this particular area or not.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That covers that area.

Mr. BAIDYANATH MOOKERJEE: Does it necessarily follow that there will be some work in this area also ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Every part of the province will be investigated.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: By this Rs.15,000 ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That is a beginning, Sir.

Proprietors of the Munshibari Estate under the Kamalganj Thana in the Sylhet District

Babu HARENDRA NARAYAN CHAUDHURI asked:

117. (*a*) Is it a fact that the ten annas proprietors of the Munshibari Estate under the Kamalganj Thana in the district of Sylhet have applied to the Government for taking over their Estate by the Court of Wards ?

(*b*) Is it a fact that the mother of the minor proprietor of the six annas share of the same Estate has raised an objection against the proposal ?

(*c*) Has Government made any enquiry about the assets and liabilities of the ten annas proprietors of the Estate ?

(*d*) If so, will Government be pleased to lay on the table a statement showing the assets and liabilities of the said Estate ?

(*e*) Do Government propose to take over the Estate under the Court of Wards ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

117. (*a*)—Yes.

(*b*)—Yes.

(*c*)—Yes

(*d*)—Government are not prepared to disclose such information without the consent of the proprietors.

(*e*)—The question is under consideration.

Postponement of the proposed Joint Session of the Assam Legislature, fixed for December 1939

Babu LALIT MOHAN KAR asked :

118. Will Government be pleased to state—

(*a*) The reasons for which the joint session of the Assam Legislative Council and the Assam Legislative Assembly summoned for the consideration of the Sylhet Town Tenancy Bill and fixed for December 1939, has been postponed *sine die* by the present Government ?

(*b*) Whether they propose to convene the said joint session in near future ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

118. (*a*)—The joint session fixed for December 1939 was not adjourned *sine die* but was postponed merely on the ground that the present Ministry had only just assumed office and had no time to deal with legislative matters.

(*b*)—The question is under consideration.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : With regard to (*b*) may I know when the consideration stage will pass ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : As soon as the Session is over, Sir.

Maulavi ABDUR RAHMAN : May I know for what purpose ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : The Joint Session was to be held to consider that Bill as there were some amendments from the Upper House.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : May we have an approximate date ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : It is not possible for me to give a date.

Maulavi ABDUR RAHMAN : Is it a fact that the Sylhet Town Tenancy Bill has been time barred ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No, Sir.

Issue of pass certificates of Primary Girls' Schools in Vernacular

Mr. P. PARIDA asked :

119. (*a*) Are Government aware of the fact that transfer certificates of vernacular schools are issued in vernacular but the pass certificates of Primary Girls' Schools and Needle Work Diplomas of Primary and Middle Vernacular Girls' Schools and the Pass certificates of Middle Vernacular Schools for boys and girls are issued to them in English which they fail to read and understand ?

(*b*) If so, do Government propose to take steps to issue these certificates and diplomas in local vernacular in future just like the vernacular school transfer certificates ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

119. (*a*)—Yes. But certificates are ordinarily meant as qualifications for higher studies or employment and the persons in charge of the latter are certain to know English.

(*b*)—No, in view of the expenditure involved in printing the certificates in so many vernaculars. Moreover, the expenditure involved will not be commensurate with the results.

Inspection remarks of the Educational Inspecting Staff

Mr P. PARIDA asked :

120. (*a*) Are Government aware of the fact that the Assistant to the Director of Public Instruction for Muhammadan Education, the Special Deputy Inspector of Schools for the same, the two Inspectors of Schools, the two Assistant Inspectors of Schools and the Assistant Inspectress of Schools in Assam write their inspection remarks, on vernacular schools, in English which are not intelligible to vernacular teachers of such schools ?

(*b*) If so, do Government propose to direct these officers to write their inspection remarks, on vernacular schools, in future in Bengali, in the Surma Valley, in Assamese, in the Assam Valley and in English or in respective Hill languages in the Hills ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

120. (*a*)—Yes.

(*b*)—Government do not consider any such direction necessary because copies of inspection notes written in vernacular cannot be conveniently made out for transmission to the authorities concerned. Moreover, the inspection notes recorded in English are translated into the vernacular of the locality by the Sub Inspector or Deputy Inspector of Schools for the benefit of the Pandits concerned.

***Re* charges of illegal exactions against the Kanango of Habraghat and the names and designation of the Officers of the Bijni Raj Ward's Estate**

Srijut JOGENDRA CHANDRA NATH asked :

121. (*a*) Are Government aware that the people of the Bormohora village of the Krishnai dihi, pargana Habraghat, Bijni Raj Estate, have submitted petitions to the Commissioner of Divisions, Deputy Commissioner

and the Manager of Bijni Ward's Estate, bringing forward certain charges of illegal exactions against the Kanango of Habraghat ?

(*b*) Is it a fact that the Sub-Manager of the Habraghat pargana was asked to enquire into the said charges ?

(*c*) Is it a fact that the people were dissatisfied with the manner and procedure adopted in conducting the enquiry by the Sub-Manager and the Manager was made aware of this and approached by the tenants' representatives to hold the enquiry by him personally ?

(*d*) Will Government be pleased to state the nature of the said allegations and the report of the Sub-Manager who enquired into them ?

122. Will the Hon'ble Minister-in-charge of Court of Wards be pleased to state—

(*a*) The names and designation of the officers of the Bijni Raj Ward's Estate, whose retirement from service is long overdue ?

(*b*) The reason for retaining them still in service ?

(*c*) Whether any enquiry was ordered to be held by the Hon'ble Minister regarding the conduct of the Assistant Superintendent Babu Durga Kumar Mukherjee of the Bijni Raj Ward's Estate ?

(*d*) If so, why the enquiry was not held ?

(*e*) Do Government propose to ask the above-mentioned officers to retire at an early date ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

121. (*a*)—Yes, except that no petition was received by the Commissioner of Divisions.

(*b*)—Yes.

(*c*)—Yes.

(*d*)—The allegations are in regard to illegal exaction and ill-treatment by the Kanango of Krishnai. The enquiry held by the Sub-Manager did not support the allegations.

A copy of the Sub-Manager's report is placed on the library table.

122. (*a*)—The following officers have been retained in the service of the Estate after attaining the age of 55 years :—

1. Babu Durga Kumar Mukherjee, Additional Superintendent.
2. Babu Harendra Nath Chatterjee, Treasurer.
3. Srijut Manomohan Das, Headmaster, J. N. M. Girls' Middle English School.
4. Babu Hari Mohan Bhattacharjee, Record Keeper.
5. Srijut Ganganath Chakrabarty, Jama Mohorir.
6. Srijut Sashi Bhusan Majumdar, Clerk.
7. Srijut Pranhari Chakrabarty, Pujak.
8. Srijut Balit Chandra Das, Treasury Mohorir.
9. Srijut Atul Chandra Ghatak, Naib.

(*b*)—Their services are required further in the interests of the Estate.

(*c*) & (*d*)—Yes. As the hon. member is already aware, the enquiry was held by the Deputy Commissioner, Goalpara, on the 30th January 1940. Government are awaiting the Deputy Commissioner's report.

(*e*)—Government will review the position.

Rates of rent for different classes of land in Mechpara and Bijni Wards' Estates

Srijut JOGENDRA CHANDRA NATH asked :

123. Will the Hon'ble Minister-in-charge of Court of Wards be pleased to state—

(*a*) The rates of rent for different classes of land in the Mechpara Estate at the time it was taken under the Court of Wards ?

(*b*) Whether there has been any enhancement in the rates of rent since the Court of Wards took charge of the above Estate ?

(*c*) If so, when ?

(*d*) How the enhanced rates compare with the old rates for different classes of lands in the said Estate ?

124. Will the Hon'ble Minister-in-charge of Court of Wards be pleased to state—

(*a*) The income of the Bijni and the Mechpara Wards' Estates per annum from 'San-ban-kar' ?

(*b*) The rates of this 'Kar' in these two Estates ?

(*c*) Whether it is realised as 'House permit fee' ?

125. Will the Hon'ble Minister-in-charge of Court of Wards be pleased to state how much do the Bijni and the Mechpara Wards' Estates receive from their respective "Khutgari" mohuls as rent?

126. Will the Hon'ble Minister-in-charge of Court of Wards be pleased to state—

(*a*) Whether a fee known as 'petition fee' is realised from the tenants by the Mechpara and Bijni Court of Wards' Estates ?

(*b*) If so, what are the rates charged by each of these Estates and what is the basis of the right to realise such rates ?

127. Will the Hon'ble Minister-in-charge of Court of Wards be pleased to state—

(*a*) Whether there is any standard in the Bijni and the Mechpara Court of Wards' Estates for fixing the premium or 'Nazar-Salami' that is realised on settlement of waste lands?

(*b*) If so, what are the usual rates of such premium in each of the above-mentioned Estates and what is the basis of the right to realise such rates ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

123. (*a*)—The rates were as follows :—

	Rs.	a.	p.
Bastu	2	10	6
Udbastu	2	2	0
Awal	0	12	6
Doyum	0	10	6
Chaharam	0	6	0

(*b*)—Yes.

(*c*)—In 1921.

(*d*)—The enhanced rates which apply to new settlement are as follows :—

	Rs.	a.	p.
Bastu	3	0	0
Udbastu	3	0	0
Aval	1	0	0
Doyum	1	0	0
Chaharam	0	8	6

124. (*a*)—The average of the last three years for Mechpara is Rs.9,500 ; while the income per annum in Bijni is Rs.7,477-12.

(*b*)—In Bijni —The rate is generally Re.1-4 per family with variations in Dehis Barohazari, Birjhora, Jogihopa, Dalgoma and Krishnai where the rates vary from Re.1-4 to Re.1-8.

In Mechpara—The rate is Re.1-8 throughout the Estate except in Dehi Joypur where it is annas 12 only.

(*c*)—It is a kind of rent per family or per house for free collection of thatching grass, fuel, etc., from *khas* lands and forests.

125.—The income from this source is Rs. 800 on an average in Mechpara. In Bijni, Rs. 1,090-6 was realized in 1345 *B.S.* and in the current year Rs. 927-6 has so far been realised.

Maulavi MUHAMMAD AMJAD ALI: May I know from the Hon'ble Minister-in-charge if there is any sanction of law behind Sanbanker, Khutgari and Salami ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: This is according to custom.

Maulavi MUHAMMAD AMJAD ALI: There is no law behind these realisations ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

126. (*a*)—Yes.

(*b*)—The rate in Mechpara is Re. 1 while in Bijni it varies from Rs. 3 to annas 13 per petition. The fee is a customary fee existing from pre-court times.

127. (*a*)—Yes.

(*b*)—A statement of rates as sanctioned by Government is placed on the library table.

Establishment of a Sub-Registrar's Office at Kamalganj

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

128. (*a*) Are Government aware that the people of Kamalaganj Thana, South-Sylhet Subdivision, in the district of Sylhet suffer for want of a Sub-Registrar's Office at Kamalaganj ?

(*b*) Is it a fact that there was previously a Sub-Registrar's Office at that place ?

(*c*) Do Government propose to establish such an office there, immediately on commission basis ?

The Hon'ble Miss MAVIS DUNN replied :

128. (*a*)—Yes.

(*b*)—Yes, from 1st April 1927 to 31st July 1932.

(*c*)—Not at present. Government will consider the matter.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is it not a fact that Government gave assurance to consider this matter in the August-September session of 1937 ? Is it still under consideration ?

The Hon'ble Miss MAVIS DUNN : It may be.

Mr. BAIDYANATH MOOKERJEE : May we know how long the consideration stage will continue ?

The Hon'ble Miss MAVIS DUNN : If we receive sufficient representation from the public, then we shall consider.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Is the Hon'ble Minister aware that such a representation was already forwarded last year ?

The Hon'ble Miss MAVIS DUNN : I have seen no such representation.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Are Government prepared to take action immediately.

The Hon'ble Miss MAVIS DUNN : If such a representation is made, we shall consider the matter.

Animal food Nutrition Scheme

Babu RABINDRA NATH ADITYA asked :

129. (*a*) Are Government aware that in the absence of grazing reserves, the problem of food supply for cattle is getting acute in the Surma Valley ?

(*b*) Do Government propose to take up the animal food nutrition scheme with special reference to the conditions obtaining in the Surma Valley ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

129. (*a*)—Government are aware that there is shortage of cattle feed in parts of the Surma Valley, especially where the natural acquatic grasses have been destroyed by Water-hyacinth.

(*b*)—There is no such proposal.

Babu RABINDRA NATH ADITYA : Are Government aware that the problem is acutest in that part of the province ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes.

Babu RABINDRA NATH ADITYA : Do Government propose to draw up a scheme ?

The Hon'ble Maulavi MUNAWWAR ALI : The matter will be considered.

Babu RABINDRA NATH ADITYA : Do Government see the urgency of the question ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes.

Re **inadequacy in the Entomological Staff in the province**

Maulavi ABDUR RAHMAN asked :

130. (*a*) Are Government aware of the inadequacy of the Entomological staff in the province ?

(*b*) Are Government aware that the expensive farm method of cultivation scares away the illiterate villagers to a safe distance instead of any appreciation from them ?

(*c*) Do Government propose to select demonstration plots near each Bazar in the province and convince the mass about the utility of the Department ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

130. (*a*)—Yes.

(*b*)—Yes, in a large number of cases.

(*c*)—Most of what is wanted by the hon. member will be served by the model villages which are being started by Government in different centres.

Maulavi ABDUR RAHMAN : How many model villages are going to be opened in the subdivision of Habiganj.

The Hon'ble Maulavi MUNAWWAR ALI : For the present, two.

Maulavi ABDUR RAHMAN : May I know the site which will be selected—whether by the Hon'ble Minister himself or by the Departmental authority ?

The Hon'ble Maulavi MUNAWWAR ALI : Government will do it in consultation with the Departmental Authority ?

Maulavi ABDUR RAHMAN : May I know whether the public opinion is consulted in this connection ?

The Hon'ble Maulavi MUNAWWAR ALI : Certainly.

Maulavi ABDUR RAHMAN : May I know the criterion which will be considered by the Government to select the sites for these villages ?

The Hon'ble Maulavi MUNAWWAR ALI : Is the hon. member anxious to know the criteria. Should I state these now, Sir ?

The Hon'ble the SPEAKER : No.

Re **North Gauhati Government Aided Kamaldeb Institution**

Maulavi BADARUDDIN AHMED asked :

131. Will Government be pleased to state—

(*a*) The number of Muslim students at present in the roll of the North Gauhati Government Aided Kamaldeb Institution ?

(*b*) The number of Muslim students who have passed the Matriculation Examination already from the Institution ?

132. (*a*) Is it a fact that as there is no Persian teacher in the said Institution, the Muslim students are to take up Sanskrit in place of Arabic or Persian, for their Matriculation Examination ?

(*b*) If so, does the Hon'ble Minister-in-charge of Education propose to take steps to appoint a Persian teacher for the said Institution ?

133. (*a*) Is it a fact that there is not a single Muslim member in the Managing Committee of the Institution to represent the cause of the Muslims ?

(*b*) If so, do Government propose to include at least one member from the Muslims in the Managing Committee of the said school ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

131. (*a*)—Five.

(*b*)—Two.

132. (*a*)—Yes.

(*b*)—The number of Muslim students in the upper classes does not justify the appointment of a Persian teacher. Government are however, prepared to consider the possibility of securing the services of a Muslim teacher, who can also teach Persian, on the staff of the school when there is an appreciable increase in the number of students taking up this subject.

Maulavi BADARUDDIN AHMED: Is there no other Muslim teacher who can teach Persian ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Not at present.

Maulavi BADARUDDIN AHMED: Is there any difficulty ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: We will consider the whole matter if there is an appreciable increase in the number of students. If necessary, we shall take steps to have a Persian teacher.

Maulavi BADARUDDIN AHMED: Will he take steps immediately ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Whenever it is found necessary.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

133. (*a*)—No. Maulavi Abdur Rahman, the Deputy Inspector of Schools, is one of the members of the Committee.

(*b*)—Does not arise.

Appointment of a Ward Magistrate of Sylhet

Maulavi ASHRAFUDDIN MD. CHAUDHURY asked:

134. (*a*) Will Government be pleased to state whether it is customary in the district of Sylhet to appoint the Senior Extra Assistant Commissioner of the place as the Ward Magistrate ?

(*b*) Is it a fact that Maulavi Syed Martuza Ali, B.SC., Extra Assistant Commissioner (Senior) was the Ward Magistrate of Sylhet during the time of different Deputy Commissioners of Sylhet ?

135. Will Government be pleased to state—

(*a*) Whether there is any Muslim employee in the Ward staff under the Deputy Commissioner, Sylhet ?

(*b*) The number of employees in the different Ward Estates under the Collector of Sylhet, giving their scales of pay and rank, with number of Muslim tenants under each Estate ?

(*c*) The number of Muslim employees in each of the said Ward Estates and their scales of pay and rank ?

136. Will Government be pleased to state whether the Deputy Commissioner, Sylhet, has sanctioned remission of rents for any other Ward Estate under him ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

134. (*a*)—No Magistrate is called "Ward Magistrate". The Deputy Commissioner himself carries on the works of various branches in his office with the assistance of Extra Assistant Commissioners and other officers under him and for the sake of convenience, the works are distributed amongst them. It is not customary to entrust the Senior Extra Assistant Commissioner only to scrutinise and check the papers of the Wards branch before they are put pp to the Deputy Commissioner for orders.

(*b*)—Previously when Maulavi Syed Martuza Ali, Extra Assistant Commissioner, was in Sylhet he used to assist Deputy Commissioners in the works of the Wards branch although he was not the Senior Extra Assistant Commissioner from 1931-35.

***Maulavi ASHRAFUDDIN MD. CHAUDHURI**: Is it not a fact that Maulavi Syed Martuza Ali is the Seniormost Magistrate who worked from 1931 to 1935 in this connection and yet he was not given charge ?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN**: It is not known to Government.

***Maulavi ASHRAFUDDIN MD. CHAUDHURY**: Will Government make an enquiry into the matter ?

***The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN**: I require notice for that question, Sir.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

135. (*a*)—The present Ward staff in this office consists of two clerks of whom one is a Muslim. But as a matter of fact posting of clerks in a particular branch is not made on the basis of communal representation ; the whole amalgamated District Establishment being taken as one unit for the purpose, work is given to the individual clerk according to his merit and capacity.

(*b*) & (*c*)—A statement is placed on the library table.

136.—A sum of Rs.20,047-4-3 (Rs.15,132-11-3 as time-barred and Rs.4,915 on account of reduction of the enhanced rate of rent) in Dastidar, Rs.376-10-8 pies in Nripa and Rs.1,713-14-6 in Sardar Bahadur Wards' Estates were remitted in recent years as time-barred and irrecoverable rents.

Complaint regarding non-receipt of replies to certain questions

Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, I should like to bring to your kind notice that I put some questions regarding the Government Press of Shillong on the 29th February, with a forwarding letter requesting answers to those questions before the 9th instant, but I have not as yet got replies to them. As the cut motions on Press are going to be discussed to-morrow, I shall be obliged if you can kindly arrange to have the questions answered in the meantime.

The Hon'ble the SPEAKER: With regard to those questions the request of the hon. member was conveyed to Government when the admitted copies of the questions were sent. But I may point out to the hon. member that he gave notice of those questions on the 29th February last, and so under the rules he is not entitled to get the answers before 15th March, as 15 days' notice is necessary. I admitted those questions on the

* Speech not corrected by the hon. member.

ground that there would be time during the Session for answering the questions. All the same, I conveyed the request of the hon. member to Government, and if Government come forward with the replies earlier, there will be no bar for doing so.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I may inform the hon. member that I have received the file only to day. If, however, the hon. member wants any information from me unofficially, I shall be glad to supply him with that, so as to help him in dealing with his cut motions.

Maulavi JAHANUDDIN AHMED: I also gave notice of another set of questions before this Session commenced, but replies have not come as yet.

The Hon'ble the SPEAKER: Of course we have done our duty in sending the admitted copies to Government, and Government will come forward with replies when the replies are ready.

Announcement of the result of election to the Public Accounts Committee

The Hon'ble the SPEAKER: Order, order. I now announce the result of the election of members to the Public Accounts Committee, which was held the other day. The following members are declared elected :—

(1) Mr. A. Whittaker,
(2) Maulavi Abdur Rahman,
(3) Mr. Baidyanath Mookerjee,
(4) Srijut Siddhinath Sarma,
(5) Babu Shibendra Chandra Biswas,
(6) Srijut Ghanashyam Das, and
(7) Maulavi Badaruddin Ahmed.

Re: putting of questions based on newspaper reports

The Hon'ble the SPEAKER: Now, with regard to putting of questions, I think, I should draw the pointed attention of the hon. members to the principles to be followed in putting questions on the basis of newspaper reports. If any questions are to be tabled with reference to newspaper reports, the first principle is that the hon. member putting the questions should take the responsibility for what appear in the paper, and secondly he will have to bring out in the body of the questions themselves the points on which he requires answers.

As I was telling the hon. member who put certain questions involving the Chair with regard to certain matter, that anything and everything may appear in the Press, but it would be most unsafe to accept those statements in the Press as correct ; especially it should be so when the Chair is involved in any statement. So far as informations which are published in the papers, are concerned, the Chair is always the most helplessly miserable man, because he is not in a position to contradict anything appearing in the Press. The Chair cannot also go to any forum for the purpose of making public what he has got to say in order to vindicate himself. The hon. members will always remember that when any matter appears in the Press involving the Chair in any way, they should be very careful in accepting the statement as correct before they make any personal reference to the Chair in some other way than putting questions to him on the floor of the House and ascertain facts from him.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: On a point of information, Sir. May we know what is the position and privilege of the hon. members of this House with regard to questions ?

The Hon'ble the SPEAKER: With regard to questions, the hon. members have got the privilege to get information from Government, and not from anybody else.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: As regards the treatment from the Chair, may we not expect courteous treatment ?

The Hon'ble the SPEAKER: Of course, the hon. members are expected to get courteous treatment from the Speaker in the Chair, but when any particular conduct of any hon. member tries his temper, he may commit a lapse as he is a human being after all.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am very glad that you have yourself raised this point because it was my intention to get a ruling from you in regard to this matter. We are rather in a difficulty as regards making reference to what appeared in newspapers, in the course of interpellation or debate. The other day when we protested that a certain hon. member was reading from a paper

CORRECTION SLIP TO THE ASSAM LEGISLATIVE ASSEMBLY DEBATES, VOLUME I, No. 7, DATED THE 5TH AND 8TH MARCH, 1940

Correction Slip No. 3 of 1940

At page 593 for the speech of Maulavi Muhammad Amjad Ali *substitute* the following and delete the foot note :—

Maulavi MUHAMMAD AMJAD ALI: Myself being the originator of this discussion, Sir, I believe I owe you a word of apology for treating you in the way I did. But I fail to see how I merited that treatment from you. The position you hold gives you ample power to deal with us in any manner you like. We have to submit to any ruling which you give.

Sir, in whatever manner we put our questions, or in whatever way we conduct our discussions, you, from that exalted position Sir, have got to give your rulings quite unruffled. We derive our dignity from the Chair. So every ruling should be consistent with the dignity of the high position you hold.

I for myself, am too thick-skinned for any threats or insults. But as it concerns the privilege and prestige of this honourable House, I am obliged to make reference to it. I am sorry if it has given you any offence, but we have a right to be treated in a manner befitting our position as members of this honourable House. (*Hear, hear*).

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

A. G. P. (L. A.) No. 64—76+50—24-9-1940.

[illegible] privileges and prestige of the House. I am simply referring to this point that we here can be treated in a manner which the Chair likes and with which nobody can interfere, but if I have offended the Chair in any way I apologize, and I think that we should be treated in a manner befitting our position as members of this hon. House.

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*Speech not corrected by the hon. member.

The Hon'ble the SPEAKER: I have already given my reply to the question which has been raised by the hon. Maulavi Dewan Muhammad Ahbab Chaudhury and I have also stated that the matter was such which irritated me. Of course the Speaker in the Chair is not certainly to treat hon. members in any way he likes, but there may be occasions when he may lose his temper. I hope the hon. member will realise the impropriety of what he did. He asked a question which concerned the action of His Excellency the Governor and the Speaker in a matter relating to the affairs of Government. He asked whether His Excellency had consulted the Speaker. It was really a question which took me by surprise, and naturally I could not control my temper, and, therefore, if I did anything which I should not have done, it was in the heat of the moment. If I really offended the hon. members I am sorry (*applause from all sides of the House*), but I would repeat again that the duty of an hon. member is to put questions to elicit informations from the Government, and not to ask questions in which His Excellency the Governor is placed in a very awkward position, and so also the Chair. It is for that reason that I suddenly lost my temper.

***Maulavi ASHRAFUDDIN MD. CHAUDHURY:** On a point of information, Sir. For future guidance, is it not necessary when any such news is published relating to the Chair that the Chair should take action against that paper ?

The Hon'ble the SPEAKER: The hon. member is entirely mistaken. If any paper writes something which happened in the Assembly, or in connection with anything connected with the Assembly the Chair will be within its rights to take action, but if any paper writes anything against the occupier of the Chair in any other connection concerning him as only an individual, he is quite helpless.

***Maulavi ASHRAFUDDIN MD. CHAUDHURY:** We are not speaking of the Chair when he acts in his capacity as Speaker.

The Hon'ble the SPEAKER: The Chair should always avoid getting himself involved into discussions and that is the reason why if anything appears in the paper against the occupier of the Chair he is helpless as he is to avoid all controversies which are permissible to one as a mere individual.

***Khan Bahadur Maulavi KERAMAT ALI:** Sometimes hon. members themselves are responsible for putting undignified questions in this House, and in such cases, if the Chair loses its temper, I hope, the members will not find fault with him.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: We are glad, Sir, to know that henceforth we shall be treated as hon. members.

The Hon'ble the SPEAKER: The hon. member will also do well to listen to what the hon. Khan Bahadur Keramat Ali has just now said.

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*Speech not corrected by the hon. member.

GRANT No. 12

(27.—**Administration of justice**—*contd.*)

The Hon'ble the SPEAKER: We were discussing Cut Motion No. 6* standing in the name of Srijut Bishnu Ram Medhi.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir. As I rise to speak on this motion, I quite feel that here in India the thief-catcher is a Judge : and Judiciary being a handmaid of the Executive, a cry has long been raised to separate these two functions of Government. Under the existing system of administration the prosecutor and the Judge are combined in the same authority, and we are painfully aware how much this combination of authority is proving a source of irritation to the people of India.

Sir, I think it is not the glory of British gun powder or the glamour of British bayonets, but it is the beautiful edifice of justice that has raised the prestige of British hold in India. But this edifice of justice is being allowed to be overgrown with bias, racial prejudice and partiality. Sir, we are all agreed that this should be effectively and immediately remedied.

Sir, the Premier political organization like the Congress in India has long urged of its so doing. The Congress Governments of Bihar, the United Provinces of Agra and Oudh, and Bombay each took up this question in an official resolution and each appointed a committee for examining this question, but for reasons best known to them they have rejected the recommendations of the Committee. Sir, the question was moved in the Congress Province of Madras by a member of the Government party, but the then Premier Hon'ble Mr. Rajagopalachariar opposed this with reasons of his own, and it was rejected there also.

Sir, I and my party would have congratulated Srijut Bishnu Ram Medhi, the mover of this motion, if he had not suggested half measures. We are not for half, Sir. If we are to have it at all, we must have it in full. We look up to our Leader Hon'ble Saiyid Sir Muhammad Saadulla, and shall expect Assam to take a lead in the matter, and expect him to do what other provinces have failed to do. For once we admit it on principle, it is for him to formulate a scheme with the help of a committee, and the question of finance should not be a block, as regard being had to the necessity, the question of finance is of secondary importance (*cheers*).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am glad that Grant No.12 which is a grant for the Administration of Justice, has been able to break the vow of silence of my hon. friend Srijut Bishnu Ram Medhi. We were colleagues in the Gauhati Bar, and I know full well the mettle of which he is composed and it is a wonder why he remained muzzled during the course of the last 18 months that he has been a member of this House. It was on this account, Sir, that I waived even the point of order that I raised that this cut motion could not come under the head Administration of Justice. Sir, I congratulate him on his maiden speech which has been delivered with the usual force that characterises his speeches outside. But I could not commend the spirit of it, namely, his trying to criticise the Government, I mean the present

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*That the total provision of Rs. 7,17,400 under Grant No. 12, Major Head—27.—Administration of Justice, at page 84 of the Budget, be reduced by Rs. 100, i. e., the amount of the whole grant of Rs. 7,17,400 do stand reduced by Rs. 100.

(To criticise Government for not separating Judiciary from the Executive.)

Government, for not performing a miracle of separating the Judiciary from the Executive within a space of two months since our assumption of office. If he was so wedded to the principle that each civilised country must have a separate Judiciary untrammeled by any fear of interference from the executive heads, then he would have done well to have urged on the Ministers of his own party to bring about this separation while they were for fourteen months in office.

Anyway, I accept his criticism in the spirit in which it has been offered. But I am rather puzzled what line to take. I have already stated that that is the desideratum which every civilised Government should wish to work, namely, to have a separate Judiciary and a separate Executive. But other Governments under efficient Ministers and Ministries which had absolute majority, I mean the Congress Ministries in the different provinces, did tackle this question but ultimately put it aside. We were told by my hon. friend Mr. Whittaker, who gave us first-hand information of the province of Bihar, that a committee was appointed to attempt the reform not merely in Bihar but also in the adjoining provinces of the United Provinces and also in Bombay but then the ultimate result was the inability of those richer provinces to work in the direction of this separation. Sir, I remember distinctly that the doyen of Congress Prime Ministers, I refer to Mr. C. Rajagopalachariar, speaking in the Madras Assembly, said that this separation of the Judicial from the Executive was not a very happy idea. If I remember aright, I read it in newspapers only and I am quoting from memory—he said that the question started with the assumption that the District Magistrate or the executive head of the district cannot be trusted and therefore it was starting with an assumption which did violence in thought.

Sir, if I have been a student of politics, I know that the Congress organisation from its earliest times has been agitating for the achievement of this desirable end. But I was surprised that in the interim the Congress Governments themselves while in office had not attempted, and where they did attempt they did not translate the idea into action.

Assam is a poor province as has been told and of all the old major provinces, Assam is the poorest. But, inspite of the limitations, I was able to draw up a scheme for the separation of the two functions Judicial and Executive. I hope those hon. members who sat with me in the Retrenchment Committee, will bear me out that I actually laid before them a scheme for bringing this idea into fruition. Now that I am going to look into all the Retrenchment recommendations after my preoccupations with the two Houses, I hope, I will be able to place before the House a scheme which will attempt to separate the two functions of our officers. We have been placed rather under some difficulty in this connection which I pointed out in the deliberations of the Retrenchment Committee. That is, we have got certain subdivisional headquarters where both works on the civil side and the criminal side were not sufficient to keep an officer engaged throughout the working days. For instance, and without meaning any disrespect to those places, I may refer to North Lakhimpur, Mangaldai and Golaghat in the Assam Valley. Work in these places is not sufficient either on the criminal or the civil side to engage an officer fully. We will have to make some make-shift arrangements for certain places in both the Valleys. However, to think about these factors and to bring out a proper scheme will take some time but I hope to evolve a scheme, say, within six months. I have already stated in my speech while introducing the Budget that I am trying to evolve a Judicial Service of our own. Hon. members, specially the hon. mover of this motion, know that our Deputy Commissioners are officers invested with every kind of power under the administration. He is the Revenue head,

he functions as the District Magistrate, hearing appeals from the lower class Magistrate, he is also supposed to be the head of the Police in the district and he is also the *ex-officio* Sub-Judge, not to speak of the fact that he is a District Collector, that is to say, the head of the Revenue Department. We will have to evolve a judicial system of our own before we can divest these Deputy Commissioners of at least their civil functions. So the question is rather complicated and it will take time. My attention to this was drawn long ago and I was looking into it in the time of my first Ministry. I placed my ideas before the Retrenchment Committee, 1938. Now as soon as we take up consideration of the Retrenchment Committee proposals, I hope, I shall be able to complete my scheme which I shall place before the House.

I hope, that in view of this state of affairs, my hon. friend Srijut Medhi will, instead of criticising us, give us his co-operation and help us with his ideas to make our attempt a success.

Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir, we on this side of the House are glad to hear the Leader of the House saying that he has accepted the principle underlying this cut motion, and that he has promised to lay down a scheme within six months, as far as possible, for the purpose of separating the judicial and executive functions of Magistrates as well as those officers who are exercising civil jurisdiction in the Assam Valley.

In view of his statement, I do not like to press my motion and I beg leave of the House to withdraw it.

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

Srijut RAJENDRANATH BARUA: I beg to move that the total provision of Rs.7,17,400 under Grant No.12, Major head—27.—Administration of Justice, at page 84 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.7,17,400 do stand reduced by Rs.100.

Sir, the purpose of this motion is to criticise Government for the delay in bringing the Partially Excluded areas under the ordinary administration of justice.

Sir, since the beginning of the life of the present Legislatures under the Reformed Constitution, there has been agitation both inside and outside the Hon'ble Houses to bring the Partially Excluded Areas into the orbit of the normally administered areas. The then Chief Minister, Sir Muhammad Saadulla, in the years 1937 and 1938 promised in most unequivocal terms that steps were being taken to bring in these areas under the jurisdiction of the Hon'ble High Court. Sir, his promises and assurances so far have not seen the light of the day.

Sir, the question of Partially Excluded Areas is an all-India question. It has caught the imagination of the best minds of India. The Congress at Haripura passed resolutions condemning the indiscriminate policy of the British Government in dividing India into Excluded and Partially Excluded Areas and they have rightly said that this is another aspect of the British policy in India to divide and rule. This is one of the standing blots of the British administration in India and sooner it is done away with, the better it is for all.

The Congress-Coalition Government took a definite step further and they convened a Government conference to which I had the honour to be invited. Most pertinent resolutions were adopted and the conference was almost unanimous in adopting resolutions to bring in these areas into the orbit of the normally administered areas excepting the Khasi and Jaintia Hills. The major recommendation of the conference was about the abolition of the Chin Hills Regulation of 1896.

Sir, what is this Chin Hills Regulation ? The purpose of this Regulation is that a person who is not an inhabitant of the Partially Excluded Areas may be deported with 24 hours' notice. This Regulation is most arbitrary. I do not know what human ingenuity has discovered it. There is no appeal. The man has no option to be heard. He is to obey it or else he is fined heavily or sentenced to varying terms of imprisonment. I should call this a lawless law.

Let us now see to the other picture of the criminal and civil justice in these areas. Suffice it to say, Sir, that the whole administration of justice is an Executive show down from the Mauzadar or a Laskar or a village headman to the highest, that is, the Governor in his personal capacity. There is no Judge or Jury trial, not to speak of the superintendence by the Hon'ble High Court. A Deputy Commissioner can pass a sentence for three years to which there can be no appeal. He can even commit a person to the gallows. These regulations have not the sanction of the Legislatures. The same rule holds good with regard to the civil justice.

Sir, this is in short the picture of the administration of justice in the Partially Excluded Areas, *viz.*, the Khasi and Jaintia Hills, the Garo Hills, and the Mikir Hills tracts of the Sibsagar and Nowgong Districts. These regulations which I have narrated briefly should be done away with and the Partially Excluded areas should be brought under the orbit of the normally administered areas.

Now, what about our robust friend Mr. Jobang D. Marak ? I am sure, Sir, he will not tolerate a day even to remain under such arbitrary and inexorable Regulation and so also it will not be tolerated by my hon. friend Mr. Terang who also supported these resolutions in the Conference that the Mikir Hills should be brought under the normally administered areas. Of course our Lady Minister, Miss Mavis Dunn, objected to the Khasi and Jaintia Hills being brought under the normally administered areas. But, Sir, we should excuse her being a lady and as is always the characteristic with the feminine world. In the words of Milton, there is always that eternal "sweet reluctant amorous delay " and in this case, in realising the burning passion of her Khasi people to come under the jurisdiction of the Hon'ble High Court.

Sir, I shall be failing in my duty if I do not ventilate the grievances of the people of two plains Mauzas of my subdivision, *viz.*, the Barpathar and Sarupathar Mauzas. The circumstances are peculiar there. These Mauzas were governed under the ordinary laws till 1935 when the fine discriminating eyes of a Deputy Commissioner discovered and I believe most wrongly, that these Mauzas fall under the Mikir Hills tracts. Since then, these Mauzas have been governed under these specific Regulations. These Mauzas contain about 24,000 people out of which the Mikirs only count about 1 per cent. For all purposes, there is no difference between these Mauzas and other Mauzas of the Golaghat or any other subdivisions and still they are under these arbitrary Regulations.

Sir, under these circumstances I think this is high time that our present Cabinet should see that these Regulations are forthwith withdrawn and these areas are brought under the normally administered areas. With these words I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved :

"That the total provision of Rs.7,17,400 under Grant No 12, Major head—27.—Administration of Justice, at page 84 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.7,17,400 do stand reduced by Rs.100."

Mr. JOBANG D. MARAK: The hon. member made a reference to me whether I shall support this motion or not. Of course, I was one of the members in the Conference where the question of bringing the Partially Excluded Areas under the ordinary law and order was considered. We had a full discussion on this matter with the advisers—five Civilians of the province—who are experts in the judiciary matters and we had already come to a decision and we the members of that Conference submitted certain recommendations to the Government. Now the matter rests with the Government and I understand this Government have done nothing with that question which will have to be referred to the India Government.

As far as this question is concerned, the Garos, both in their Address and in their Memorial to His Excellency the Governor in last January, expressed the desire that they should no longer be administered by the primitive laws and our district should be brought under the normal law and order, *i.e.*, under the High Court jurisdiction. But as I said, the matter will have to be referred to the Government of India and as the Conference has decided something in two sittings which took place last year and when the matter is already in the hands of the Government, I do not see any reason why this cut motion should come before the House now.

So, I consider that this cut motion is not reasonable and not proper when this matter is already in the Governor's hand and under his consideration. I hope, the Governor will make recommendation to the Government of India and the Government of India will also, we hope, consider about this question. We are waiting for that and as such I am sorry, I cannot support this cut motion.

The Hon'ble the SPEAKER: We have got only ten minutes more and the Hon'ble Minister will have to reply.

Rev. L. GATPHOH: I will just say a few words, Sir. If the mover of this cut motion were a lawyer and a practising lawyer he would think hundred times before he would table such a cut motion. A lawyer from the plains when he comes to Shillong and practises here, realises the difficulties of bringing the Partially Excluded areas, the Khasi and Jaintia Hills, under the jurisdiction of the Calcutta High Court in matter of Civil cases. At one time we were agreed to come under the jurisdiction of the Calcutta High Court and we still hold to it, if the seat of it be in Shillong and that also in criminal cases only. The hon. members cannot understand what difficulties the ignorant people of these Hills will have to undergo if they have got to go all the way to Calcutta to get justice. It is all very well for the people of the plains districts who have got friends and relatives in Calcutta ; while for the people from Khasi and Jaintia Hills to be brought under the jurisdiction of the Calcutta High Court, will only mean much hardship to the people. But I am obliged to the mover of the motion for giving me the opportunity to suggest that he should first move the Government to appoint a Commission to modify the customary laws and the laws of inheritance of the people in the Khasi and Jaintia Hills which are very complicated before bringing in such a cut motion to bring the Partially Excluded areas under the jurisdiction of the Calcutta High Court.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. As my hon. friend Srijut Rajendra Nath Barua has criticised me that I made too many statements on the floor of the House which I failed to implement, so I have undertaken to reply on behalf of the Government on this cut motion. It was on the floor of the Upper House, while a resolution for withdrawing the operation of the Chin Hills Regulation

specially regarding the externment of undesirable persons within 24 hours was moved, I made a statement that I will withdraw the operation of this section from the Partially Excluded Areas. While I was making recommendation to the Government of India, various complications arose and the Government of India ordered that the implications of the proposals and the question of bringing these areas into line with other parts of the country should be taken into consideration and this investigation delayed the withdrawal of this particular section of the Chin Hills Regulation. Sir, if I failed to implement, I failed because I wanted to have the settlement of a bigger issue rather than merely touching a fringe of the main problem, *i.e.*, bringing these parts under the normal administration of the province. Since then, I resigned and my hon. friends of the Congress-Coalition Ministry took this matter into their hands. As usual, they took up this matter from the point of view of decision by a Committee. They convened a Committee representative of the different Hill areas concerned and had some deliberations about this problem. I have had only very short time to go through the recommendation of that Committee. I find, Sir, in that meeting the representatives of the Khasi Hills were my Hon'ble Colleague Miss Mavis Dunn and the Leader of the Independent Group Rev. Nichols-Roy and they steadily objected against the move of bringing the administration of justice in the Khasi and Jaintia Hills into line with the plains districts. I hear, Sir, the same sentiment and same ideas by another able representative of the Khasi and Jaintia Hills—I mean Rev. L. Gatphoh. I have also noticed, Sir, that during the discussion in that Committee my hon. friend Mr. Marak supported the idea of bringing the Garo Hills under the jurisdiction of the Calcutta High Court. He has taken the same stand to-day and I should give him credit that ever since I took office in April, 1937 he has put this question before me by means of various representations, but he realises that this is a matter which does not solely lie with the Provincial Government and that we have got to consult the Government of India and we are more or less bound by their orders. The question of bringing Partially Excluded areas under the ordinary normal administration of Justice was raised in connection with certain debate in this House probably at a general discussion of the Budget and in reply to that I said that all these areas would be brought under the jurisdiction of a High Court if one can be established in our province. As I had hoped that I would be able to establish a High Court in Assam, I thought that that question would be easy of solution, but as hon. members are aware, for some reason or other, the higher authorities have not seen their way to accept the recommendation that was preferred to them by means of an Address from both the Houses of Legislature. The question of High Court has receded from our horizon for the present. I need not go into the merits of different rules of administration of justice that has been in force in different parts of patrially and wholly excluded areas. We have different sets of rules for the Garo Hills, Khasi and Jaintia Hills and also for the Mikir Hills. Sir, in a sense, these rules give more right of appeal in fact, to all the litigants from these hill areas. I find, Sir, that although there is no provision in the rules, these appeals, as a matter of course, are filed against the order of the Magistrate to the Deputy Commissioner, from the Deputy Commissioner's order, original or appellate, to the Commissioner and from the Commissioner's order to His Excellency the Governor. In other words, these litigants in these areas get three Courts of Appeal, whereas those in the plains get only two such courts, *viz.*, the District Judge and the High Court. I say, Sir, the question whether these Partially Excluded areas, so far as their administration of justice is concerned, would or should be brought under the High Court will be considered by the

present Government in connection with the recommendations made by the conference of the Partially Excluded areas representatives. The question of the two mauzas, Sarupathar and Barapathar, of which we have heard so much from my hon. friend, will also be gone into. I hope, I will be able to give the decision of Government in our next session, because by then we will be in a position to go through the recommendations of the conference and come to a decision on the points detailed therein.

Srijut RAJENDRA NATH BARUA : In view of the assurance given, I beg leave of the House to withdraw my cut motion.

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

The Hon'ble the SPEAKER : The question is :

"That a sum not exceeding Rs. 7,17,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941 for the administration of the head "27.—Administration of Justice".

The motion was adopted.

GRANT No. 3

(8.—Provincial Excise.)

The Hon'ble . r. MAHENDRA NATH SAIKIA : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 2,95,900 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1941 for the administration of the head "8.—Provincial Excise"

The Hon'ble the SPEAKER : Motion moved :

"That a sum not exceeding Rs.2,95,900 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head "8.—Provincial Excise".

Maulavi ABDUL BARI CHAUDHURY : Mr. Speaker, Sir, I beg to move that the provision of Rs.20,714 under Grant No. 3, Major head—8.—Provincial Excise, Minor head—A—Superintendence, Sub-head—2.—Pay of Establishment (total), at page 44 of the budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100.

My intention in bringing this cut motion is to bring to the notice of the Government the rigours of the excise laws prevailing in the province and to draw their attention to the advisability of revising them. Sir, the excise laws impose upon the accused person the whole burden of proving his innocence. This so often leads to miscarriage of justice. Taking advantage of these laws some over-zealous officers are apt to implicate the innocent for possession of excise articles. The procedure of cash prizes also affords an extra incentive to these officers. It is also found that people are often prosecuted for growing hill *bhang*. As a matter of fact, these wild plants grow in various parts of the country on waste land and on the slopes of river banks. It is really curious that people living in the vicinity should be hauled up for growing the same.

Again, the sentences passed in the excise cases are often very severe. Persons are heavily fined for small offences. Of course, these laws were promulgated as preventive measures against smuggling of excise articles. But still these laws must undergo a thorough examination to give adequate relief to the innocent.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.20,714 under Grant No. 3 Major head—8.—Provincial Excise, Minor head—A—Superintendence, Sub-head—2.—Pay of Establishment (total), at page 44 of the budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs. 2,95,900 do stand reduced by Rs. 100".

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Sir, the excise laws are being amended from time to time in the light of experience for administrative facilities. The points that have been raised will be duly considered and will be examined. In view of this assurance, I think, the hon. mover will withdraw his motion

Maulavi ABDUL BARI CHAUDHURY: Sir, in view of the assurance given, I beg leave of the House to withdraw my motion.

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

Srijut SANKAR CHANDRA BARUA: Sir, I beg to move that the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A—Superintendence (total), at page 44 of the Budget, be reduced by Rs.100, *i.e.* The amount of the whole grant of Rs.2,95,900, do stand reduced by Rs.100.

সভাপতি মহাশয়, ফটিকাৰ দোকান বিলাক ৰবিবাৰৰ দিনাখন আৰু বিশেষকৈ পৰ্ব্বৰ দিনবিলাকত বন্ধ ৰখা নিতান্ত আৱশ্যক। আসামত প্ৰায় ১৪ লাখ চাহ বাগিছাৰ বনুৱা আছে। বিশেষকৈ এই বনুৱা বিলাকে দেওবাৰৰ দিনাখন হাট কৰিবলৈ আহে আৰু সপ্তাহত তেওঁবিলাকৰ যিখিনি উপাৰ্জ্জন হয় সেই উপাৰ্জ্জনখিনি প্ৰায়েই ফটিকাৰ দোকানত দিয়েহি। তেওঁবিলাক আহে হাট কৰি চাউল, দাইল, শাক-পাচলি আদি বস্তু এসপ্তাহলৈ গোটাই লবৰ নিমিত্তে, কিন্তু বহুত সময়ত দেখা যায় যে ফটিকাৰ দোকানতেই সকলো পইচা শেষ কৰে; হাট কৰিবলৈ আৰু পইচা নেথাকে। বহুতক দেখা যায় মদ খাই ৰাস্তা-ঘাট আদিত পৰি থাকে আৰু পৰিথকা অৱস্থাতেই তেওঁলোকৰ পৰা পইচা-কড়ি আদিও লোকে কাঢ়ি লৈ যোৱা দেখা যায় আৰু কেতিয়াবা কেতিয়াবা মৰামৰি কৰাত নানা দুৰ্ঘটনাও ঘটে। দেওবাৰটোত সকলোৱে ছুটিও পায়। সেই কাৰণে বিশেষকৈ দেওবাৰটোত মদৰ দোকানবিলাক বন্ধ ৰখা নিতান্ত দৰকাৰ। এই চাহ বাগিচাৰ বনুৱা বা চাহ বাগিচাৰ পৰা ওলাই আহি বাহিৰত থকা ফালটু বনুৱা বিলাকে ছাৰাপৰ দোকান থকাৰ কাৰণে কোনো ৰকমেই তেওঁবিলাকৰ নিজৰ অৱস্থা উন্নত কৰিব পৰা নাই। পৰ্ব্বৰ দিনতো ছাৰাপৰ দোকান খোলা ৰখাৰ কাৰণে বনুৱাবিলাকৰ পক্ষে কোনো ৰকম ধৰ্ম্মচৰ্চ্চা বা আন কোনো ৰকম ভাল চৰ্চ্চাত যোগ দিবলৈ সুবিধা নহয়। কাৰণ, ছৰাপৰ দোকান সকলো সময়তে খোলা থকাৰ কাৰণে ছাৰাপলৈহে তেওঁবিলাকৰ বেচি আসক্তি হয়। ছাৰাপ খাই যি উপাৰ্জ্জন কৰে তাক নষ্ট কৰাৰ বাবে আন কোনো ভাল কথাত যোগ দিবলৈ তেওঁবিলাকে সুবিধা নেপায়। তাৰ লগে লগে বাগিছাবিলাকৰ ভিতৰত Canteen খুলি তেওঁবিলাকক বেচিকৈ মদ খাবলৈহে শিকোৱা হয় আৰু তাৰ পৰা বনুৱা সকলৰ অশেষ ক্ষতি হৈছে। সেই কাৰণে মই প্ৰস্তাৱটো আপোনালোকৰ বিচাৰৰ কাৰণে দাঙি ধৰিছোঁ।

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 44 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100."

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir, I rise to speak a few words in support of the motion of my friend Srijut Sankar Chandra Barua. Sir, the innumerable labour population in Assam is responsible for the major portion of the liquor consumed in the shops run by the Government of Assam. These labourers spend their weekly earnings, out of sheer ignorance, in grog shops on Sundays and holidays. Many hon. members are perhaps aware that there are about 14 lakhs of labour population in Assam. This class of men forms a large section of her population and as such no attempt should be spared by the Government to raise the morality of this population and also to see that no chances are given them to indulge in intemperance. Under the present arrangement, Sir, all the shops are opened on holidays and Sundays and the labour population get chances of spending all their earnings in drink and also exhibiting all acts of moral depravity publicly which cannot be described before the hon. members. Sir, inspired by this benevolent idea, the Congress Government wanted to stop selling of liquor in one subdivision altogether and also proposed to stop selling of liquor on Sundays and holidays in the Assam Valley. But I am sorry to say that this Government failed to implement that measure and by so doing has lent support to the belief gaining ground in the country that the motto of the present Ministry is to set at naught all measures undertaken by the last Ministry, good, bad or indifferent. In the circumstances, I have no other alternative than to support the motion and record my dissatisfaction, technically called censure, on the present Government.

With these words, I support the motion.

Srijut BINODE KUMAR J. SARWAN: Sir, in opposing the cut motion, I shall be failing in my duty if I do not enlighten the House on this subject. Mr. Borooah means by his suggestion that liquor may be altogether stopped. It is no use stopping this on Sundays and other holidays which the labourers are getting at present, because in that case the labour population will get into the habit of taking liquor on working days and employers will suffer and work will be hampered. This is only to curtail that bit of their enjoyment which they are getting. It is not right that the labourers ought to be deprived of this enjoyment. So, I do not find any necessity for stopping it on Sundays and other holidays. This will dislodge the work which is done by them and they should earn something on working days. Moreover, they will lose their *haziras*; if they absent themselves form their work on the working days and go to drink liquor. So, I oppose the cut motion of my hon. friend.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, perhaps it would not be irrelevant at this juncture if I make some remarks concerning the Canteen system which is in force on a number of our gardens. We are believers in the old idea that moderation in all things is often preferable to prohibition and for that reason we are in favour of the Canteen system, for we can thereby control hours of opening and sale of liquor, and thus, to a great extent, put a stop to excess consumption. We have on our gardens a number of castes who, and their forebears, have been used for many generations to consuming alcohol. Because we believe in the principle of non-interference with private rights

and privileges, we must defend that principle and more especially when a custom has behind it the tradition of many generations. We believe our people should be entitled to drink in moderation and for that reason we bring to the attention of this House that we are doing something to secure moderation, and we hope that any way we may be given credit for our good intentions.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: I would like to make a few remarks. My hon. friend the mover is a prohibitionist, but he wants only to close these liquor shops on Sundays and other holidays and to let shops remain open on all other days, so that the labourers can come to the shop and drink as much as they can. This is certainly not befitting a prohibitionist who wants to prohibit all sorts of excise goods. So far as I remember, the Congress Party while they were in power for more than 12 months, also did not pass orders to close liquor shops only on Sundays and other holidays. My hon. friend does not hesitate to censure this Government for not closing the liquor shops on Sundays and other holidays. I think, it is quite inconsistent on his part and deserves no consideration in this House. If he would have asked the Government to close liquor shops on all days of the week I would have considered his motion. With these words, I oppose the motion.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, I am surprised to find our hon. friend Mr. Sarwan who boasts to be a representative of the tea labour in this House, should oppose such an important motion. It does not appear that he is representing the true cause of Labour. Sir, he says that if the liquor shops are closed on Sundays, the tea-garden population will take to drinking on week days. Though I do not live near tea gardens, I believe that liquor shops are kept open during all the working days of the week. Can he give us some instances in which the labourers have neglected their work keeping themselves engaged in liquor because the liquor shops were kept open during the working days? I feel that the representative of Labour, who lives in the midst of labourers, should not have made such a remark. Another hon. gentleman from the Government side has said that he would have considered the question of closing the liquor shops on Sundays favourably if the motion aimed at closing them for good and not on Sundays and holidays only. I am sorry to find that he, as a Muslim gentleman, could not support this motion which aims at preventing the working classes from squandering away their hard-earned money. These people, Sir, get their pay on Saturdays, and in the next morning they go to the liquor shops and squander them away. If these shops were closed on Sundays, they would, I am sure, have gone to the market and purchase some commodities for the use of their families, instead of throwing away the money in liquor shops. Practically Sir, what they earn by their hard labour, throughout the working days they give to Government on Sundays in the shape of exercise revenue. If we are not to profit by exploiting the ignorance and helplessness of these addicts and to demoralise these poor labourers, we should support this motion. We must, as responsible members of this Legislature, and in the interest of the labourers, support this motion If we cannot eradicate this evil habit of drinking altogether, at least we should try to give some relief to these helpless and unfortunate people by closing liquor shops on Sundays and holidays so that the hard-earned money which the labourers get on previous day may not be squandered away on the next morning.

With these few words, Sir, I support this motion.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: On a point of personal explanation, Sir. Mr. Talukdar has said that he did not expect opposition to this motion from a Muslim member like myself. But may I remind him that all the inhabitants of the province of Assam are not Muslim. Had that been the position, I would have requested the Hon'ble Premier to close all the excise shops.

Srijut GAURI KANTA TALUKDAR: But should we not expect from a Muslim gentleman, full support for such a motion ?

The Hon'ble the SPEAKER: I would like that the hon. member should not make any reference to any creed. No creed has got to do anything here.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I stand to oppose this motion. Merely closing the liquor shops on Sundays and holidays will not bring any benefit to the people. Sir, it seems that we are discussing the question so far as it affects the labourers only, but this cut motion involves the whole province, not merely the tea gardens. Sir, during last January, I was visiting some of the tea gardens, *viz.*, Bhutiachang, Orangajuli, Borengajuli, Attarikhat, Dimakusi and some others and in some places I found that labourers were going out on holidays to visit their friends in villages. They did not go to liquor shops. They enjoy their *laupani* better with their friends, because it is cheaper and more beneficial to them. So, this cut motion, if passed and given effect to, will not do any good at all to the labourers. With these few words, I oppose this motion.

Srijut KHORSING TERANG: সভাপতি মহোদয়, অনাৰেবল বন্ধু শ্ৰীযুত শঙ্কৰ বৰুৱাই যিটো motion আনিছে তাক মই oppose কৰিব খোজোঁ। তেখেতে holiday এৰি যদি আন দিনত মদৰ দোকান বন্ধ কৰিব লাগে বুলি কলেহেতেন তেনেহলে মই তেখেতৰ প্ৰস্তাৱটো support কৰিলোহেতেন। মানুহে যে ছাৰাপ খায়, নিজৰ স্ফূৰ্ত্তিৰ কাৰণেহে খায়। চৰকাৰী অফিচাৰ বিলাকেও ছাৰাপ খায়; কিন্তু যি দিনা অফিচ থাকে সেই দিনা ছাৰাপ খাই অফিচলৈ যাব নোৱাৰে গতিকে holidayত মানুহে ঘৰত ছাৰাপ খাই স্ফূৰ্ত্তি কৰে। সেই কাৰণে holidayত ছৰাপৰ দোকান বন্ধ কৰা উচিত নহয়। বাগানৰ কুলীবিলাক গৰীব আৰু ৰবিবাৰ বা holidayৰ বাহিৰে সিহঁতৰ বন্ধ নাই—বাকী সকলো দিনতে সিহতে কাম কৰিব লাগে। সিহতে যদি বন্ধৰ দিনত ছাৰাপ নাখায় আৰু কাম কৰা দিনত যদি ছাৰাপ খায় তেনেহলে সিহতে পইচাও নাপাব আৰু ছাৰাপো খাব নোৱাৰিব। সেই কাৰণে মই এই প্ৰস্তাৱটো oppose কৰিছোঁ।

Srijut RABI CHANDRA KACHARI: Mr. Speaker, Sir, I do not see any point in having the liquor shops closed on Sundays only. If this motion aimed at total prohibition, that would have meant something. The hon. mover of the motion has spoken about tea garden labourers only. But Sunday is a holiday in Upper Assam only. In some places, *viz.*, in Majuli and Hatigarh side, the holiday falls on Monday because the bazar day falls on Monday, while in other places they observe it on Wednesday. So, I do not see what purpose will be served by the issue of a Government circular prohibiting opening of liquor shops on Sundays throughout the province.

With these few words, I oppose this motion.

Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, I should like to say a few words by way of opposing this motion. Sir, in a previous Session Srijut Rabi Chandra Kachari stated before the House that in some tribal and tea-garden areas, liquor is used as a substitute for drinking water, the supply of which is not sufficient in those areas.

Srijut RABI CHANDRA KACHARI: No, I did not say that.

Maulavi JAHANUDDIN AHMED: So, unless Government is in a position to supply sufficient drinking water in those hill areas and unhealthy places, where those people live, it would not be possible for Government to stop at once these liquor shops.

(At this stage the clock struck 4 p. m.)

The Hon'ble the SPEAKER: I hope the hon. member has finished.

Adjournment

The Assembly was then adjourned till 11 a. m., on Saturday, the 9th March, 1940.

Shillong,
The 19th April, 1940.

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