

**Proceedings of the Thirteenth Session of the First Legislative Assembly,
assembled under the Provisions of the Government of India Act, 1935.**

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on Monday, the
22nd November 1943.

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble
Ministers and forty-five Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Representation of Manipuris as a separate community

Maulavi ABDUR RAHMAN asked :

*21. (a) Is it a fact that the Manipuri community of Surma Valley are agitating
from a long time to treat them as a separate community and are sending represen-
tations to Government to give effect to their demand ?

(b) Are Government aware that the interest of the Manipuri community
suffers very much if they are treated with the caste Hindus ?

(c) Will Government be pleased to state what actions they have taken or
propose to take on those representations of the Manipuri community ?

(d) Do Government propose to ascertain whether the Manipuris of Surma
Valley form a class by themselves to be treated as a separate community ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

21. (a)—Yes, from some time past, but they did not claim separate entity and
treatment either before the Simon Commission or the Franchise Committee.

(b)—No. Government and other appointing authorities are always prepared
to give due consideration to the claims of Manipuri candidates.

(c)—Government are averse to the further extension of the process of splitting
up communities into exiguous details.

(d)—While recognizing that there is some distinction in culture between
Manipuri Hindus and other caste Hindus, the same may be said about other portions
of that community.

Maulavi ABDUR RAHMAN : Do Government recognise that they, I mean the
Manipuris, have formed a very vast population in the districts of Cachar and Sylhet ?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I do not want
to say, Sir, that the Manipuris have formed a vast population, but I may say that
they are in considerable number in Cachar.

Maulavi ABDUR RAHMAN : Will Government be pleased to states for the
appointment of Manipuris, how the proportion is ascertained ?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Manipuris are
not treated as a separate entity. They are included within the general caste Hindu
community. But in selecting candidates the names of suitable qualified Manipuri
candidates are also taken into consideration.

Maulavi ABDUR RAHMAN : Are they not very much backward in education
for appointment for Government service ?

†The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am not
prepared to accept that statement, Sir. The Manipuris have, if I remember aright,
the full quota of appointment according to their proportion of population.

†Speech not corrected by the Hon'ble Minister.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Dearness allowance to Teachers of Aided Schools

Babu LALIT MOHAN KAR asked :

41. Will Government be pleased to state—

- (a) Whether they have examined the question of giving dearness allowance to the Teachers of Aided Schools ?
- (b) If so, with what result ?
- (c) Whether they proposed to make any additional grant to the Aided Schools for this purpose ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

41. (a), (b) & (c)—The whole matter is under the consideration of the Government.

*Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : With regard to question No. 41, Sir, how long it will take Government to come to a final decision in the matter ?

*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I think, I should make the answer a little more clear. The Government do not accept the responsibility of granting any dearness allowance to the teachers of Aided Institutions. The matter is one primarily for the managing committees thereof, but Government is now considering whether it is possible to grant any increase of aid to those institutions with a view to enable them to grant such concession to their employees and we hope we will be able to come to a decision within a few months.

*Babu KAMINI KUMAR SEN : Can we expect that the decision will be arrived at before the next Budget Session ?

*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : We hope so.

Correspondence with Government by Members of Legislative Assembly

Babu LALIT MOHAN KAR asked :

42. Will Government be pleased to state—

- (a) Whether it is a fact that letters drawing attention of Government to various matters of public importance, ventilating public grievances and suggesting remedial measures are "now and then received by Government from individual Members of the Assembly ?
- (b) Whether Government recognise that such letters should be replied to ?
- (c) The number of such letters received by Government since April 1943 to 15th October 1943 from individual Members of the Opposition ?
- (d) How many of such letters received during this period were replied to ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

42. (a)—Yes.

(b)—Certainly.

(c) & (d)—It would involve a search of a vast number of files to give the particulars required. Government will be glad to look into any case where a reply has not been given and to inform the Member concerned how the matter stands, if an indication is given as to the subject-matter of the reference and the approximate date.

Maulavi ABDUR RAHMAN : With regard to question No. 42, Sir, is it not a fact that some of the Hon'ble Ministers are habitually not in favour of replying to letters from hon. Members of this House ?

*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I have laid down the policy which I hope even my Hon'ble Colleagues are also following, i.e., if an hon. Member raises a question of general principle, we always reply to such letters. But, if these letters contain any personal requests, as for example, recommending a particular candidate for a particular post, we do not reply to those letters.

*Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Is it not a fact that replies to letters from the hon. Members are made through the Personal Assistants to the Hon'ble Ministers?

*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of that, Sir. But so far as I am concerned, I always send such replies myself although some may be in the handwriting of my Private Secretary.

Rice concession to Government Servants

Srijut SURENDRA NATH BURAGOHAIN asked:

43. Will Government be pleased to state—

(a) The date from which the scheme for the grant of rice concession to Government servants has been introduced?

(b) The amount of extra expenditure incurred by Government for the quarter ending 30th September, 1943, consequent on its introduction?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

43. (a)—From 1st June 1943.

(b)—As all the bills have not yet been received, the expenditure figure for the quarter cannot be supplied now.

Local Board Election of 1944

Babu KARUNA SINDHU ROY asked:

44. Will Government be pleased to state—

(a) Whether the Local Board election in the Province will be held in 1944?

(b) If not, why not?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied:

44. (a) & (b)—Every attempt is being made to hold the election if possible in 1944.

Report of the Public Accounts Committee on the Appropriation Accounts for 1941-42

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to move that the Report of the Public Accounts Committee on the Appropriation Accounts for 1941-42 be taken into consideration.

It will be seen from this Report that the Committee examined the Report and I find that all the sums, i.e., money voted by the Legislature, have been spent within the scope of the Demands and no reappropriation was made from one grant to another. There have been some cases of excesses which needed the vote of the Assembly, but as these sums were sanctioned by His Excellency the Governor, no vote of the Assembly would now be necessary for the purpose.

There is one other matter to which I want to refer and which is not quite relevant to the Report under discussion. During the last Budget Session Mr. Baidyanath Mookerjee pointed out certain mistakes in printing of the Budget figures. I said on that occasion that those mistakes were due to errors in the Comptroller's office. Subsequently we found that the Finance Department was not altogether free from blame. I may inform the House that in consultation with the Comptroller, a procedure has been adopted to avoid such mistakes in the Budget figures in future.

Thanks are due to the Members of the Committee for the care and thoroughness with which they examined the Appropriation Accounts.

The Hon'ble the SPEAKER: Motion moved:

"That the Report of the Public Accounts Committee on the Appropriation Accounts for 1941-42 be taken into consideration."

With regard to the second Motion I may point out that in the case of excess grant only the vote of the House is necessary, and as this Motion does not concern with any excess grant, no vote or approval of the Assembly is necessary. So the discussion may proceed on the first Motion only.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I am going to make a few comments here. I find that a noble procedure has been adopted by the Ministry since some time past regarding making advance to contractors for timber, etc. Sir, it has been explained "They enter into an arrangement with the contractors and pay them when the contract is completed. After this they recover the sum from the Supply Department. Till then the amount paid is placed under Suspense head. This procedure was introduced in the beginning of the last year." If you make a perusal of the Report of the Accounts Committee, you will find that money was advanced to the contractors for the speedy execution of work of the Department. I do not understand why contractors should be paid any advance. The explanation furnished here is, that from the Military Department there was a demand for early execution of the timber contract. Was the advance that was made realised from the Central Government or the Military Department? From certain queries by Mr. Mookerjee, it appears that he took a great deal of interest to find out the real defects. It has hitherto been explained that "they could not be done like that". I do not quite realise why the contractors who were financially quite better off could not be selected for execution of that sort of contract. Here I want a better explanation. Sir, some of my hon. Friends are whispering to me to enquire who are those incumbents to whom advances were made.

Here in page 9 in Grant No. 11, as regards the excess of Rs. 1,055 under the head 1.—Provincial Legislative Assembly—1—Pay of officers—Voted, Mr. Jones explained that it was mainly due to the fact that some of the Members drew their salaries due before the suspension of the Constitution in March 1942 which was not anticipated. I think, Sir, it has not been fully explained. I could not properly follow what does he mean by the expression "some of the Members drew their salaries due before the suspension of the Constitution in March 1942, which was not anticipated."

Then, again, if we look to other general remarks you will be surprised to find that some of the allotments which were voted for by the House for certain particular purposes were not spent and in some places the money spent was more than that voted by the House.

Then, again under Grant No. 10—Navigation and Drainage Works—you will find that a big allotment amounting to Rs.57,082 under the head "A—Works" was not spent. Mr. Pennell explained that he received a telephonic message from the Government of India whether the Province would be prepared to construct the road from Imphal to Tamu. On receipt of that message he got in touch with the Governor's Secretary and decided that they should take up this work and the quickest way of doing so was to stop the Drainage and Embankment Work and to depute that staff for the new work. Of course, I do not deny the importance of that urgent work but at the same time I am not prepared to allow the latter work to suffer. My point is that the Ministry should have seen that, if necessary, additional hands should have been appointed so that the Embankment and Drainage work could be proceeded with. The explanation offered by the Secretary, Public Works Department, Mr. Pennell, was regarded to be sufficient, but to me it does not appear to be so. I think, the Ministry ought not to have acceded to the request of the Secretary at the cost of the interest of the people in general. With these remarks, I request the Hon'ble Minister in charge to see that these things do not occur again.

Mr. A. WHITTAKER: Would it not be convenient, Sir, to reply to each criticism as soon as it is received? It is very difficult to remember all the criticisms and to consolidate them in one reply. Would it not be better procedure for the Hon'ble Minister to reply to each criticism immediately it is made?

The Hon'ble the SPEAKER: If convenient for the Hon'ble Minister, let there be one reply. The Hon'ble Minister will take note of all the points that would be raised.

Srijut ROHINI KUMAR CHAUDHURI: Sir, I went through this Report of the Public Accounts Committee carefully and one thing which struck me most and that is the important feature of the Report that the increased interest which the non-official members of the Committee had taken in the proceedings of the Public Accounts Committee. One is struck to see the number of questions which was put by my hon. Friend, Mr. Mookerjee. In fact he put almost all the important questions. Sir, we find also that some of the replies to those questions were satisfactory and others were not and my only request to the Hon'ble Minister for Finance is that he will see that these recommendations do not remain only entirely in print but that real attention is given to them and action taken accordingly.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, Mr. Abdur Rahman has referred to advances being made to the contractors to work on behalf of the Government of India and he has complained why should the contractors be given advances. The contractors are not generally given advances for execution of work. When a particular work is completed, Provincial Government advances money to the contractors, so that the contractors may not suffer and in that case money advanced is recovered from the Government of India.

As regards the second point, *i.e.*, for Drainage, Navigation and Embankment, the money voted by the Assembly was not spent. That was decided, Sir, by the Section 93 Administration and the Ministry was not responsible. But I may point out that it was considered urgent to construct the road from Imphal to Tamu. So, that road was given preference to all other works.

As regards that point about the Legislative Assembly, I confess, I myself am not in a position to explain. I myself put a question in my copy of the Report as to what that explanation is. I would like to find out from Mr. Jones and inform the hon. Member.

As regards Mr. Rohini Kumar Chaudhuri's remark, I may tell the House that Mr. Mookerjee took great interest in the work of the Committee. It was practically Mr. Mookerjee *versus* the Government witnesses. As regards Mr. Chaudhuri's other remark that some of the replies were not satisfactory, I may say that the Government officers do make an endeavour to come prepared for the Committee but, Sir, if they sometime fail to reply to all the searching questions that are put to them they may be altogether blamed for that. Government always impress upon their officers to come prepared to reply to every point connected with the Report.

Motion re: increase of pay of the Earle Law College Lecturers

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I beg to move that the House do approve the proposal to increase the existing allowance of Rs. 150 per month given to each of the three lecturers of the Earle Law College, Gauhati, to Rs. 200 per month with effect from the 1st December 1943.

The Earle Law College was started in 1914 and the Lecturers were paid Rs. 200 a month. This continued till 1931 when, according to the recommendations of the Retrenchment Committee, the allowance was reduced to Rs. 150. Since then the Lecturers have been representing from time to time for restoring the allowance to its former level. In 1935 they represented the matter when the cut was restored to 5 per cent. in case of all other appointments, but their prayer was turned down. Perhaps the House will remember that during the last Budget session Mr. Mookerjee raised the question in course of a Motion and I promised to the House that I would re-examine the matter and see if the allowance could be restored to its former level. On enquiry

I had it from the Principal of the College that this allowance was quite insufficient to attract best lawyers of the Province and, moreover, he wrote like this: "As the classes of the Earle Law College are held in the morning the Lecturers do suffer professionally, as that is the best time for them to meet their clients and prepare their briefs for the day. Hence a fixed salary of Rs. 150 cannot be lucrative enough to attract able lawyers to the post of Lecturers and once employed, they are bound to remain discontented when they find various impediments to their practice at the Bar."

It was also represented in the Upper House that the Lecturers' salary should be increased to Rs. 200 per month. Accordingly, Government have now come to a decision to increase the salary to Rs. 200. As there is no Budget provision during this year, we seek the approval of the House, so far as the expenditure of this year is concerned. As we propose to increase the salary from December it will only involve Government in a cost of Rs. 450.

With these words, I move my Motion for the approval of the House.

Maulavi ABDUR RAHMAN: On a point of order, Sir. Could not this be done by bringing a supplementary demand? Was it necessary to bring in such a Motion?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: It was found that this money could be provided from the current Budget, from the savings of the Education Budget. So it was not thought necessary to bring a Supplementary Demand for the purpose.

The Hon'ble the SPEAKER: The hon. Member will also remember the ruling on this point which I gave some time ago.

Motion moved:

"That the House do approve the proposal to increase the existing allowance of Rs. 150 per month given to each of the three Lecturers of the Earle Law College, Gauhati, to Rs. 200 per month with effect from 1st December 1943."

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: On a point of information, Sir. Are these Lecturers of the Earle Law College part-time officers?

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

Maulavi ABDUL BARI CHAUDHURI: Mr. Speaker, Sir, with utmost reluctance I rise to oppose the Motion just now moved by the Hon'ble Education Minister. I am rather surprised that he has chosen this inopportune time to come forward with a Motion like this, when the whole educational system of the Province is in the strong grip of an acute economic depression prevailing throughout the Province. The Lecturers of the Earle Law College should not have been singled out for this uncalled-for generosity in the hands of the Hon'ble Education Minister. Apart from this consideration, the matter cannot be justified on merit.

These three Lecturers are not permanent employees of the Government. Their services are requisitioned on contract basis and on part-time system. They follow their own vocation. As has been explained by the Hon'ble Education Minister, only in spare time they are required to deliver certain number of lectures per week. Is it not a fact that the Lecturership of the Earle Law College is a distinction coveted by all eminent lawyers of Gauhati? As a matter of fact there was a good deal of rivalry among the candidates for such appointments. Is it not a fact that it also gives additional status to the incumbents and adds to their monthly professional income?

In the Ripon Law College, Calcutta, with a total roll strength of one thousand students most of the Lecturers receive a salary ranging from Rs. 100 to Rs. 150 per month. As the hon. Members of this House are aware most of these Lecturers are well-known Barristers and Advocates of the Calcutta High Court. Still they deem it a privilege to remain on the staff of the Law College. They give little consideration to the small pay attached to the post. The conditions in the University Law College are virtually the same. As such there is practically no justification for the Motion.

In this connection I want some information from the Hon'ble Education Minister. What is the number of students that have passed from this Law College during the last ten years? What number of lectures does each of the Lecturers deliver per week and

what is the average income of these three Lecturers from their profession? A correct answer to these questions will convince the hon. Members that the present Motion cannot be justified.

It may be argued that these are difficult days and the expenditure involved is very small. But it is not the amount that we grudge. We deprecate the spirit that has prompted the Hon'ble Education Minister to bring this Motion. Has the Hon'ble Minister considered for a moment the condition of the ill-paid permanent employees under his Department? What is the lot of those in the Lower Subordinate Assam School Service? Does he realise in what difficulty these poor teachers are passing their time in these days? Are the meagre dearness allowances allowed to them enough to relieve their distress? What is the condition of the Aided High School teachers? Is the Hon'ble Education Minister aware that most of these teachers are starving and fast losing their vitality? Sir, I think, I need not allude to the hard lot of the lower primary teachers. All these factors should have weighed in the mind of the Hon'ble Education Minister before he extended his sympathy to the well-to-do Lecturers of the Earle Law College.

As regards the question of retrenchment that was made in 1931, I beg to submit that all these three incumbents were appointed after the retrenchment and they were appointed in the present scale knowing full well what they were expected to receive under the post.

With these words, I oppose the Motion.

Maulavi BADARUDDIN AHMED: Mr. Speaker, Sir, I rise to support the Motion. The employments of Law Lecturers were made in normal times when prices of foodstuffs were lower. Now the time is very abnormal and the necessities of life are not available and whatever is available in the market, the price is very high. So the salary of the Lecturers should be increased. My Friend Mr. Abdul Bari Chaudhuri says that the Lecturers in the Ripon College get Rs.100 a month and still they are working there. But it should not be forgotten that their appointments were made during normal times, and we do not know whether they are grumbling or not now. It may be they are trying their best to get their salary increased. My hon. Friend has also said that these Lecturers work in their spare time. But I want to say, Sir, that the morning time is the best time for the lawyers to receive clients. If they cannot receive clients in the morning they cannot expect to get any briefs. At the same time due to war the number of cases has also fallen considerably. Considering all these factors, I feel that the Lecturers of the Earle Law College should get the increased salary as proposed.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise to support the Motion. My hon. Friend Maulavi Abdul Bari Chaudhuri while opposing the Motion remarked that this was not the opportune moment to raise the salaries of the Earle Law College Lecturers. Sir, he has enquired that while the Aided School teachers and the Lower Primary teachers are rotting why these Lecturers should get any preference. Sir, I am entirely at one with him when he speaks for those poor teachers. But, Sir, because all of them are not getting the increment, no one should get it is not a sound argument. It should be no reason why no one should get any preference. May I ask him when the post of the Principal of the Earle Law College was made permanent during the last Budget Session where had he been at that time? If he thinks that there is no necessity for this College—from his queries about the number of students, etc., it appears that he has got some doubt in his mind about the necessity of maintaining this institution—I think it would be better for him to come with a proposal before the House to get rid of this institution altogether. But if we want to keep this institution we by all means should give proper salary to the Lecturers.

Sir, my hon. Friend has also remarked that when they were appointed, the Lecturers knew their prospects. This may be said with regard to other cases also. But I do not want to take shelter under that plea and close the doors for one and all. It is a fact that when they were appointed they knew their prospects, but they could not conceive that this world wide economic crisis would be before them. Sir, this may be said

with regard to the Aided School teachers and the Lower Primary school teachers also. This argument advanced by my hon. Friend is no argument at all, and if such an argument were advanced by the Government we could not have appreciated the Government. Sir, I hope, the House will take this proposal as a move in the right direction. We also hope that along with this the Hon'ble Education Minister will come before the House for increased grants for the Aided School and Lower Primary teachers, so that the very real grievances of these poor unfortunate niggardly paid people may be remedied without further delay.

With these few words, I support the Motion.

Srijut ROHINI KUMAR CHAUDHURI : Mr. Speaker, Sir, I welcome the course which has been adopted by the Hon'ble Education Minister. His decision has not come a moment earlier than was necessary. This was long overdue, and I really pay a tribute to the broadminded action of the Government in bringing forward this proposal, which has our heartiest approval.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Mr. Speaker, Sir, I was really surprised at the opposition made to this proposal by hon. Maulavi Abdul Bari Chaudhuri, because the fact remains that this proposal has been brought forward, as I have already said, strictly to respect the wishes not only of this House but of the other House also. It was the unanimous desire of the Members of both the Houses that the salary of the Lecturers of the Earle Law College should be increased (Maulavi Abdul Bari Chaudhuri—Question). The hon. member may question, but there was no opposition at the time. It was the unanimous desire.....

Maulavi ABDUL BARI CHAUDHURI : Was any Motion accepted ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, there was no opposition to the Motion moved.

My hon. Friend said that because some part-time Law Lecturers in some other colleges get less, these people should also get less. I may remind him that this College was started in 1914, and the salary of Lecturers was fixed at Rs.200, and that salary continued up till 1931 when Government was compelled, as a measure of economy, to reduce the allowance to Rs. 150.

Then, Sir, the hon. Member wants some information ; he wants to know how many students have passed out from this College. It is difficult, Sir, to give the figure because the College has been of 28 years standing now. It is sufficient for me to say that most of the Members of this House, hailing from the Assam Valley at any rate, are, I think, ex-students of the Earle Law College (*hear, hear*). As regards the number of hours put in by these part-time Lecturers, I may inform him that the number of hours they have to devote to their work does not vary much from that put in by whole-time Professors and Lecturers of Government Art Colleges.

Mr. BAIDYANATH MOOKERJEE : On a point of information, Sir. Is the Hon'ble Minister himself an ex-student of this College ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Unfortunately I am not ; I passed out from Calcutta. As I said, most of the hon. Members of this House are ex-students of the Earle Law College. As has been remarked by Srijut Rohini Kumar Chaudhuri, this proposal has not come a bit too early. So, I hope the House will support this proposal.

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

“That the House do approve the proposal to increase the existing allowance of Rs.150 per month given to each of the three Lecturers of the Earle Law College, Gauhati to Rs.200 per month with effect from the 1st December 1943.”

The Motion was adopted.

Motion re Remuneration of Village Defence Parties

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I beg to move that the Assam Legislative Assembly approves the incurring of expenditure on the equipment and remuneration of Village Defence Parties engaged in fulfilling

the responsibility of the population for the protection of communications by rail and road, and on the employment of supervisors to co-ordinate the work of the parties.

I have submitted an explanatory note * which has probably been circulated to each hon. Member. The question of collective responsibility of the citizens for the protection of communications by rail and road was discussed in an All-India Conference in November 1942, and it has adopted a uniform policy all over India that the citizens whether of urban or rural areas should be imbued with the idea of protecting their own lines of communication as unfortunately at this time, there was a tendency to temper with them. Since then be it said to the credit of law-abiding people of Assam, in various localities, Village Defence Parties have been working very satisfactorily and cases of sabotage of the railway communication or of land communication have been very few and far between. This was originally started on a voluntary basis but later on it was found that unless these guardians of law and order were provided with certain amenities, for example, blankets to keep the rain and cold off, lights so that they could see their way and umbrellas to protect them from rain, it will tell upon the health of these people, who have taken these voluntary duties. It was therefore thought that instead of individual members being given some remuneration—(the patrol party's normal strength is 4 persons)—each defence party be given Rs.20 per mensem so that they may spend this sum for the purpose of village improvement. There are also certain areas, which almost every hon. Member knows, where there are no villages nearby and for protection in such jungly areas, extra chaukidars in chaukidari areas and other watchmen in other areas are to be entertained. Seeing the good results of the working of these Village Defence Parties, it was thought that the action of each party should be co-ordinated and that they should be guided as to the time and place where these Village Defence Parties should work. Therefore, it has been thought necessary that in certain districts the post of a Supervisor from retired Sub-Inspector or Inspector of Police should be appointed to get the best results from the work of these Village Defence Parties.

I have come before the House just to get their approval to the principle of such expenditure, although I have pointed out to them that I am doing my level best to throw the financial burden upon the Central Government. We all know that in financial matters that authority is a very hard nut to crack. Up till now they have admitted the responsibility to the extent of 25 per cent. of the expenditure, but I am trying my level best; even now, I hope to get some more out of the Central Government. It is difficult as I have explained in the note to know at this stage what will be the exact amount that will be necessary and therefore I have not come with a Supplementary Demand but if the House approves of this expenditure, I will come with a Demand in the Budget Session, that is in March 1944.

One more word, Sir, I find that there is a mistake of two punctuations in the printed note that has made the meaning of the vital part rather unintelligible. There ought to be a full stop after 'force' in the line 'where the Chaukidari Act is in force'. For full stop in the next line after 'powers' there should be a comma. So the line will read like this: 'In order to provide the parties with the presence of a person who has some statutory police powers, for the purpose of directing the activities of the parties into the most effective channels, a number of supervisors were appointed, etc., etc.' If the hon. Members make their corrections in the punctuation, the note will be better understood.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Legislative Assembly approves the incurring of expenditure on the equipment and remuneration of Village Defence Parties engaged in fulfilling the responsibility of the population for the protection of communications by rail and road, and on the employment of supervisors to co-ordinate the work of the parties."

Babu RABINDRA NATH ADITYA: Would it not be better, Sir, to come with a Token Demand instead of asking the House to sign a blank cheque? When the Hon'ble Premier is trying to get some money from Central Government, the commitment of this House to such an expenditure will also very much weaken his case before the Central Government.

The Hon'ble the SPEAKER: I would rather draw the attention of the hon. Members to rules regarding financial matters. There is no scope for Token Demand now-a-days. It is not sanctioned by the Government of India Act. It is rather the intention of the Act that the House should not support Token Demands.

Babu RABINDRA NATH ADITYA: With due deference to your ruling, I would refer to the "A.B.C. of India Government, Finance" by the Accountant General, Madras, published under the authority of the Government of India at page 41. It says:—"Supplementary Demands are also sometimes moved not because funds are not available for the expenditure in question, but because the new item of expenditure is outside the scope of a Demand or is of such an important character that it is not considered desirable to spend money without first bringing the matter to the notice of the Legislature and obtaining its formal approval. Such a Demand is generally moved for a nominal amount of, say, one rupee, and it is explained in a separate statement how the balance will be met, namely, by transfer of savings under other items. Such a Demand is known as a 'Token Demand.' Token Demands are a common feature of budgetary procedure in India." This was published in 1940 after the new Government of India Act came into operation, and as I said, Sir, if this House agrees to the expenditure being incurred without ascertaining the amount or without having the estimate, the Central Government may not come in with any contribution from their Exchequer.

The Hon'ble the SPEAKER: Now the hon. Member will please read the ruling I gave during the last Session. In connection with that ruling I quoted the letter from the Government of India in which definite instructions were given to Government not to frame rules which would provide for bringing in Token Demand. That was a long letter from which I quoted extensively in my ruling and it is printed as an appendix to the proceedings of the last Session of the Assembly. The Assembly Rule 101 and sub-rules thereto will also show that there is no scope for a Token Demand. This is the opinion of the Government of India, whose Reforms Office examined the whole provisions of Sections 78 to 81 of the Government of India Act, and communicated to this Government their conclusions by their D. O. No F26-36F, dated the 16th March 1937. This is that letter.

Babu KAMINI KUMAR SEN: Sir, as a Member of the Rule-Making Committee, I can tell the House that acting on the instructions contained in the letter of the Government of India that you, Sir, have just now referred, we dropped the old rule made by the Assam Legislative Council with regard to Token Demand.

The Hon'ble the SPEAKER: That I also pointed out in my ruling.

Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURY: On a point of information, Sir. Have we already incurred any expenditure and if so what is the amount?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have already incurred some expenditure but the exact amount I am not in a position to say.

Srijut SURENDRA NATH BURAGOHAJ: Mr. Speaker, Sir, our group are prepared to admit that the move that is being taken by the Hon'ble Prime Minister is a right move in a right direction, but, nevertheless, we have some criticisms to make. So far as the All Assam Ahom Association is concerned, this Association from the very beginning is co-operating with the authorities in the matter of organisation of these parties and had tried to be very helpful. In this connection, I may be permitted to refer to a letter which Mr. Humphrey, the Deputy Commissioner of Sibsagar District, addressed to me in my capacity as the Chairman of the Emergency Sub-Committee of the Association. This letter is dated 17th of December, 1942, in which he writes like this—"I have the honour to inform you that Government instructions have been received for formation of the Village Defence Parties which seem to be of utmost importance specially for guarding the Railway, Telegraph and Telephone lines. I therefore request you to kindly ask your Association to co-operate. I realise that you have already been of great assistance, this is only to make the request formal." Sir, in spite of this measure of co-operation that was given by the Association and in spite of the fact that in the Upper Districts of Assam Valley where this community is concentrated—

these parties are largely manned by Ahoms—the community feels that they have been greatly neglected in the matter of making appointments of Supervisors.

The next criticism that I have to make is with regard to the administrative side of these parties. We find that these parties are not only doing their duties but at times they have been found to over-do them. I know of a recent incident which took place early this month when Mr. Durganath Gogoi, Secretary of the District Ahom Association of Sibsagar, was wrongfully restrained on the level crossing near Bhojo Railway Station of the B. & A. Railway line. It was at 7 o'clock in the evening when he was going along that road, which is a Local Board road, in his own car with his friends and on duty in his capacity as the Honorary Secretary and Senior District Organiser of the National War Front, that he was detained there by the Defence Parties. After a couple of hours of detention, he could make good his escape (*laughter*) from the clutches of these Defence Parties, or rather Offence Parties, I should like to call them. There are numerous other instances when these parties actually went beyond their limits.

My third criticism, Sir, is with regard to the point which is mentioned by the Hon'ble Prime Minister—about the responsibility of this Government for the entire expenditure. I really find it very difficult to understand the position that has been taken up by the Central Government in this matter. It is realised by this House that so far as the cost of these parties are concerned, it is realisation have to bear the entire burden unaided it will indeed be very hard for them. This whole scheme is intended to protect the Railways. Apart from the statutory responsibility of the population, I think, the direct and the primary object of this scheme is to protect the Railways and to ensure its safety, which is a Central subject under the Government of India Act. It is mentioned as an exclusively central subject, being item No. 20 of the Federal Legislative List of the Government of India Act, 1935. So, that being the position, I think, the Hon'ble Prime Minister will carry on his energetic protest to the Central Government and will make them bear the entire burden.

In this connection, I crave the indulgence of the House to refer to another matter of encroachment on the rights of the Provincial Government by the Central Government. There has been a project now at Jorhat to widen the road along the extension of the Bengal and Assam Railway from Ferkating to Jorhat. In trying to widen the road the cultivators who had their paddy cultivated in the roadside lands for which this Provincial Government has recently framed rules to allow persons to cultivate paddy in roadside lands, were deprived of those, for before the paddy could be reaped these have been embedded under earth in the road. There is the scheme of the Provincial Government for "Grow More Food" Campaign but the effect of this is that as if the Central Government seems to say, "No More Food Campaign." This is very unfortunate. If these people were given a couple of days' time, they could have reaped the paddy. But even this was denied to them. If I were to ask a question here over this, the Hon'ble Revenue Minister would straightaway tell me that this is a subject in which the Provincial Government would hand, because the land belongs to the Central Government. So, incidently I have referred to this matter.

I again urge upon the Government to carry on with their efforts and I hope, in view of these criticisms, if the Hon'ble Prime Minister assures that he will be pleased to look into them, we will be glad to cast our weight with the Government in regard to this Motion.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, in this Motion I have got to speak about certain anomaly which is going on between the Railway Department and that of the Government employees. Very recently we have been told of that between a Government employee—a Supervisor for railway security work who for sometime past has been placed by Government at Shaistaganj junction—and the railway staff. Cases after cases are being instituted by either side. The day before I left for Shillong, a serious incident took place between the Station Master and his staff on the one hand and the Supervisor on the other. A case has been instituted under section 147 of the Criminal Procedure Code by the Supervisor for assault within the Railway

compound by the Station Master and his staff. There has been a Magisterial enquiry and it has been reported to me that the allegation made against the Station Master is true. The story is that while the Supervisor with some other Rice Control Officers were getting down from the Mail train—he was going from Srimangal to Shaistaganj—at the gate of the Station he was held up by the Station Master where ultimately he was severely beaten. This Supervisor was suspected by the railway staff of travelling without any ticket.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On a point of information, Sir. Is he the Supervisor of the Village Defence Party or is he the Supervisor of Rice Control?

Maulavi ABDUR RAHMAN: He is Supervisor, Railway Defence Security work, Maulavi Dewan Ahidur Roza.

On one night—probably on our *Sabeborat* day—I happened to be at the Shaistaganj Station. The Supervisor, Dewan Ahidur Roza told me that there would be a fun. He told me further that as soon as he would be going to the Upper Class compartment the Station Master would come and try to harass him. Strangely enough, in a minute or so I heard a *hulla* and went there and found the Station Master there asking the man to get down. In the beginning the Station Master asked the man to show the ticket and he replied to the effect that he was nobody to ask for ticket. The Station Master then called a constable. When the constable came and was going to detain the gentleman I asked him to get down and he did so. At that stage I enquired of the Station Master whether that was ordinarily his business to check tickets and that why of all persons he checked the ticket of that particular person. The Station Master replied that the person concerned was in the habit of travelling in the Upper Class without tickets. When I enquired of the Supervisor whether that was a fact he showed that he was in possession of an Upper Class ticket. Then I asked the gentleman why he did not produce the ticket to the Station Master. He replied saying that on occasions he did so with the result that the Station Master took away the ticket and reported against him that he travelled without ticket and that was why he did not produce the ticket that day. The Station Master wired to the Sub-divisional Officer that he was travelling without ticket and failed to produce it when demanded. The train was detained for about 10 minutes. What happened subsequently to this matter I do not know. On another incident, the Station Master and his staff have been summoned in a criminal case.

Then Sir, coming to the help what the Hon'ble Prime Minister has just now suggested to give to the Village Defence Parties in the shape of grant and other things, I may say that we very often receive general complaint from persons, who are employed to work as volunteers at night over the railway line, about the scarcity of kerosene. Another complaint we receive is that the poor people are harassed by the officers on flimsy grounds; they find fault with them on trifling matter and report against them that they do not attend to their work. Is it the desire of the Government, Sir, that each and every one of the volunteers should keep watch over the area allotted to them simultaneously? It is not possible for one and all to do the job, Sir, at one and the same time. I, therefore, suggest that Government might issue an order to the officer concerned that he should leave the responsibility to the villagers concerned to see that they keep regular guard on the allotted area by any means they can devise—whether by engaging a batch of their own people or by some other people.

Babu NIRENDRA NATH DEV: Mr. Speaker, Sir, I do not exactly see any reason why there should be any necessity for keeping any vigilance over the Railway lines when the saboteurs stopped their work of destruction since a long time in this Province. Even in spite of this if the Government thinks that there is any necessity for keeping such vigilance then I submit, Sir, Railway being a Central subject, the Provincial Government might very legitimately approach the Central Government to make arrangements for protecting these lines and, as Railways are being run on a profitable basis and the Government of India is getting a good margin of profit from these Railway lines, they ought to be able to provide for this expenditure from their own funds. So my humble request to the Hon'ble Prime Minister is to approach the

Central Government to allot money to this Province for this purpose. The other suggestion I have got to make to the Hon'ble Prime Minister is this—so far as traffic on the railways and the roads are concerned, now-a-days preference is given to the Military. It is as much their concern that these Railway lines and roads should be kept in proper order and as such, the Military authorities ought to pay for the protection of these lines of communications. And if the Central Government would not agree to take up the burden of this whole expenditure, the Military authorities may as well be approached to share a portion of this expenditure. I hope, Sir, the Hon'ble Premier would give his due consideration to these suggestions.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Sir, I was going to put one question to know whether it is not a fact that one Dewan Wahidur Raja, the Rice Control Inspector of Sunamganj, has a case against him for assaulting a villager and for exacting illegal gratification and even after that he was reappointed?

Maulavi ASHRAFUDDIN MUHAMMAD CHAUDHURY: Mr. Speaker, Sir, with reference to the proposal that has been brought before the House I beg to submit that it is now an admitted fact that so far as the Railway matter is concerned, it is a subject of Central Government. Apart from the fact that it is not laudable that of railway, I think, it is rather a proper course if the Railway Board duly look after the Railway administration. We have often seen that the Central Government have exploited the finances of this Province. In the circumstances when this is a matter of Central Government they must bear the expenditure. So, Central Government it is hoped would come forward with contributions. We have enough experience in the past as to how the Central Government have made us suffer our own interests by spending money on subjects which concern them only. So, my submission is this that the Hon'ble Premier will draw the attention of Central Government to see that contribution is made by them for this purpose. Road is a provincial subject; the amount needed for road projects should be isolated from expenditure in connection with Central Railway matters and the Provincial Government can only come forward for protecting provincial roads. It is not clear here what amount is going to be contributed for the maintenance of roads and what amount for the Railways. When this Province is a deficit Province, there should not be any expenditure on a matter which is not its own and the Exchequer of the Central Government should not emburden this poor Province with expenditure on such matters any more. With these few words, Sir, I resume my seat.

Srijut ROHINI KUMAR CHAUDHURI: Sir, even at the risk of being guilty of repetitions I feel that I have to make a few observations on this Motion, I take it that the object of this Motion is to ensure protection to Provincial roads and rails. Sir, I think it will be agreed that there are very few instances of damage to railway lines in this Province and fewer instances of damage to provincial roads, and it will also be accepted that we heard enough of such instances of damage about 8 months ago. Most of our villagers, I must say, live far away from such roads and Railway lines. To drag these villagers now to protect these roads and lines would be merely to revive the unpleasant memories of about a year ago. If there is a real danger to the railway lines or roads from enemies there is the Army to see to it. If there is any organised body of terrorists and anarchists now who may damage the roads and Railways, I believe, there are no such organisations, in the Province, simple villagers will hardly be able to cope with them. So it is not worthwhile to employ the Village Defence Parties for protection of such roads and Railways.

If there is any such apprehension of which the Hon'ble Home Minister is certainly aware, he should take special measures for the formation of special tabulary and a force like that. It is extremely unjustifiable to utilise special cons- of our poor village folks for such purposes. Sir, if these village parties were organised on the same lines as the *Santisena* of the Congress I would certainly commend Government for such parties. Most of our villages are far away from

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the nearest police station and the police actually hardly can afford the necessary protection to the villagers in times when a looting or a dacoity goes on on account of the economic distress. It so happens that not only the police cannot prevent such occurrences but even a lot of time is taken by the police before they come to the place and investigate the occurrence. In order to safeguard protection to our villagers it is necessary to have Village Defence Parties and I welcome this Motion from that point of view. If the Government intends to have a sort of Village Defence Party which will function as *Santisena* of the Congress are expected to function, *i. e.*, they will watch the village at night and will protect it from theft and dacoity then I will commend the Hon'ble Prime Minister for his action. Sir, if the defence parties are organised with such ideas then this House will not mind any expenditure which is met from the Provincial Exchequer but would rather welcome it. Sir, I appeal to the House not to agree to spend a single pie on that score if the Defence Parties are formed merely for the mere protection of Railway lines and roads for some apprehended danger.

Sir, I want to make another observation and it is this that we should pay no remuneration to the Village Defence Parties. If we pay remuneration to the members of the Village Defence Parties their position will be relegated to that of village chowkidars. If it is known to the villagers generally that the members of the Village Defence Party are getting salary from Government they will look upon them with some sort of suspicion and they will be generally regarded more as spies than as a real help to the village itself. I, therefore, suggest that you can spend liberally on the uniforms and make them attractive to look like those of American soldiers and give them light, torches and things of that kind and give them even cigarettes and *biris* if you like, but don't make them another set of village chowkidars under the dignified name of Village Defence Party. With these words, Sir, I would ask the House not to agree to spend any money for having another set of village chowkidars under the dignified name of Village Defence Party, but insist on a really useful village defence organisation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker. Sir, I find from the speeches that everybody accepts the principle of having Village Defence Party. The last speaker, my erstwhile colleague, wants that the scope of the Village Defence Party should be widened and their activities should be on the same line as the *Santisena* of the Congress Organisation. My Friend who is a veteran politician, who is very vigilant about what is going on in the Province, knows very well that these village defence parties have been formed by the Police Department from a long time past, *i. e.*, some five years ago when there was a chance or rather apprehension of communal trouble in the Habiganj Subdivision. Leaders of both the communities—Hindus and Muslims—were asked to form village defence parties so that amicable relationship between these two major communities are established and through the efforts of the villagers themselves the ugly monster of communal trouble ceases to exist. We achieved a measure of success by this experiment in the Habiganj Subdivision. Since then the idea has been extended to other parts of the country. These Village Defence Parties were organised with the encouragement of the Police Department. Later on, Sir, Village Defence Parties were formed under different names by the two great political organisations now holding the field in India, *viz.*, the Congress and the Muslim League. Still later, Sir, another organisation stepped in the field styled as National War Front. They also started formation of Village Defence Parties with the aim of keeping up the morale of the people, to look to the best interest of the people, to encourage them in growing more food and weaving more cloth and to watch the villages for the protection of life and property of villagers. Unfortunately, Sir, when last year, there were certain cases of sabotage over the Railway lines and cases of burning of wooden and bamboo bridges on our lines of communication Government found that

they have not got sufficient police force to protect these lines by means of watching these throughout the night so that the miscreants may not play their mischief under the cover of darkness.

The length of lines of Railway that traverses this country is quite long and if we were to employ a new army of police watchmen to guard the lines, it would commit the Province a tremendous expenditure. Therefore, Village Defence Parties were employed and they were asked to see that the lines of communication which were bringing the vital necessities of life to the Province were not stopped by the mischievous pranks of a certain section of people. They were encouraged to do this watch and ward by the fact that it was their own brethren, their kiths and kins that travelled by the Railway and if any act of sabotage was done, it was to their danger involving in serious injury and sometimes even death ensued by derailment of trains. Be it said to the credit of the people of Assam, that they readily acceded to the request without any thought of getting remuneration. After experience of the work, it has been found advisable, Sir, to encourage these people not by giving any remuneration to the individual members of Village Defence Parties but by giving some funds in the hands of the collective bodies so that they can be utilized in bettering the amenities of their village life. I thought this was a sort of encouragement which ought to commend itself to the hon. Members of this House.

Some of my hon. Friends have rightly claimed that the entire expenditure should be borne by the Central Government. Sir, I am at one with them and I have tried in the explanatory note to explain the steps we have already taken in this matter. I stated in that note that the incidence of the expenditure is still under correspondence with the Government of India, and this Government have constantly urged that in all the circumstances, the whole or the greater part of the cost should be borne by the Centre. The Central Government, on the other hand have held strongly that as these measures form a part of law and order measures, and are intended only to consolidate the efforts which the law expects the people of the Province to make, Provincial revenues should contribute, and have hitherto not been prepared to meet more than one quarter of the cost. Pending the result of further correspondence and the preparation of a regular Budget, the Assembly is asked to approve the expenditure of such sums as are essential, in principle. The phrase 'pending the result of further correspondence' clearly indicates that I have not lost hope, that I am still fighting with the Central Government and I am hoping to get as much contribution from the Centre as we can legitimately expect. I have come before the House with this Motion simply for the House to give their approval to the principle and nothing else.

The incident which my hon. Friend Mr. Surendra Nath Buragohain had mentioned that a certain influential and well-known personage was stopped at the level crossing by the members of a Village Defence Party clearly shows the enthusiasm with which these parties are working. I take this opportunity of publicly thanking the Ahom community for the great zeal and civic sense that they have evinced in offering their co-operation for the protection of life and property of the people, not only by guarding the Railway lines but also by adopting measures in their own villages on the lines which my hon. Friend Mr. Rohini Kumar Chaudhuri had adumbrated. It is sometimes for the purpose of curbing the zeal of over-zealous village parties and sometimes to put in a bit of enthusiasm on such parties that the necessity of some supervisors had been felt. I am sorry to hear that the Ahom community has not been represented in any of these supervisors. I will bear that point in mind, but I must say that so far we have recruited only retired Inspectors and Sub-Inspectors of police. If any such Ahom officer or ex-officers is available, I will be glad of the name from my Friend hon. Mr. Buragohain.

Mr. Abdur Rahman as usual is full of information of incidents and he was an eye-witness to an ugly episode between a station master and a supervisor. I am sorry that up till now nobody has reported these cases to me and I did not know that any one by the name of Ohidur Roza has been appointed as supervisor and that he had some cases pending against him in the Habiganj Court.

Mr. Nirendra Nath Dev has suggested that if the Central Government did not pay, we should approach the Defence Department to contribute their share. We are approaching the Central Government and whether the money should come from the Home Department or the Defence Department it is for the Central Government to say.

I think everybody admits the principle for which I have come for the vote of the House and I think, I have the unstinted support of those hon. Members who spoke on the subject and have strengthened my hands to move in the matter to press the Central Government to bear the entire burden. I assure the hon. Members that I will spare no pains to persuade the Central Government to pay the entire amount.

The Hon'ble the SPEAKER: The question is:

"That the Assam Legislative Assembly approves the incurring of expenditure on the equipment and remuneration of village defence parties engaged in fulfilling the responsibility of the population for the protection of communications by rail and road, and on the employment of supervisors to co-ordinate the work of the parties."

The motion was adopted.

The Assam Maternity Benefit Bill, 1940

The Hon'ble the SPEAKER: I now put before the House the amendments recommended by His Excellency the Governor to the Assam Maternity Benefit Bill, 1940. The message by which these amendments were recommended were read out by me to the House the other day and the amendments* have since been printed in the order paper of the day, so I need not read out those amendments over again. The Hon'ble Maulavi Abdul Matin Chaudhuri is now to make the necessary Motion in regard to these amendments.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to move that the recommendation of His Excellency the Governor and the amendments proposed by him to be introduced in the Assam Maternity Benefit Bill, 1940 and put before the House from the Chair be considered in detail.

This Assam Maternity Benefit Bill was passed by both Houses of Legislature in 1940. When it was sent to His Excellency the Governor for his assent, certain defects and omissions were discovered. It is in order to remove those defects and rectify those omissions that His Excellency has sent down this Maternity Benefit Bill to this House for further amendments to be made.

The first amendment deals, Sir, with the applicability of the Bill. It is intended that the Bill should apply to factories and plantations and to other establishments which the Government may notify. But no specific provision was put in the Bill excepting a mere mention in the Preamble. The Preamble of the Bill only sets forth the purpose of the Bill; mere mention of it in the Preamble is not enough to give power to Government to take action. So, a clause needs to be added giving power to Government to apply to factories and plantations, and to such other establishments, not being mines or oilfields, as the Provincial Government may in the Official Gazette notify in this behalf.

The second recommendation deals with definition of the word "factory". The word "factory" has been mentioned, but it has not been defined. The second recommendation removes that defect.

As regards the third recommendation, Sir, it has always been presumed that the employers would pay for the maternity benefit to the women workers, but nowhere in the Bill has this obligation been expressly laid on the employers. The third recommendation deals with that.

The Hon'ble the SPEAKER: Motion moved:

"That the recommendation of His Excellency the Governor and the amendments proposed by him to be introduced in the Assam Maternity Benefit Bill, 1940 and put before the House from the Chair be considered in detail."

*See Appendix E.

Mr. A. WHITTAKER : Mr. Speaker, Sir, I hope it will be possible to finish this Bill before you adjourn for the day. I have only one important point to make and that is that the time which is taken in this Legislature to pass non-contentious legislation is becoming quite unreasonable. This Bill, Sir, has been for three years on the anvil. It is a non-contentious measure, it is one that has the approval of all the parties of the House and particularly of the Plantation Industry for whom it is specially designed. Sir, the Government of Assam have got experienced draftsmen in their Secretariat ; here is a Bill which is wrong in three elementary but important particulars. Why should the time of this House be wasted, and benefits denied to a section of the community, by the delay in passing this legislation merely because these drafting errors were not detected at an earlier stage in the Bill ? This is not a case in isolation ; we have already had two other Bills sent back by His Excellency the Governor. I am glad indeed they were sent back just as I am glad this has been sent back. What I am driving at is that it should not be beyond the capacity of this Assembly and the Government of Assam to stop this ridiculous state of affairs whereby technical defects can hold up a measure for two or three years (*hear, hear*). Surely it is reasonable that we, the amateur draftsmen, should have the benefit of an expert draftsman at the stage of the Select Committee, which was the time when every one of these three errors could and should have been detected. I am a victim in another way, Sir. The Assam Nurses', 'Midwives' and Health Visitors' Registration Bill which is equally non-contentious, equally necessary and equally urgent, went through this House quickly but it was discovered that there was a technical defect. So, that Bill too is held up. I think, Sir, that you, as the custodian of the privileges of the Members of the Assembly, will see that we get technical assistance in all our Bills at the stage when that technical assistance will be most useful. I should like, Sir, to hear the views of the Chair on an amendment in procedure which will stop this kind of delay which is quite unnecessary and which is a reflection, I think, on the Government of Assam.

The Hon'ble the SPEAKER : I quite appreciate the point that has been stressed by the hon. Mr. Whittaker. It is no doubt very difficult for amateurs to draft Bills or revise them in order to make them perfectly faultless. I would certainly be glad if any expert draftsman is engaged by Government for rendering assistance to the House for the purpose of revising the Bills at least at their Select Committee stages irrespective of the question whether such Bills are tabled by Government or by hon. Members of the House. The Government have got their Legislative Department and a Legislative Secretary who is only concerned with Bills which are sponsored on behalf of Government and it is expected that Government Bills should be free from defects of drafting in view of the fact that Legislative Secretary is Government's legal adviser also. But with regard to Private Members' Bills they are simply examined in this office ; and Legislative Department has no responsibility for them. Although it is not the duty of the Assembly Department to find out whether the Bills have been properly drafted, I do nevertheless occasionally ask the Assembly Office to revise the Bills tabled by Private Members to see if there are any glaring defects in the draft. But it is not always possible for the Assembly Department nor it is its duty to revise the drafted Bills in such a way as to make them quite faultless, although the hon. Members may think that this Assembly Department has got a lawyer in the person of their Speaker. But it may not be always possible to have a lawyer-Speaker, and a time may come when all persons running the Assembly Department would be non-lawyers or without legal qualifications and the difficulty would be much greater than it is now. I may tell the hon. Members that if we look to the state of affairs in the Mother of Parliaments, we find that there the Speaker has got a Counsel to advise him who has also important duties to perform in connection with Private Bill—Legislation. He sits even as a Member of one of the various Committees dealing with Bills. Not only that ; the Speaker has got other lawyers to work under him. But here in this country, at any rate in this Province, we find that that aspect of the matter was completely overlooked. If we look to the case of other Assemblies, we find that legal experts have been engaged in the staff as Secretaries, Deputy Secretaries and Assistant Secretaries. Here in this Province this Department is quite without any person with legal qualifications, and sometimes I feel some difficulty on that score. Of course, the members of the staff of

the Assembly Department do their level best, and they pick up things very creditably. And I may tell the hon. Members that the staff, although they are non-lawyers, or without any legal qualifications, give me thorough satisfaction by their work, but it is not always possible for them to give their attention to matters involving legal complexities in such a way as would leave no room for complaint. So, it will be better if there is some one properly trained in the Assembly staff to revise Private Members' Bills. It is quite right to say that such non-contentious measures as the present one should not be delayed on account of such defects of drafting which we are now asked to deal with. If timely corrections were made this waste of time could have been avoided. And it is really true that on account of there being no examination of the Bill, as an expert draftsman should have done, such defects cropped up in the drafting.

Mr. A. WHITTAKER: Mr. Speaker, Sir. I do not wish to take much time but I would point out that in this case it is a Government Bill in which faulty draftmanship has occurred. In amplification of what you yourself said I note that in other provinces, a draftsman is periodically sent for 6 months' training with the Government of India. I do not know that there is any other province except Assam in which there is no draftsman permanently attached to the Secretariat. My point really concerns the Government of Assam and the Assembly Department. My complaint in this instance mainly concerns the Government of Assam and their permanent Secretariat.

The Hon'ble the SPEAKER: I quite agree with the hon. Member. I think there was at first such a Bill from a Private Member, which was withdrawn later on in view of the fact that Government would bring forward such a measure and I think, the draft of the Private Members Bill has been adopted by the Government without any scrutiny.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Hon'ble Speaker, Sir, we fully recognise the justification of the remarks that have been made by Mr. Whittaker and stressed by you. If the defects were discovered earlier it would have not taken a long time to get through this non-contentious Bill. We have no expert draftsman in our service, but the Government have decided that in every Select Committee meeting the Legal Remembrancer will attend to give drafting assistance. About having an expert draftsman Government will surely give due consideration to the suggestion made.

The Hon'ble the SPEAKER: The question is: "That the recommendation of His Excellency the Governor and the amendments proposed by him to be introduced in the Assam Maternity Benefit Bill, 1940, and put before the House from the Chair be considered in detail."

The question was adopted.

The Hon'ble the SPEAKER: Then we take up consideration of the amendments item by item.

Clause 1

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I beg to move that in clause 1, after sub-clause (3), the following sub-clause shall be added, namely:—
“(4) It shall apply to factories and plantations, and to such other establishments, not being mines or oilfields, as the Provincial Government may in the Official Gazette notify in this behalf”.

The Hon'ble the SPEAKER: Motion moved:

“That in clause 1, after sub-clause (3), the following sub-clause shall be added, namely:—

“(4) It shall apply to factories and plantations, and to such other establishments, not being mines or oilfields, as the Provincial Government may in the Official Gazette notify in this behalf.”

The question was put and adopted.

The Hon'ble the SPEAKER: The question is that clause 1 as amended do stand part of the Bill.

The question was adopted.

Clause 2

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I beg to move that in clause 2, sub-clauses (j), (i), (a), (c), (d), (f), (e), (b), (h) and (g) shall be renumbered

as sub-clauses (a), (b), (c), (e), (f), (g), (h), (i), (j) and (k) respectively and that after sub-clause (c) as so renumbered the following sub-clause shall be inserted, namely :—

“(d) ‘Factory’ means a factory as defined in clause (j) of section 2 of the Factories Act, 1934”.

The Hon'ble the SPEAKER : Motion moved :

“That in clause 2, sub-clauses (j), (i), (a), (c), (d), (f), (e), (b), (h) and (g) shall be renumbered as sub-clauses (a), (b), (c), (e), (f), (g), (h), (i), (j) and (k) respectively and that after sub-clause (c) as so renumbered the following sub-clause shall be inserted, namely :—

“(d) ‘Factory’ means a factory as defined in clause (j) of section 2 of the Factories Act, 1934.”

The question was put and adopted.

The Hon'ble the SPEAKER : The question is that clause 2 as amended do stand part of the Bill.

The question was adopted.

Clause 4

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I beg to move that to clause 4 the following sub-clause shall be added, namely :—

“(5) The employer of any woman entitled to maternity benefit under this Act shall be liable to pay such benefit.”

The Hon'ble the SPEAKER : Motion moved :

“That to clause 4 the following sub-clause shall be added, namely :—

“(5) The employer of any woman entitled to maternity benefit under this Act shall be liable to pay such benefit.”

The question was put and adopted.

The Hon'ble the SPEAKER : The question is :
That clause 4 as amended do stand part of the Bill.

The question was adopted.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I beg to move that the Assam Maternity Benefit Bill, 1940, as now amended be passed.

The Hon'ble the SPEAKER : The question is :

“That the Assam Maternity Benefit Bill, 1940, as now amended be passed.”

The question was adopted,

(The House rose at 12-58 noon.)

Adjournment

The House was then adjourned till 11 A.M., on Tuesday, the 23rd November, 1943.

SHILLONG
The 21st December 1943. }
A. K. BARUA,
Secretary, Legislative Assembly, Assam.

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

APPENDIX D

RE: REMUNERATION OF VILLAGE DEFENCE PARTIES

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA to move :—
That the Assam Legislative Assembly approves the incurring of expenditure on the equipment and remuneration of village defence parties engaged in fulfilling the responsibility of the population for the protection of communications by rail and road, and on the employment of supervisors to co-ordinate the work of the parties. attacks on important lines of communication in many parts of India, and Assam were no exception. The Government of India from the outset drew attention to the responsibility of all citizens for the protection of public property from malicious attack, and at an All-India Conference in November 1942 it was decided to take measures to ensure that this responsibility is implemented to the full, and agreed on all hands that any necessary expenditure must be incurred. In some provinces the

principles governing this matter which are already enshrined in the Criminal Procedure Code have been re-enforced by special ordinance. In Assam, on the other hand, the co-operation of the public has in general been readily forthcoming, and it has not been found necessary to take special powers to compel the villages bordering on vital road and rail communications to undertake the requisite watch and ward. In view of the labour involved in sustained special activity for the protection of communications it was deemed by the Government of Assam only fair that not only should incidental requirements of the village defence parties such as lighting, flags, warm clothing and umbrellas be found from public funds, but that moderate remuneration should be given for faithful service. The general criterion is a gross amount of Rs.20 per mensem per party (including incidental expenses), the party covering a distance of a mile or two along the line of communication concerned. In some areas, as it was difficult for the neighbouring villages, often small and scattered, to afford the necessary protection unaided, special chaukidars were appointed, and extra chaukidars have also been enrolled where the Chaukidari Act is in force, in order to provide the parties with the presence of a person who has some statutory Police powers. For the purpose of directing the activities of the parties into the most effective channels a number of supervisors were appointed, usually at about Rs.75 per mensem, and in some districts an Inspector of Police was appointed to act as the staff officer of the Deputy Commissioner in maintaining the efficiency of the scheme. Sabotage on communications has now been minimised, and village defence parties have done most useful work in maintaining law and order and protecting the public against all dangers on the lines of communication.

It will not be possible until about December to ascertain with any precision the cost of these measures but it is at present expected to be in the neighbourhood of three and half lakhs per annum. The incidence of the expenditure is still under correspondence with the Government of India, and this Government have constantly urged that in all the circumstances the whole or the greater part of the cost should be borne by the Centre. The Central Government on the other hand have held strongly that as these measures form a part of law and order measures, and are intended only to consolidate the efforts which the law expects the people of the Province to make, Provincial revenues should contribute, and have hitherto not been prepared to meet more than one quarter of the cost. Pending the result of further correspondence and the preparation of a regular Budget the Assembly is asked to approve the expenditure of such sums as are essential in principle. A demand will be placed before the Assembly in the Budget Session.

APPENDIX E

AMENDMENTS RECOMMENDED BY THE GOVERNOR TO THE ASSAM MATERNITY BENEFIT BILL, 1940.

Clause 1

1. That in clause 1, after sub-clause (3), the following sub-clause shall be added, namely:—

“(4) It shall apply to factories and plantations, and to such other establishments, not being mines or oilfields, as the Provincial Government may in the Official Gazette notify in this behalf.”

Clause 2

2. That in clause 2, sub-clauses (j), (i), (a), (c), (d), (f), (e), (b), (h) and (g) shall be renumbered as sub-clauses (a), (b), (c), (e), (f), (g), (h), (i), (j) and (k) respectively and that after sub-clause (c) as so renumbered the following sub-clause shall be inserted, namely:—

“(d) ‘Factory’ means a factory as defined in clause (j) of section 2 of the Factories Act, 1934”.

Clause 4

3. That to clause 4 the following sub-clause shall be added, namely:—

“(5) The employer of any woman entitled to maternity benefit under this Act shall be liable to pay such benefit”.

