

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

The Assembly met in the Assembly Chamber, Shillong at 11 a.m., on
Thursday, the 6th November 1947.

P R E S E N T

The Hon'ble Mr. Lakshesvar Borooah, Speaker in the Chair, and Hon'ble
Ministers and forty-six Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Assessment of tax on Fee-simple lands

Srijut RAJENDRA NATH BARUA asked :

*150. Will Government be pleased to state —

(a) The total area of Fee-simple grants in Assam and the revenue
derived annually from the same ?

(b) Whether they have received a resolution of the Jorhat Local Board
to raise the rate of Fee-simple grants to rupee one per Bigha
and whether Government contemplate to take steps on the
resolution of the Board, dated the 31st July, 1947 ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

150. (a)—The latest available figure is 284,749 acres.

No revenue is derived from such grants.

(b)—Yes, the resolution in question recommends assessment of a tax on
Fee-simple lands in Jorhat at Re.1 per Bigha and not for raising any existing rate.
The matter is under the consideration of Government.

Srijut RAJENDRA NATH BARUA : May we know what is the present
rate of Fee-simple grants derived by Government ?

The Hon'ble Srijut BISHNURAM MEDHI : Under the existing rate
the maximum per acre is eight annas.

Srijut RAJENDRA NATH BARUA : That varies on different lands, I
suppose ?

The Hon'ble Srijut BISHNURAM MEDHI : I was referring to tea land.
According to the present rule they are also liable to pay local rate provided the
maximum does not exceed eight annas per acre.

Srijut RAJENDRA NATH BARUA: May we get an idea as to the amount of local rate derived from Fee-simple grants?

The Hon'ble Srijut BISHNURAM MEDHI: I want notice of this question.

Maulavi ABDUL HAI: Is only local rate realised from these lands?

The Hon'ble Srijut BISHNURAM MEDHI: These lands were settled long ago. Some sort of premium was fixed and these lands were settled. These are rent-free.

Mr. C. W. MORLEY: Was it not for clearing the lands that such a settlement was given? It was provided that the land should be cleared by the occupier?

The Hon'ble Srijut BISHNURAM MEDHI: Even this condition is not fulfilled in some cases. In many Fee-simple lands wild animals live and they carry on depredations. We are therefore contemplating to take action in the matter.

Mr. HARENDRA NATH SARMA: Do we understand that the word "rate", appearing in Question (b), relate to local rate and not to land revenue?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, local rate.

Srijut GAURI KANTA TALUKDAR: Will the Hon'ble Minister be pleased to state the scheduled rates at which local rates are realised from Fee-simple lands?

The Hon'ble Srijut BISHNURAM MEDHI: They are liable to pay local rates on the basis of revenue realisable on different lands. They are also liable to other additional amount of rate provided the maximum does not exceed eight annas.

Maulavi ABDUL HAI: What are the additional taxes?

The Hon'ble Srijut BISHNURAM MEDHI: I want notice of this question.

Maulavi ABDUL HAI: Are we to understand that local rates are realised only from those areas which are under tea cultivation and not from other Fee-simple lands?

The Hon'ble Srijut BISHNURAM MEDHI: From all lands given for the purpose of special cultivation of tea.

Maulavi ABDUL HAI: Whether they are coming under tea cultivation or not?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, of course.

Srijut GAURI KANTA TALUKDAR: Are we to understand that only lands under tea cultivation are liable to taxes?

The Hon'ble Srijut BISHNURAM MEDHI: The hon. Member is under a confusion. Lands which are granted for special cultivation of tea are treated alike.

Mr. P. M. SARWAN: In order to cut the gordian knot, will the Government consider the possibility of assessing all the waste lands?

The Hon'ble Srijut BISHNURAM MEDHI: That is a very big problem. We must be fair to the minority and examine all aspects of the question by a discussion round a table with the settlement-holders of special grants, and then come to a decision. For that purpose a special officer has been appointed, but on account of dearth of officers, the special officer has not been able to come yet. He is at present collecting figures so far as Gauhati is concerned.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Are we to understand that Fee-simple grants were given for tea cultivation only?

The Hon'ble Srijut BISHNURAM MEDHI: The original idea was that, but subsequently it degenerated. Some of our Indian Planters also purchased those lands. Some are utilising the land for other purposes also.

Mr. P. M. SARWAN: Is not the Indian Tea Association pursuing a dog-in-the-manger policy in that while the planting concerns are having large tracts of lands, people are going without land and food and cloth?

The Hon'ble the SPEAKER: That is a matter of opinion.

Maulavi MAHAMMAD ROUFIQUE: Will the Hon'ble Minister please read out the resolution of the Jorhat Local Board?

The Hon'ble Srijut BISHNURAM MEDHI: That copy is not here with me.

Maulavi MAHAMMAD ROUFIQUE: Was there any suggestion to raise the existing rate of fee that is paid for Fee-simple grants?

The Hon'ble Srijut BISHNURAM MEDHI: The whole idea was to assess Re. 1 per Bigha as revenue. That is quite different from raising the local rate.

Srijut RAJENDRA NATH BARUA: The Hon'ble Minister is mistaken. So far as I remember, they referred to local rates because the whole money will be derived by the Local Board. I understand they calculated about 78,000 Bighas, which would bring in Rs. 78,000.

The Hon'ble Srijut BISHNURAM MEDHI: Most probably in the resolution the word "rate" was not used. As far as I remember, the word "revenue" was used.

Maulavi MAHAMMAD ROUFIQUE: Did the Hon'ble Minister take advantage of this clerical mistake in the drafting of the resolution?

The Hon'ble Srijut BISHNURAM MEDHI: No question of taking advantage. I have said that the whole matter is being examined. Government have received the resolution very recently.

Maulavi MAHAMMAD ROUFIQUE: May I know from the Hon'ble Minister whether Government is agreeable to raise the existing rate ?

The Hon'ble Srijut BISHNURAM MEDHI: That is being examined.

Maulavi MAHAMMAD ROUFIQUE: If we heard aright, the Hon'ble Minister said that he was examining the whole matter.

The Hon'ble Srijut BISHNURAM MEDHI: That is why there is the Local Board's resolution. I explained the resolution of the Local Board that it is not a Fee-simple grant or tea grant. I am not taking advantage of any mistake here and there. Fee-simple grants are being scrutinised and the matter is being examined.

(Starred Question No. 151 standing in the name of Srijut Kameswar Das was not put and answered as the hon. Questioner has resigned his seat as M. L. A.)

The Hon'ble the SPEAKER: I understand the hon. Member has resigned. So this Question has lapsed.

Srijut GAURIKANTA TALUKDAR: As the Question asked by my hon. Friend Srijut Kameswār Das is one of some importance, may I ask the Government, if they are pleased, to reply, because it is concerned with annual *Patta* lands which are being sold illegally and are being used without any authority causing there by great loss to Government revenue ?

The Hon'ble the SPEAKER: The Question now lapses. If the hon. Member wish to put this Question he should give notice of it and if the Hon'ble Minister concerned agrees then the hon. Member may have the reply in this Session.

Srijut GAURIKANTA TALUKDAR: The Hon'ble Revenue Minister may be pleased to inform the House as to the real state of affairs arising out of the illegal sale and unauthorised occupation of the annual *pat a* land.

The Hon'ble Srijut BISHNURAM MEDHI: For the satisfaction of my hon. Friend I may reply to this Question with the permission of the Chair.

***Maulavi MAHAMMAD ROUFIQUE:** Mr. Speaker, Sir, this Question stands in the name of an hon. Member who has ceased to be a Member.

The Hon'ble the SPEAKER: The Question lapses. If Mr. Talukdar wants to have a reply to this Question he will have to give notice of this Question, say to-morrow, the Hon'ble Minister may reply in this Session.

***Srijut BELIRAM DAS:** The House is not aware that the hon. Member has resigned. We crave your indulgence to allow this.

The Hon'ble Srijut BISHNURAM MEDHI: I am unable to do so because the Hon'ble the Speaker says that rules do not allow me to reply the Question. If the hon. Member wants to have a reply I can give him outside the House. I am prepared to give, but under the present rules this cannot be done. Government is willing to place all necessary facts for the information of the House, but the rules do not permit and I cannot help.

*Speech not corrected.

The Hon'ble the SPEAKER : The hon. Member can put the Question this afternoon.

Srijut GAURIKANTA TALUKDAR : Whether this Question will come under the purview of the short notice questions will have to be seen.

Grant-in-aid to St. Mary's College, Shillong

Srijut DANDESWAR HAZARIKA asked :

*152. (a) Will Government be pleased to state the terms of contract with the St. Mary's College Authorities, Shillong for the aid granted to them for the B.T. Class for ladies ?

(b) Are Government aware that libraries for B.T. Students of the above named institution are very poor and that there is no adequate apparatus for instructions and as such the students are put to great difficulties ?

(c) If so, do Government propose to remove such difficulties of the students as early as possible ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

152. (a)—No grant-in-aid is given to the St. Mary's College for the B.T. Class attached to it.

(b) & (c)—Government have been informed that the College library has the necessary collection of books and journals required for the B.T. students. As for apparatus for instructions no student ever complained to the College Authorities about its inadequacy.

Srijut DANDESWAR HAZARIKA : May I know from the Government what is the annual recurring grant given to the St. Mary's College ?

The Hon'ble Srijut GOPINATH BARDOLOI : A small annual grant is given to the College for general study just like any other College.

Srijut DANDESWAR HAZARIKA : I think Government is not in a position to give the figure.

The Hon'ble Srijut GOPINATH BARDOLOI : I am not absolutely certain. It may be Rs.200 per month.

Srijut DANDESWAR HAZARIKA : What is the approximate number of students annually sent for training in that College ?

The Hon'ble Srijut GOPINATH BARDOLOI : I could not give that information, because it is under private arrangements, that students go there.

(Starred Question No. 153 standing in the name of Srijut Kameswar Das was not put and answered as the hon. Questioner has resigned his seat as M. L. A.).

Promotion and transfer of Mouzadars

Srijut RAJENDRA NATH BARUA asked :

*154. Will Government be pleased to state—

(a) Whether Mouzadars who are reputed for systematic good collections from a very long time may be transferred to bigger Mouzas by way of promotion ?

- (b) Why some Mouzadars are deprived of the right of collecting revenue from tea gardens and enjoying commission on the same like other Mouzadars who are appointed by right of inheritance ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

154. (a)—Government are not prepared without adequate consideration to change the existing basis of the Mouzadari System.

(b)—Attention of the hon. Member is drawn to the reply given to Unstarred Question No.10(a-c) asked by Srijut Gauri Kanta Talukdar, M.L.A., in the March 1946 Session of the Assembly.

Quota of hardware materials for the year 1946

Maulavi MAKABBIR ALI MAJUMDAR asked :

- *155. Will the Hon'ble Minister-in-charge of Supply be pleased to state—
- If Assam had its full quota of hardware materials for the year 1946 ?
 - If not, for whose default the quota for the 3rd and 4th quarters of that year lapsed ?
 - Whether the Hon'ble Minister is aware of the keen demand for these materials in the Province ?

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

155. (a)—No.

(b)—Quota of period III 1946 did not lapse. There was no allotment for period IV 1946.

(c)—Yes.

†**Maulavi MAKABBIR ALI MAJUMDAR** : Is the supply given regularly to all the districts ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Regularly, as the supply comes from the Government of India.

Srijut BELIRAM DAS : Could the Government of India supply the entire quota allotted for the Province ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : If the quota means as demanded by the Province, that could not be supplied by the Government of India but they supplied what the share of Assam was.

†**Maulavi MAKABBIR ALI MAJUMDAR** : By full quota we mean quota allotted to a district.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Full quota of a district is based on the amount of materials received from the Government of India according to the share a district gets.

**The reply was given by the Hon'ble Minister in-charge of Public Works Department during the temporary absence of the Hon'ble Supply Minister.

†Speech not corrected.

***Raja AJIT NARAYAN DEB of Sidli :** Was any agent appointed by the Government of India for this ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The fact is that the Government of India allot certain materials for the Government of Assam and these materials are taken by different agents who have been appointed.

Srijut BELIRAM DAS : Is there any officer in Calcutta on behalf of the Government of Assam ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : We have got a Trade Adviser, in Calcutta.

***Shri SATINDRA MOHAN DEV :** What is the procedure of procuring hard-ware materials for Assam ? There must be some agent in Calcutta.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The procedure is this : that there are certain dealers who have got these materials in Calcutta and these dealers supply the materials to the agents appointed by the Assam Government for this Province, and they are asked to get the supply from those dealers in Calcutta.

Maulavi MAHAMMAD ROUFIQUE : With regard to 155(a), the answer is "No". May I know why Assam could not get its full quota allotted to her ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I have already stated, Sir, that for period IV, 1946 there was no allotment from the Government of India.

Maulavi MAHAMMAD ROUFIQUE : The answer is "No", that is, Assam did not have her full quota. Why Assam could not have her full quota, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Because of the fact that the allotment was not made though the Government of Assam wanted the same.

Maulavi MAHAMMAD ROUFIQUE : Then the answer is incorrect. The Question was whether the allotted quota for the year 1946 was obtained ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The position is this. The Question was : "If Assam had its full quota of hardware materials for the year 1946?" The full quota that was given to the Government of Assam was only for 3 periods and we wanted for the 4th period also but no allotment was made for that period. That is the reason why the reply has been given in the negative.

Shri SATINDRA MOHAN DEV : What step Government had taken to get the 4th period quota, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Government wrote to the Government of India but there was no allotment at all for that period.

Maulavi MAHAMMAD ROUFIQUE : May I know why there was no allotment made for the 4th period, Sir ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : As far as my information goes, Sir, the Government of India did not have enough materials to make allotment to different provinces for that period, Sir.

Maulavi MAHAMMAD ROUFIQUE: Sir, are we to understand that Assam will not get any more quota because her name has been struck off from the list?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We got allotment for 1947 also. It was only for that period only that there was no allotment made. It might have been the same for other provinces also.

(Starred Question Nos. 156-161 standing in the name of Maulavi Sayidur Rahman were not put and answered as the hon. Questioner was absent).

The Hon'ble the SPEAKER: Question Nos. 162 to 164 stand in my name and so they lapse owing to change of my position. I may however suggest to the hon. Members that if any hon. Member considers that these Questions are important and replies are of public importance, the hon. Member concerned may put in Question in his or their names and I think the Hon'ble Minister will not have any objection to reply in this Session.

The Hon'ble the SPEAKER: Starred question No. 165 also lapses as the hon. Member is absent.

(Starred Question No. 165 standing in the name of Maulavi Sayidur Rahman was not put and answered as the hon. Questioner was absent).

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Assam Government Press

Srijut BHADRA KANTA GOGOI asked:

585. (a) Is it a fact that the Piece workers of the Assam Government Press prayed for fixed pay?

(b) Do Government propose to pay the Compositors and Distributors of the Assam Government Press at fixed rate of pay instead of at piece rate?

(c) Are Government aware, that though the Piece workers of the Assam Government Press have been granted *ad-interim* relief, their earning has not been increased proportionately and in some cases it has gone down for want of materials and unequal distribution of materials?

(d) Is it a fact that the seniority of services of Compositors is overlooked at the time of their confirmation and promotion?

(e) If so, do Government propose to make an enquiry on the matter?

586. Will Government be pleased to state—

(a) What is the prescribed qualification for the post of Mechanic of the Assam Government Press?

(b) What is the Technical qualification of the present Mechanic.

587. Will Government be pleased to state—

(a) The reasons for discharging Susil Kanta Gohain, Mechanic, from the Assam Government Press without drawing up proceedings against him?

(b) Do Government propose to enquire into the matter?

The Hon'ble Srijut RUPNATH BRAHMA replied :

585. (a)—The Piece workers asked to be placed upon time scales.
 (b)—This will only be practicable if and when the Press is mechanized. The matter is under consideration.
 (c)—Government do not on their information consider that the suggestions are correct.
 (d)—No.
 (e)—Does not arise.
586. (a)—Practical capacity in electrical gear, carpentry and smithy.
 (b)—He has been trained in a military workshop.
587. (a)—The person named was only officiating and was not found competent.
 (b)—Government perceive no ground for an enquiry.

Existing Control System of food-stuffs

Srijut GAURI KANTA TALUKDAR asked :

588. Are Government aware :—
- (a) That a very large section of our people is getting disgusted with the existing control system which they consider to be mainly responsible for the widespread corruption and acute hardship prevailing in the Province ?
 (b) That they are even prepared to face any hardship that may arise out of decontrolling ?
 (c) That people in ignorance hold Government to be ultimately responsible for this unhappy state of affairs ?
589. With a view to dispel such misconception do Government propose to make a statement disclosing what this Government have done and what is the present state of affairs in this matter of control ?
590. Will Government be pleased to state :—
- (a) Whether Government have communicated to the Central Government the opinion expressed on this subject by this House in its last Budget Session ?
 (b) If so, when ?
 (c) Whether the Central Government have taken any action on that communication ?
 (d) If so, what is that ?

†**The Hon'ble Srijut OMEO KUMAR DAS** replied :

588. (a), (b) & (c)—Yes.
589. We have been repeatedly writing to the Government of India to withdraw all control and allow movement of food-stuffs, etc. through normal trade channels but the Government of India have turned down our request.

†The reply was given by the Hon'ble Minister-in-charge of Public Works Department during the temporary absence of the Hon'ble Supply Minister.

Mr. HARENDRA NATH SARMA: Sir, the Question put was "With a view to dispel such misconception do Government propose to make a statement disclosing what this Government have done and what is the present state of affairs in this matter of control?". What the Questioner meant by a statement was not an answer in the House but a statement outside. The reply by the Government is "We have been repeatedly writing to the Government of India to withdraw all control and allow movement of food-stuffs, etc. through normal trade channels but the Government of India have turned down our request." Sir, do Government maintain that this is a straight answer?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, that is a matter of opinion. The question is "With a view to dispel such misconception do Government propose to make a statement.....". We have made a statement in this House and whatever statement we make in this House will be public.

Maulavi ABUAL MAJID ZIAOSH SHAMS: May I just request the Government of Assam to take up the question of paddy and rice in which Assam is a surplus Province and for which there may not be any control?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, we have not been able to follow the argument nor does it pertain to the question. The position however is this—an Expert Committee of the Government of India is investigating into the shortage of food stuffs in India. They have actually found out such shortage and enunciated their recommendations. They are being examined by the Government of India with a view to diminish or do away with control, but with the object of securing more food. The Hon'ble Minister for Food has already gone to that conference and when he comes back the country will know what decisions have been taken in consultation with the Provincial Governments. There are two sets of Governments, I mean Provincial Governments, some are in surplus category and some are in deficit category. The proposals have been worked out in a way by which the deficit is worked out, after that we score out the surplus product from the provinces and the deficit thus obtained is proposed to be met at present by import from outside and also by a combined effort of all the provinces by grow more food.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Sir, my point is that there may be controlling as far as movement of rice and paddy from Assam, but there may not be controlling of Price within Assam because we are surplus in these.

The Hon'ble Srijut GOPINATH BARDOLOI: It will not do to preventing export. But what really is to be done is to have at the disposal of Government such excess stock of rice by method of procurement by which the surplus rice may be made available to the deficit areas in the quickest time and in most efficient manner.

The Hon'ble Srijut OMEO KUMAR DAS replied:

590. (a)—Yes.

(b)—31st March 1947.

(c)—Yes.

(d)—As there is an overall deficit in foodgrains, etc., Government of India are still in favour of continuing control within the reach of the poorer section of the community and to ensure that whatever is available is shared equally by all. Government of India is necessary to keep the prices and to ensure that

Arrest of a youth by the Amingaon Railway Police

Srijut BELIRAM DAS asked :

591. (a) Are Government aware that a youth was arrested by the Amingaon Railway Police with three hand grenades, three revolvers and some live cartridges recently ?

(b) If so, what is the name of the youth arrested ?

(c) Did he make any statement before the police ?

(d) Is it a fact that when the accused was being brought to Gauhati a Jeep suddenly appeared at Pandu Station on 27th August 1947 and rescued the accused from Police custody ?

(e) Have Government taken any steps against the Police Officer concerned ?

(f) Do Government propose to take necessary action in the matter and allay all fears of lawlessness from the minds of the public ?

592. (a) Are Government aware that arms are being smuggled to this Province for unlawful purposes ?

(b) Have Government taken any steps to stop the entry of such smugglers of arms to this Province ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

591. (a)—Yes.

(b) & (c)—The case is still under investigation.

(d)—Yes.

(e)—Yes.

(f)—Yes

Srijut BELIRAM DAS: Have the Government been able to apprehend the culprit or culprits referred to in this Question ?

The Hon'ble Srijut GOPINATH BARDOLOI: No, Sir, not till now.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state what steps have been taken against the Police Officer ?

The Hon'ble Srijut GOPINATH BARDOLOI: He has been put under suspension now and enquiry is being made.

Srijut SARAT CHANDRA SINHA: Jeep গাড়িখন কাৰ আছিল, উলিয়াব পাৰিছে নে ?

The Hon'ble Srijut GOPINATH BARDOLOI: I could not give this information. I do not know that it has been traced.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

592. (a)—No.

(b)—Precautions are always taken to watch for arms smugglers, hence the arrest mentioned.

Srijut BELIRAM DAS: On what authority Government come to the conclusion that there is no smuggling of arms?

The Hon'ble Srijut GOPINATH BARDOLOI: The only way in which Government could come to this conclusion is that Government are keeping people to watch it ; and it has been found that this is all that can be said in favour of that reply.

Srijut BELIRAM DAS: Am I to understand that proper vigilance has not been kept by the Police over this matter ?

The Hon'ble Srijut GOPINATH BARDOLOI: The report is that all possible steps are being taken to apprehend such secret smuggling.

Srijut SARAT CHANDRA SINHA: ৫৯১ নং প্রশ্নত যি ঘটনাৰ কথা উল্লেখ কৰা হৈছে, তাৰ পৰা আমি ধৰিব পাবো যে smuggling হব লাগিছে।

The Hon'ble Srijut GOPINATH BARDOLOI যেনেকৈ হব লাগিছে, তেনেকৈ ধৰাওঁ পৰিছে (*laughter*).

(Unstarred Question No. 593 standing in the name of Srijut Kameswar Das was not put and answered as the Questioner resigned his seat as M.L.A.)

Dharmapur and Khetri-Dharmapur Mauzas of the Gauhati Subdivision

Srijut GAURI KANTA TALUKDAR asked :

594. Will Government be pleased to refer to the Budget Speech of the Questioner published in the Assembly Debates of the 15th March, 1947 at page 240 and state—

(a) Whether Government have taken any notice of request made therein to separate the Dharmapur and Khetri-Dharmapur Mauzas of the Gauhati Subdivision from the Tihu Sub-Deputy Collector's circle and to amalgamate them with the Nalbari Sub-Deputy Collector's circle ?

(b) Whether any steps have been taken to give effect to that request ?

(c) If so, what progress has been made in thier endeavours ?

595. (a) Are Government aware that the inclusion of the said two Mauzas in the Tihu Sub-Deputy Collector's circle is causing great inconvenience to the people and that the amalgamation of the Mauzas with the Nalbari Sub-Deputy Collector's circle will do away with these difficulties ?

(b) If so, do Government propose to give effect to this suggestion as early as possible ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

594. (a)—Yes.

(b) & (c)—The matter is under consideration.

***Maulavi ABDUL HAI:** May I know when Government expect to come to a final decision?

The Hon'ble Srijut BISHNURAM MEDHI: It is difficult to give any time in this matter because the whole question of dividing the circle may take some time.

***Maulavi ABDUL HAI:** Since when this matter has been under consideration of the Government?

The Hon'ble Srijut BISHNURAM MEDHI: I cannot give the date.

***Maulavi ABDUL HAI:** From the question it appears that the suggestion was made by Srijut Gaurikanta Talukdar in the last March Session. So it is almost 8 months since the suggestion was made.

The Hon'ble Srijut BISHNURAM MEDHI: In regard to that some other Questions were put by my Friend the hon. Member and as soon as those Questions were put or even before that the matter was enquired into and the question of dividing the circle is being considered.

***Maulavi ABDUL HAI:** Will Government come to an early decision?

The Hon'ble Srijut BISHNURAM MEDHI: It is not possible to take early decision without having the full facts.

The Hon'ble Srijut BISHNURAM MEDHI replied :

595. (a)—There is reason to believe that people will find Nalbari more convenient than Tihu in which circle these mauzas have been included for many many years.

(b)—The matter is under consideration.

Nowgong Higgin's Colony

Srijut DHIRSING DEURI asked :

596. Will the Hon'ble Minister-in-charge of Land Revenue be pleased to state—

- (a) Whether a copy of the resolution passed at a meeting of Hooj-ganga Raiyots in the District of Nowgong, in connection with Nowgong Higgin's Colony, was received by Government?
- (b) Whether any action has been taken by Government on it?
- (c) How many persons were allowed settlement of lands and on what basis?

(d) What are the conditions for allotment of lands ?

(e) Whether the persons have been allowed to sublet the lands or give the same on *Adhi* System to some one ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

596. (a)—Yes.

(b)—The matter is under investigation.

(c)—Fifty-three unemployed educated Assamese youths were allotted lands. The area of allotments was roughly between 40—50 Bighas in each case.

(d)—The conditions of allotments were—

(i) The Patta will be annual, but may be made periodic after 10 years if the land is fully developed.

(ii) The annual Patta will be liable to cancellation for non-payment of revenue, for letting out on *Adhi* or rent or for selling, for continuous absence without reasonable cause for more than three months, for not bringing the entire allotment under cultivation within two years, for getting other employment and leaving the holding.

(e) No. The Pattadars were not allowed to sublet or give their land on *Adhi* but were allowed to employ servant or day-labourers.

Maulavi ABUAL MAZID ZIAOSH SHAMS: May I know when this Higgin's Colony was set up first?

The Hon'ble Srijut BISHNURAM MEDHI: That must be when Mr. Higgin was the Deputy Commissioner of Nowgong, I think.

Subscription of English Newspapers by Government Offices

Srijut GAURI KANTA TALUKDAR asked :

597. Will Government be pleased to state—

(a) Whether there is any standing order passed by the Government of Assam directing their subordinate officers to subscribe, the 'Statesman', an English Daily of Calcutta (i) for their personal use (ii) for the use in the Government Offices of the various Department ?

(b) If so, whether Government propose to cancel that order ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

597. (a)—No.

(b)—Does not arise.

Astrologer of the Government of Assam

Srijut GAURI KANTA TALUKDAR asked :

598. Will Government be pleased to state—

- (a) Whether they are aware that one, Rai Bahadur Pandit Kailash Chandra Jyotisharnab of Rai Bahadur Lodge, Al Shobha Bazaar Street, Calcutta, is systematically advertising himself for the last several years in the P. M. Bagchi Panjika as the Astrologer appointed by the Government of Assam.
- (b) Whether the said Kailash Chandra Jyotisharnab has, in reality, been appointed by this Government as their Jyotishi as alleged?
- (c) If so, who appointed him as such and when?
- (d) Whether there is any necessity for our Government to have an astrologer appointed?
- (e) If so, whether Government propose to appoint a deceiving Jyotishi belonging to the Province as their astrologer?
- (f) If the reply to Question (b) above is in the negative, what steps this Government propose to take against the said Pandit for his using this Government's name for misleading the public and also to prevent him from thus advertising in future?

The Hon'ble Srijut RUPNATH BRAHMA replied :

598. (a)—Government are not aware of this.
 (b)—No. Government simply obtain a manuscript copy of the Bengali Almanac from the said Jyotisharnab for preparing the Holiday list on payment.
 (c)—Does not arise.
 (d) & (e)—Government see no reason for making such an appointment.
 (f)—Does not arise.

Srijut GAURI KANTA TALUKDAR : My Question was that Rai Bahadur Pandit Kailash Chandra Jyotisharnab was systematically advertising himself for the last several years that he was an Astrologer appointed by this Government. The reply is that Government are not aware of this. May I ask the Hon'ble Minister in-charge whether he received a copy of a cutting from a P. M. Bagchi Panjika sent by me for information of the Government which contained such an advertisement?

The Hon'ble Srijut RUPNATH BRAHMA : I do not find that in my file nor I remember to have received such a cutting.

Srijut BELIRAM DAS : May I know whether the hon. Member has got a copy of the cutting with him?
 (loud laughter.)

Srijut GAURI KANTA TALUKDAR : Mr. Speaker, Sir, with your permission, may I bring this matter to the notice of the Hon'ble Minister as well as of this hon. House by reading a portion of the advertisement. It runs thus:—

ভারতের সর্বশ্রেষ্ঠ তাত্ত্বিক ও জ্যোতিষবিদ, বেঙ্গল গভর্ণমেন্ট, আসাম গভর্ণমেন্ট ও মহামান্য হাইকোর্ট কর্তৃক নিযুক্ত একমাত্র গভর্ণমেন্ট জ্যোতিষী রায় বাহাদুর পণ্ডিত শ্রীকৈলাসচন্দ্র জ্যোতিষাণ ব।”

This appears at the heading of an [advertisement published in the P. M. Bagchi Almanac for the year 1354 B.S. i.e. for the present year. Such advertisement is being published systematically for the last several years. Will Government kindly let us know now whether this gentleman had any authority to use the name of this Government and to advertise before the public that he was an Astrologer appointed by the Government of Assam ?

The Hon'ble Srijut RUPNATH BRAHMA: Government have not appointed him as an Astrologer.

Srijut GAURI KANTA TALUKDAR: Is this gentleman then entitled to thus advertise and use the name of this Government to serve his own purpose ?

***The Hon'ble Srijut BISHNURAM MEDHI:** Is the hon. Member aware whether he lives in the Pakistan or Indian Union ?

Srijut GAURI KANTA TALUKDAR: When the question was put at that time, at any rate, he was in the Indian Union. But supposing that any body from Pakistan utilises the good name of this Government without authority to serve his own purpose, is it not the duty of this Government to enquire into it and to take steps to check it ?

Mr. HARENDRA NATH SARMA: The question itself says that he does not stay in Pakistan. His address is "31 Shobha Bazar Street, Calcutta" ; so he is definitely in the Indian Union. Now the question is whether Government on receipt of this Question from Mr. Talukdar endeavoured to unfold the pages of the Panjika which Government could have purchased by paying 8 or 10 annas.

The Hon'ble Srijut RUPNATH BRAHMA: I may bring this to the notice of the person concerned.

Srijut GAURI KANTA TALUKDAR: Sir, Government say in reply to my Question No.598 (b) that they simply obtain a manuscript copy of the Bengali Almanac from the said Jyotisharnab for preparing the Holidays list, on payment. May I know from the Hon'ble Minister how much money Government pay to this Jyotisharnab in obtaining the manuscript copy every year ?

The Hon'ble Srijut RUPNATH BRAHMA: So far as I remember nothing more is paid excepting the price of the Almanac.

Srijut GAURI KANTA TALUKDAR: Government say that they purchase a manuscript copy and not a printed one. If so, how much money Government pay for the manuscript copy each year ?

***The Hon'ble Srijut BISHNURAM MEDHI:** Certainly this is not the case. I think the word manuscript is wrong. It should be "obtain a copy of the Bengali Almanac."

Srijut GAURI KANTA TALUKDAR: I believe Government purchase a manuscript copy of the Almanac and utilise it in preparing Holidays list. Will the Hon'ble Minister let us know whether the Government obtain is a manuscript copy or a printed copy ?

***Srijut SARAT CHANDRA SINHA:** At the time of preparing the Holiday list the Almanac is in manuscript form.

*Speech not corrected.

The Hon'ble Srijut RUPNATH BRAHMA : My information is that the Almanac is obtained in the manuscript form.

Srijut HALADHAR BHUYAN : Manuscript কৰা পৰ্যন্ত কৰা কৰিছে বজাব পৰা কিন্তু আনিলে ৬০ আন বা ১০ কৰিছে কিন্তু আন কৰা পৰা। Manuscript কৰাত labour কৰিছে বুনিয়াদ গঠন কৰাৰ পৰা এটা lump-sum কৰি সেই কাৰণেই manuscript পৰিষ্কাৰ কৰিছে।

Srijut GAURI KANTA TALUKDAR : Do Government pay Rs. 600 to obtain this manuscript copy of the Almanac as alleged in certain quarters?

The Hon'ble Srijut RUPNATH BRAHMA : I do not know exactly. I cannot say off-hand what exactly is the amount paid for the manuscript Almanac. But I shall look into it and let the hon. Member know the exact amount.

Srijut GAURI KANTA TALUKDAR : I have some more questions to ask. If Government really want a manuscript Almanac for preparing the Holidays list, will they be pleased to purchase it from an able astrologer belonging to the Province of Assam?

The Hon'ble Srijut RUPNATH BRAHMA : My information is that we have been following the Bengali Almanac.

Srijut GAURI KANTA TALUKDAR : In that case, the question takes a deplorable turn. I was under the impression that Government had been following the Almanac prepared in Assam. As I learn now that it is not so, will Government be pleased to regulate the list of public holidays according to an Almanac prepared by a renowned Jyotishi of Assam as it prevails in our Province?

The Hon'ble Srijut RUPNATH BRAHMA : I shall see if anything can be done.

Tea Garden strikes and Labour Unions

Srijut BHADRA KANTA GOGOI asked :

599. Will Government be pleased to state—

(a) The number of tea garden strikes that took place from March 1946 to May 31st, 1947 in the Province?

(b) (i) The name of the tea gardens,
(ii) Cause of the strike, and

(iii) action taken by Government in each case.

600. Will Government be pleased to state the number of Labour Union formed in tea gardens, and names of such tea garden and its office bearers?

601. (a) Are Government aware that the Superintendent of the Assam Frontier Tea Company, Talap, in Dibrugarh Subdivision, has issued a circular prohibiting the employers from joining Labour Union?

(b) Will Government be pleased to state whether they received any representation in this respect?

(c) If so, what steps Government have taken on the matter?

602. (a) Are Government aware that Mr. Matasim Ali, Vice-President of the Assam Oil Company, Labour Union, Digboi, was seriously injured by some criminal on the night of the 23rd April last and the Company's doctor did not take any care of him?

(b) Are Government aware that the nature of the commitment of the crime and subsequent attitude of the Company had created a strong suspicion in the minds of the workers that the Company's big bosses were behind the incident?

(c) Will Government be pleased to state whether they have deputed any Special Intelligence Officer to enquire into the matter as was demanded by the workers?

(d) If the answers to Question (c) above is in the negative, do Government propose to send one such officer even now?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

599. (a)—Thirty-three Tea Garden strikes took place from March 1946 to May 1947 in this Province.

(b) (i), (ii) & (iii)—See statement below:—

(i) Name of the Gardens	(ii) Cause of the strike	(iii) Action taken by the Government in each case
<i>March, 1946</i>		
(1) Barbarie Tea Estate, P. O. Dibrugarh.	Demand for sufficient quota of cloth.	No intervention was required. The matter was settled by negotiation between parties.
<i>April, 1946</i>		
(2) Narayanpur Tea Estate, P. O. Tezpur.	Protest against ill-distribution of paddy.	The Police staff made the labourers understand their fault and the work was resumed.
<i>May, 1946</i>		
(3) Moinajuli Tea Estate, P. O. Thakurbari, District Darrang.	Demand for reduction in daily task.	No intervention was required. The matter was settled by the parties themselves.
<i>June, 1946</i>		
(4) Jaipur Tea Estate, P.O. Udaipur, District Lakhimpur.	Demand for increase in ration	Ditto ditto.
(5) Singlijan Tea Estate ..	Protest against increase in hoeing task.	Ditto ditto.
<i>July, 1946</i>		
(6) Raja Ali Tea Estate ..	Demand for adequate supply of cloth.	The Assistant Labour Commissioner, Assam, intervened.
(7) Rangajan Tea Estate, P. O. Golaghat.	Demand for one anna per seer for plucking green leaf instead of six pies per seer.	No intervention was required. The dispute was settled by the labourers themselves.
(8) Barpatra Tea Estate, P. O. Barhat.	Demand for increased rate of "Hazrees".	Ditto ditto.

(f) Name of the Gardens	(ii) Cause of the strike	(iii) Action taken by the Government in each case
<i>August, 1946</i>		
Nil	Nil	Nil
<i>September, 1946</i>		
(9) Suntok Tea Estate ..	Demand for adequate supply of food, cloth and other amenities.	Subdivisional Officer intervened.
<i>October, 1946</i>		
(10) Lakmijan Tea Estate, P. O. Nazira.	Excessive liquor drinking during the "Puja Holidays".	No action.
(11) Dholai Tea Estate, P. O. Katlicherra.	Complaint against Manager who was alleged to have used obscene languages at workers.	Subdivisional Officer intervened.
(12) Bhubrihat Tea Estate, P. O. Patharkandi.	To resent the behaviour of the Acting Manager for calling in Police for investigation for a theft alleged to have been committed by the labourers.	No intervention was required. The workers resumed work unconditionally.
(13) Ballacherra Tea Estate, P. O. Borkola.	Protest against ill-distribution of ration.	Deputy Commissioner, Cachar, intervened.
<i>November, 1946</i>		
(14) Tippuk Tea Estate, P. O. Talap.	<p>(1) Complained that leaves are being taken at weighing time.</p> <p>(2) Demand that the Manager should go to meet the labourers in their lines.</p> <p>(3) Demand for two more tube-wells in the lines.</p> <p>(4) Demand that they should be allowed to cut firewood from garden bamboo bari.</p>	The dispute was settled by the parties themselves without any special term.
<i>December, 1946</i>		
Nil		
<i>January, 1947</i>		
(15) Vernerpur Tea Estate, P. O. Vernerpur.	Demand for supply of foodstuff at concession rate.	Subdivisional Officer intervened.
(16) Koyah Tea Estate, P. O. Mohacherra.	Demand for increase in food and cloth supply, paddy lands, etc.	Ditto ditto.
(17) Borfolong Tea Estate, P. O. Golaghat.	Demand for Hazeeri at 12 annas and 6 hours' work	No intervention was required. The matter was settled by direct negotiation between employer and labourers.

(i) Name of the Gardens	(ii) Cause of the strike	(iii) Action taken by the Government in each case
(18) Cutlacherra Tea Estate, P. O. Katlacherra.	Demand for sufficient supply of food and cloth.	Subdivisional Officer intervened.
(19) Borfolong Tea Estate, P. O. Golaghat.	(1) Protest against excessive "Prunning" rate. (2) Withdrawal of paddy ration from those who own lands. (3) Long working hours. (4) High prices charged for Mustard Oil, etc.	Ditto.
<i>February, 1947</i>		
(20) Mookhamcherra Tea Estate, P.O. Dullbcherra, Sylhet.	Objection by boys to task given in cutting firewood. Demand for increased rate for the same task.	No intervention was required. The matter was settled by the labourers themselves.
<i>March, 1947</i>		
(21) Aenakhal Tea Estate, P. O. Mohacherra.	Demand for adequate supply of cloth, foodstuff and building materials.	Subdivisional Officer, Hailakandi, intervened.
(22) Cutlacherra Tea Estate, P. O. Katlacherra.	Demand for sufficient supply of cloth and foodstuff.	Subdivisional Officer, Hailakandi, intervened.
(23) Sree Madan Mohan Tea Estate, P. O. Hailakandi.	Demand for free clothing during "Fagua", foodstuff at controlled rate and higher rate of <i>hazira</i> .	No intervention was required. The matter was settled by the parties themselves.
(24) Mohamedpur Tea Estate, P. O. Hailakandi.	Ditto	Ditto.
<i>April, 1947</i>		
(25) Cutlacherra Tea Estate, P. O. Katlacherra.	Demand for sufficient supply of cloth and foodstuff.	Subdivisional Officer, Hailakandi, intervened.
(26) Menoka Tea Estate, P. O. Ranguja, District Kamrup.	Demand for increase in wages according to Indian Tea Association Scale.	No intervention was required. The dispute was settled by direct negotiation between employers and workers. The demands made were conceded.
(27) Killing Valley Tea Estate, P. O. Jagi Road.	Demand for increase in wages, salaries, etc.	Ditto.
<i>May, 1947</i>		
(28) Thailu Tea Estate, P. O. Dewan.	Demand for dismissal of two Indian staff for taking bribes.	Ditto.
(29) Lallong Tea Estate, P. O. Dewan.	Protest against insufficient supply of Kerosene Oil.	Ditto.

(i) Name of the Gardens	(ii) Cause of the strike	(iii) Action taken by the Government in each case
<i>May, 1947—concltd.</i>		
(30) Teen Ali Tea Estate, P. O. Naharkatia.	Demand for increased scale of ration.	Labour Commissioner inter-vened.
(31) Bahipookri Tea Estate, P. O. Mazbat, Darrang. District	Demand for dismissal of Jama-dar Babu for ill-treatment.	The dispute was settled by the parties themselves.
(32) Koyah Tea Estate, P. O. Monacherra, District Cachar.	Protest against transfer of garden Doctor Babu.	Ditto.
(33) Cooliekoosie Tea Estate, P. O. Dharamtul, District Nowgong.	Demand for annas 2 Dearness Allowance per head.	Ditto.

Srijut BHADRA KANTA GOGOI : ইয়াত দেখুওৱা হৈছে যে ৩৩ খন বাগানত strike হৈছিল। ডিব্ৰুগড় চব্ ডিভিজনৰ নাহৰকটিয়া বাগানতো strike হৈছিল আৰু তাৰ পৰা repatriate কৰা হৈছিল আৰু তাত লাঠি চাৰ্জ কৰা হৈছিল। সেই বাগানৰ নাম ইয়াত নাই।

The Hon'ble the SPEAKER : আপুনি প্ৰশ্নটো আকৌ কৰকছোন।

Srijut BHADRA KANTA GOGOI : ইয়াত ৩৩ খন বাগানত strike কৰিছিল বুলি কোৱা হৈছে। কিন্তু সেই সময়ৰ ভিতৰত ডিব্ৰুগড় চব্ ডিভিজনৰ নাহৰকটিয়া বাগানতো strike হৈছিল। তাৰ পৰা repatriate কৰা হৈছিল আৰু তাত পুলিচে লাঠি চাৰ্জ কৰিছিল। সেই বাগানৰ নাম এই লিখিত কিয় দিয়া হোৱা নাই?

The Hon'ble Srijut GOPINATH BARDOLOI : মই কব নোৱাৰো। যদি সেয়ে হয় তেনেহলে মই চাম। ইয়াত questionত আছিল 'the number of tea garden strikes that took place from March 1946 to May 31st 1947'. ইয়াৰ ভিতৰত যি খনৰ পোৱা হৈছিল, তাক দিয়া হৈছে।

Srijut RAJENDRA NATH BARUA : এইটোও সেই মাহৰ ভিতৰতে হৈছিল।

The Hon'ble Srijut GOPINATH BARDOLOI : বাক চাম। কি নাম কলে-নাহৰকটিয়া?

Srijut RAJENDRA NATH BARUA : হয়, নাহৰকটিয়া।

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

600.—Eleven Labour Unions have been formed in the Tea Gardens as follows :—

Name of Tea Garden Union	Office bearers
1. Assam Cha-Bagan Mazdur Union, Dibrugarh.	Dr. Benoy Chakrabarty, Nilmoni Barthakur, Gauri Sankar Bhattacharjee, Gaja Sarma, Mani Bhowmik, Dhiren Dutta, Srikanta Bhumij, Baij Nath Sardar, Balima Saura, Baikuntha Sardar, Baikuntha Sardar, Baiken Saura, Maharaj Munda.
2. The Kakajan Tea Garden Mazdur Union, Tinsukia.	Bhuka Orang, Sandee, Agustin, Madan Lal Sarma, Parusuram Dutta, Dasharam Tauli, Abrahm Ratia, Dasmngar, Bidya Kaya, Hernas Motiyas, Kaloo.
3. Indian Tea Employees' Union	Kamini Kumar Sen, M.L.A., Abinash Dutta, Dr. Sashindra Nath Choudhury, Banamali Gupta, Maulavi Abdul Aziz Choudhury, Hironmoy Choudhury, J. K. Pal Choudhury, Promode Ranjan Choudhury, Sudhangshu R. Biswas, Sachindra Mahan Das, Suresh Chandra Choudhury, Satyandra Chandra Dey, Demendra Bijoi Das, Devendra Kr. Kar, Ananta Kr. Ray, Ashutosh Roy, Shusil Ch. Mitra, Aswani Kumar Sen, Suresh Ch. Biswas, Harisaday Chakrabarty, Dr. Suresh Ch. Bhattacharjee, Sikhendu Kr. Das, Promode R. Biswas, Monoranjan Das, S. M. Ghose, Dinesh Ch. Roy.
4. Surma Upatyaka Cha-Sramik Sangha, Karimganj.	Rabindra Nath Aditya, M.L.A., Jiban Ram Santal, M.L.A., Ram Prasad Choudhury, Suresh Tripathi, Suresh Ch. Deb, Dasha-rath Prosad Goala, Biraja Mohan Goala, Bidyadhar Tripathi, Chandradeb Tripathi, Bidyarathi Tripathi, Mono Mohan Upadhaya Sarma, Ram Swareep Keot, Ram Prasad Kohar, Mohadeb Goala, Jamuna Prasad Kanu, Basudeb Singh, Sardar Thakur Prasad Nooria, Bhikaram Choukidhar, Ram Lokhra Barai, Barhu Ram Nunia, Sheodhani Barai, Ram Darash Mistri, Jogneswar Bin, Ram Prasad Bin, Sikhdeo Ram Goala, Gopali Ram Sonar, Silaram Bhor, Sheodhari Dubey, Kanta Prasad Ray, Bhagirathi Choudhry, Ram Krishna Teli, Ram Abtar Swaruakar, Sikdeo Prosad Roy, Ram Krishna Bauria, Dearaka Prosad Tripathi.

Name of Tea Garden Union	Office bearers
5. Assam Cha-Karmachari Sangha, Tinsukia.	Bijoy Ch. Bhagabati, M.L.A., P. R. Dutta, J. N. Bhuyan, Sudhir Ch. Dutta, P. C. Bhuyan, L. C. Barua, K. C. Handiqui, G. K. Baruah, P. C. Bordoloi, K. N. Chetia, M. N. Koch, K. D. Aron, H. K. Bordoloi, P. S. Gohain, Dundeswar Gogoi.
6. Killing Valley Workers' Union, Killing Valley.	J. L. Chatterjee, A. B. Mohanta, Sital Krishna Mazumdar, A. R. Bhattacharjee, B. B. Roy, J. C. Bhowmik, Jitendra Nath Bhowmik, N. N. Chatterjee, Harekrishna Sen Gupta, Gilsai Ghor, Sukhmoy Das Sarma, Sukroo, Ranjit Mazumdar, Promotho R. Biswas, Liti, Bhingoo, Gakul, Mongra, U. N. Sarma.
7. Makum (Assam) Tea Mazdur Union, Margherita.	Mohanlal Mukherjee, Haren Kalita, Upen Das, Jogot Tauli, Jaisingh Patuaik, Nilamber Tauli, Mohendra Tauli, Gangadhar Gore, Govardhar Tauli, Jhanga Gore, Bina Behara, Urdhab Deori, Daya Ghasi, Bhagaban Chundi, Arjun Chundi.
8. Menoka Tea Estate Workers' Union, Menoka.	Makhan Lal Bhowmik, Ganesh, R. Bhattacharjee, Dharendra N. Banerjee, Dr. Anil Biswas, Munindra M. Lahiri, Sunil Ch. Roy Choudhury, Bondesh Das, Nitya Gopal Sen Gupta, Mohendra Nath Roy, Bhadue, Bhuku, Chabdra, Amulya Das, Anupdas, K. P. Majumdar.
9. Malini Mazdur Sangha, Tinsukia.	Meghnath Kamar, Nimai Bauri, Mohor Mauki, Ananda Mura, Gurucharan Kamar, Bournu Kakwalla, Etwa Urang, Sukua Urang, Bistaria, Baghraj Keiri, Baudhana Urang, Surja Memda, P. D. Dutta.
10. Sadasiva Cha-Bagan Mazdur Sangha, Tinsukia.	Golap Ch. Borbora, Dharma Salu, P. D. Manik, Sree Ram Mohan, Gurucharan Urang, Chandra Singh, Dhan Singh, Chamura Kishan, Bhim Rauta.
11. Jorhat District Tea Employees' Association, Jorhat.	Badan Baruah, Prabin Ch. Goswami, Lakheswar Barua, Mukta Nath Saikia, Jatindra Borthakur, Abdul Mazid, Jagannath Sarma, Denesh Ch. Dutta, Bhuban Ch. Barua, Deveswer Saikia, Kamakhya Charan Borthakur, Tolon Ch. Saikia, Tarun K. Barua.

601. (a) & (b)—Government have no information.
(c)—Does not arise.

Srijut BHADRA KANTA GOGOI: ভালাপৰ আসাম কোম্পানীৰ চুপাৰিন্টেন্-
দেণ্টে তেওঁৰ অধীনৰ সকলো বাগানলৈকে কৰ্মচাৰী সকলক বনুৱাব কোনো সভাসমিতিত যোগ
নিদিবলৈ বুলি যি খন notice circulate কৰিছিল সেই noticeৰ বিষয়ে গবৰ্ণমেণ্টে একো
না জানো বুলি কৈছে। কিন্তু মোৰ পৰা মাননীয় মন্ত্রী ডাঙৰীয়াই এইটো ধৰি লবনে যে যি খন
circular জাৰী কৰিছিল সেইটো সচাঁ কথা আৰু তিনচুকীয়াৰ কংগ্ৰেচ কমিটিয়ে তাৰ এটা
copy মোঁতৈ পঠিয়াইছিল আৰু ময়ো পাইছিলো। সেই সময়ৰ শূম মন্ত্ৰীলৈও এক copy
পঠিয়াইছিল বুলি মই জানো।

The Hon'ble Srijut GOPINATH BARDOLOI: মই ব্যক্তিগত হিচাবে কব
নোৱাৰো। কিন্তু কথাটো যদি সঁচা হয় তেনেহলে মই তদন্ত কৰি চাম।

Maulavi ABUAL MAJID ZIAOSH-SHAMS: Did Government make
enquiry before replying to Questions 601(a) & (b) ?

The Hon'ble Srijut GOPINATH BARDOLOI: I presume, Sir, some
enquiry must have been made but the information was not forthcoming. I
cannot personally vouchsafe the correctness of it.

Maulavi ABUAL MAJID ZIAOSH-SHAMS: If so, will Government
make an enquiry into the matter ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, an enquiry will be
made.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

602. (a)—According to the medical report there was no evidence of an assault
of the severity alleged. Matasim Ali had hardly a mark on his body and no
manifestations of internal injury. He was suffering from acute hysteria which
would suggest that some sort of incident took place, but there was no evidence to
form any definite opinion as to what actually took place. As regards medical care
Government information is that he was given particular attention in the efficient
and well-run hospital of the Company.

(b)—Government are not aware of any foundation for such a suspicion.

(c)—No. But the case was specially supervised by the Superintendent
of Police.

(d)—No.

***Dr. EMRAN HUSAIN CHAUDHURY:** With regard to the reply to
602 (a), may I know what particular attention was given to the man ?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot give any
other reply than what has been stated. It was reported that the man was suffer-
ing from acute hysteria, and that he had hardly a mark on his body and no
manifestation of internal injury. This is all in the medical report on which Go-
vernment could base their reply.

***Dr. EMRAN HUSAIN CHAUDHURY:** What particular attention did
he receive from the medical officer at Digboi ?

*Speech not corrected.

***Mr. J. S. HARDMAN:** May I clear the point, Sir?

I happened to be at Digboi shortly after the incident and I understood that the individual was kept in the hospital and there was nothing particular wrong found in him. He was kept in the hospital because he complained that he was not fit to live, and when ultimately it was suggested that he should go for further treatment to Dibrugarh, he declined to go.

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** May I know what led Government to think that some sort of incident took place?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot give any better reply than what has been printed in the reply. It was obtained from the medical report that the man was suffering from hysteria and that there was no internal injury excepting a mark on his body and also that he was given particular attention in a well-run hospital of the Company.

***Dr. EMRAN HUSAIN CHAUDHURY:** Will Government take it from me that Mr. Matasim Ali, Vice-President of the Assam Oil Company Labour Union, Digboi, did never suffer from hysteria and I know this fact definitely?

***The Hon'ble Srijut GOPINATH BARDOLOI:** This may be the information of the hon. Member. Government have no agency to know such facts unless a sufferer get himself examined in a Government hospital occasionally.

***Dr. EMRAN HUSAIN CHAUDHURY:** He was examined, Sir, in a hospital. In this connection may I bring to the notice of Government that on a previous occasion I put a number of Questions for replies by Government regarding the grant of holidays with pay to Muslim employees of the Company and regarding grant of permission to them to say their Friday and other prayers, but those Questions were disallowed and no answers were given?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I do not want to say anything in this matter before I know the exact position.

***Mr. J. S. HARDMAN:** May I suggest one thing, Sir? This is a matter which relate to law and order and which is a provincial subject, but the other Question now put by the hon. Member presumably applies to matters that concern Central Government.

***Dr. EMRAN HUSAIN CHAUDHURY:** This is a matter which concerns the welfare of the employees of the Digboi Oil Company and as such, how can they be disallowed?

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** Can Government seriously dispute that there was really an assault on the person, namely Mr. Matasim Ali?

***The Hon'ble Srijut GOPINATH BARDOLOI:** That is exactly the reply and so the Government was getting the investigation supervised by the Superintendent of Police and no evidence of severity as alleged was found.

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** But do Government boldly say that there was no incident?

***The Hon'ble Srijut GOPINATH BARDOLOI:** Government cannot deny anything which is based on fact.

***Maulavi MAHAMMAD ROUFIQUE:** There is a contradictory statement, Sir, in the reply itself. It has been said that Matasim Ali had hardly a mark on his body and no manifestations of internal injury, according to the report. But in the next sentence it is admitted that he was suffering from acute hysteria which would suggest that some sort of incident took place.

***The Hon'ble Srijut GOPINATH BARDOLOI:** Though it has been given in the reply that there was no evidence of an assault of the severity, the Government did not stop there and made a special enquiry into the matter through the Superintendent of Police. If the particular individual wanted to have himself examined by a doctor other than a Company's doctor I think some steps could have been taken on that line. But now, as it is apparent, the Government have to go by the report submitted by the Company in this case.

***Dr. EMRAN HUSAIN CHAUDHURY:** Will Government please pursue the matter to know whether the person concerned was actually suffering from any hysteria before the incident?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I think it is too late now to do anything of the kind.

Collieries and Saw Mills

Srijut BHADRA KANTA GOGOI asked:

603. Will Government be pleased to state—
- (a) The number of deaths due to accidents in the collieries of Assam during the last six years?
 - (b) The name of the colliery in which the accidents took place?
 - (c) The nature of accidents?
 - (d) The amount of compensation paid in each case?
604. Will Government be pleased to state—
- (a) The names of Saw Mills in Assam?
 - (b) The names of Saw Mills owned by British Companies?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

- 603.—This is a central subject and we have no information.
604. (a)—The names of saw mills registered as factories are—
1. Surma Valley Saw Mill, Bhangabazar, Post Office, Sylhet.
 2. Badarpur Saw Mill, Badarpurghat, Sylhet.
 3. Plywood Mill of the Surma Match and Industries Limited, Karimganj, Sylhet.
 4. Deorail Saw Mill, Badarpur, Sylhet.
 5. Runoo Saw Mill, Golaghat, Sibsagar.
 6. Saw Mill, Veneer Mills and Sleeper Treating Plant, Margherita (Lakhimpur).
 7. Halkata Saw Mill, Halkatta (Lakhimpur).
 8. Hoyen and Company Saw Mill, Makum Junction (Lakhimpur).
 9. Adharam Biswanathsing Saw Mill, Digboi (Lakhimpur).
 10. Sardar Mohan Singh Saw Mill, Digboi (Lakhimpur).

*Speech not corrected.

11. Sardar Mohan Singh Saw Mill, Jeypore (Lakhimpur).
12. Ghurnia Saw Mill, Dikom (Lakhimpur).
13. Sleeper Treating Plant, Nahorkatiya (Lakhimpur).
14. Universal General Timber Works, Makum Junction (Lakhimpur).
15. Jeypore Timber and Veneer Mills Limited, Jeypore, (Lakhimpur).
16. The Modern Timber Works, Makum Junction (Lakhimpur).
17. Murkongselek Veneer Mills, Murkongselek (Sadiya Frontier Tract).
18. Dhansiri Saw Mill, Manipur Road (Nowgong).

(b)—In the following saw mills the Managing Agents are British Companies :—

1. Saw Mill, Veneer Mills and Sleeper Treating Plant, Margherita (Lakhimpur).
2. Murkongselek Veneer Mills, Murkongselek (Sadiya Frontier Tract.)

Government and Local Board Hospitals and Dispensaries in the Province

Mr. BINODE KUMAR J. SARWAN asked :

605. Will Government be pleased to state—

- (a) The total number and the names of places where Government and Local Boards have established hospitals and dispensaries in the Province, district by district ?
- (b) The distances apart which these hospitals and dispensaries are located in every District in the Province ?

The Hon'ble Srijut RAMNATH DAS replied :

605. (a)—A statement showing the total number and names of all Government and Local Board Hospitals and Dispensaries (except those in the excluded areas) district by district is placed on the Library table.

(b) - Distance vary from 5 to 20 miles or so.

Mr. BINODE KUMAR J. SARWAN : With regard to Question 605 (b), Sir, the answer given is that "Distance vary from 5 to 20 miles or so". Now, is the Hon'ble Minister aware that the suffering people are unable to go to such distant hospitals and dispensaries and as a result they suffer very much for want of medicine and medical attendance ?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir, Government is aware of that.

Mr. BINODE KUMAR J. SARWAN : Then will the Hon'ble Minister in charge do something to give relief to the suffering people who stay far away from the hospitals and dispensaries ?

The Hon'ble Srijut RAMNATH DAS : The responsibility for providing medical facilities to the people in the villages lies with the Local Board, but Government is not unmindful of their responsibility too and they have sanctioned many subsidised dispensaries but some of these sanctioned dispensaries could not be started for want of qualified doctors.

Mr. BINODE KUMAR J. SARWAN : Will the Hon'ble Minister in charge take my advice to start providing travelling doctors and dispensaries and in the meantime they may arrange for more doctors ?

The Hon'ble Srijut RAMNATH DAS : Sir, travelling dispensaries cannot serve most of the villages in Assam because of bad roads leading to them.

Filling up of vacancies of Officers in the Secretariat and Heads of Departments

Dr. EMRAN HUSAIN CHAUDHURY asked :

606. (a) Is it a fact that some vacancies of officers in the Secretariat including the Heads of the various Departments are going to be filled up by promoting some officers of the Assam Civil Service ?

(b) Do Government propose to fill up such vacancies in future by officers in the various Departments of the districts for their technical knowledge, experience and efficiency ?

The Hon'ble Srijut GOPINATH BARDOLAI replied :

606. (a)—The posts in the Secretariat and of Heads of Departments have to be filled by such personnel as may be available. If the All-India Service personnel is not sufficient to fill the posts, the Provincial Service personnel will have to fill the remaining posts ?

(b)—In filling vacancies Government always endeavour to find the most suitable persons from the point of view of technical knowledge and experience for administrative claims for them.

(Question No. 607 standing in the name of Srijut Kameswar Das was not put as the hon. Questioner has resigned his seat as Member of Legislative Assembly).

Arrest of the members of the Hailakandi Proja Sabha

Srijut GAURI KANTA TALUKDAR asked :

608. Will Government be pleased to state—

(a) Whether the following persons of Hailakandi Subdivision in the Cachar district have been arrested and detained in the Hailakandi sub-jail—

(1) Srijuts Jnaneswar Singh, (2) Bala Singh, (3) Bejoy Singh, (4) Chana Tamba Rajkumar, (5) Amu Manipuri, (6) Ningdhan Manipuri, (7) Mahindra Manipuri, (8) Babahan Manipuri, (9) Chandhacha Manipuri, (10) Rasendra Seal, (11) Sachindra Roy Chaudhuri, (12) Taiyai Chana Rajkumar and (13) Maulavi Khurmut Ali ?

(b) (i) The dates of their arrest, (ii) the offence attributed to, (iii) the section of the Penal or any other Code under which the arrests were made and (iv) the name or names of the complainants in each case ?

(c) Whether it is a fact that all the above named persons are members of the Hailakandi Proja Sabha ?

(d) If not, how many and who amongst them are members of the said Proja Sabha ?

(e) Whether it is a fact that the objects of the said Proja Sabha are for the amelioration of the economic condition of the tenants and to protect them against the tyranny of the Zemindars and Mirasdars by non-violent and peaceful means ?

(f) Whether Government are aware that the above named persons are leading members of the said Sabha ?

(g) Whether the tenants are alleging that the main object of these arrests is to frighten the members and to dissuade them from joining the Sabha ?

609. In the interest of the poor tenants do Government propose to direct an impartial enquiry to be held and to ascertain whether the present arrests are designed to suppress the lawful activities of the Proja Sabha ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

608. (a)—Yes.

(b)—(i) On various dates between 11th April 1947 and 30th May 1947.

(ii) & (iii) All except Sachindra Roy Chaudhuri (who was called upon to furnish security as a vagrant, under section 109 Criminal Procedure Code), on an accusation for cheating under section 420 of the Penal Code.

(iv) There were four cases for cheating Nos. 4, 13, 14 and 15 in which the complainants were respectively—

- (1) Nandal Singh Manipuri.
- (2) Ibocha Singh Manipuri.
- (3) Ramprosad Kairi and
- (4) Basudeo Goala.

(c) & (d)—Yes, as Government understand, all claim to be leaders or members of this association, except Sachindra Roy Chaudhuri.

(e) (f), (g) & 609.—The cases are still *sub-judice*, and Government do not propose to make any remarks on these points.

Amalgamation of the Public Health Department with the Civil Medical Department

Mr. BINODE KUMAR J. SARWAN asked :

610. Will Government be pleased to state—

- (a) Whether it is a fact that the Public Health Department is going to be amalgamated with the Civil Medical Department ?
- (b) Are Government aware that some subordinate Medical officers in the Public Health Department who were promoted to Provincial Cadre in that Department are junior to many of such officers in the Civil Medical Department ?
- (c) If so, how Government are going to reconcile this anomaly ?

The Hon'ble Srijut RAMNATH DAS replied :

610. (a)—With a view to attain better co-ordination between the activities of the Medical and Public Health Departments, Government have placed the two Departments in charge of the same Officer; but complete amalgamation of both the Departments has not yet been considered.

(b)—It may be so.

(c)—As the Departments are not amalgamated, the question does not arise

Prince of Wales Technical School at Jorhat

Mr. P. M. SARWAN asked :

611. (a) Is it a fact that the Prince of Wales Technical School at Jorhat is not going to be raised to an Engineering College ?

(b) If so, why ?

(c) Will Government, be pleased to state whether there is any other Technical School elsewhere in the Assam Valley ?

(d) Is it a fact that lands are being acquired at Gauhati for starting an Engineering College there ?

(e) If so, why ?

(f) Are Government aware of the large number of Tea and other Factories in Sibsagar and Lakhimpur Districts ?

(g) Will Government be pleased to state the number of Tea Factories and Rice Mills in Sibsagar and Kamrup Districts respectively ?

(h) Will Government be pleased to state—

(i) The number of persons working as fitters and Engineers ;

(ii) The number of bridges

and

(iii) The length of metalled roads in Sibsagar and Kamrup Districts separately ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

611. (a) & (b)—A proposal for starting a Civil Engineering School and College combined is under the consideration of Government, but no final decision has yet been arrived at.

(c)—There is no other Technical School in the Assam Valley except a branch of His Royal Highness the Prince of Wales Technical School at Nowgong.

(d)—No land beyond what has been acquired for the University is under acquisition.

(e)—Does not arise.

(f)—Yes.

(g)—Tea factories in Sibsagar	...	...	...	162
Rice Mills " "	...	...	...	11
Tea factories in Kamrup	...	...	...	13
Rice Mills " "	...	...	...	26

(h)—(i) There are no fitters under the Public Works Department of Government in the Sibsagar and Kamrup Districts. There are 5 Engineers in Sibsagar and 8 in Kamrup district. Government have no information if there are fitters of Industrial Concerns etc. employed in those districts.

(ii)—There are 119 bridges in Sibsagar and 224 in Kamrup District in Public Works Department Roads.

(iii)—114.07 miles in Kamrup and 59.4 miles in the Sibsagar Districts.

Mr. P. M. SARWAN: Regarding 611 (h) (iii), Sir, I may point out that the mileage is more than 59.4 as given in the printed reply.....

The Hon'ble the SPEAKER: Order, order, the Question time is over. The hon. Member may put the Question to-morrow.

Supply of Woolen Blanket, Coat and a Turban to the Garo Laskers**Mr. MANIRAM MARAK** asked:

612. (a) Are Government aware that the Garo Laskers were formerly presented with one red woolen blanket, one red coat and a turban which were temporarily stopped during the war on assurance that these would be renewed after the war was over?

(b) Do Government propose to keep the promise and renew the same at a very early date?

The Hon'ble Srijut GOPINATH BARDOLAI replied:

612. (a)—Yes. At present Rs. 10 in cash and a turban are supplied.

(b)—Government will consider the matter as soon as the things are easily available in the market and at reasonable price.

The Assam Shops and Establishments Bill, 1947.

The Hon'ble the SPEAKER: Now we come to item No. 7 in the agenda of business. It was not taken up yesterday. The name of Hon'ble Srijut Ramnath Das has been put down as the Mover of the Motion but as I understand the portfolio relating to this Department has been given to Hon'ble Srijut Orneo Kumar Das who is not here. What does the Government propose to do?

The Hon'ble Srijut RAMNATH DAS: I may be permitted to move, Sir.

The Hon'ble the SPEAKER: The Report of the Select Committee was received only yesterday but according to rules seven days' time is required for taking it up for consideration.

The Hon'ble Srijut RAMNATH DAS: If the House agrees it can be taken up in the next Session.

Mr. C. W. MORLEY: The hon. Member to my left put forward a question yesterday about the time of meeting of the Assembly. I think, it ought to have been taken up after the Question hour for discussion.

The Hon'ble the SPEAKER: I asked him to move a formal Motion according to the procedure.

Srijut PURNA CHANDRA SARMA: The Assembly Department showed that it could not be put up today as it is a day of Government business; so I shall move tomorrow, which is a Private Members' day.

Mr. C. W. MORLEY: Tomorrow after Questions?

Srijut PURNA CHANDRA SARMA: Yes, after Questions.

Maulavi ABUAL MAJID ZIAOSH SHAMS: That means tomorrow we meet at 2 P. M. standard time?

The Hon'ble the SPEAKER: Yes. What does the Government want to say with regard to item No. 7? The Select Committee's Report was received only yesterday and it requires 7 days' time to take up a Motion for consideration.

The Hon'ble Srijut BISHNURAM MEDHI: কালি present কৰিবলৈ দিয়া নহল আজি present কৰিবলৈ দিয়াৰ কথা আছে। Let it be moved and taken up for consideration in the usual course.

The Hon'ble the SPEAKER: Have the hon. Members received copies of the Report of the Select Committee?

(Voices—Yes, Sir).

Then the Hon'ble Minister may move.

The Hon'ble Srijut RAMNATH DAS: I beg to present the Report of the Select Committee on the Assam Shops and Establishments Bill, 1947 and to move that the Bill as reported by the Select Committee be taken into consideration.

The Hon'ble the SPEAKER: The rule is that the House is given seven days' time for consideration and if there is no objection from any Member it can be taken up.

Maulavi ABDUL HAI: We have objected already as the Report was received only yesterday.

Dr. EMRAN HUSAIN CHAUDHURY: Some Members had no time to study it.

The Hon'ble Srijut RAMNATH DAS: Then we have no objection to take up the consideration stage in the next Session, Sir.

Maulavi MAHAMMAD ROUFIQUE: —Yes, Sir, that will be better.

The Assam Sales Tax Bill, 1947.

The Hon'ble the SPEAKER: Very well. Yesterday the item No. 9, Consideration of the Assam Sales Tax Bill, 1947, was being discussed. Now we may proceed on with that. Is any other hon. Member taking part?

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, yesterday, my hon. Friend, Mr. Hardman said that it was a novel procedure adopted by the Hon'ble Minister for bringing this Bill before the House. It was not only novel but the procedure is unheard of—I would say highly deceptive. By this Bill the procedure which has been adopted to achieve this object is also illegal and does not conform to the rules. The fact is that there is already in the Statute Book an Act, called the Assam Sales Tax Act.

Now, I do not understand, how an Act which has already found place in the Statute Book, which is the law of the land, can be reintroduced in the House in the shape of a Bill. The Hon'ble Mover of the Bill has failed to show under what rule and under what law he has brought this Motion of reintroducing an Act which was wholly passed and assented to by the Governor. He has not been able to satisfy the House about its object. How could he bring a Motion like this to the House? Under what rule and law he can reintroduce this Act? He has adopted a procedure which is unheard of.

He now says that there is some clerical mistakes in the Act which he wants to rectify by reintroducing it. May I know whether there is any precedent to show that for rectifying clerical mistakes an Act was reintroduced? We want to know from him when these clerical mistakes crept into the original Bill, whether in the drafting stage, typing stage, or whether in the printing stage? How these clerical mistakes crept in and when? He has no other reasons to state for reintroducing the Bill but to rectify clerical mistakes. Now, he puts another argument that in that original Act certain sections therein contained to the Central Act. If that be the case, the only method he should adopt is to bring in a Motion to amend the Act and to remove the anomalies from the Act. Before he can bring in a fresh Act, he should bring in another Act to repeal the original Act, but he cannot introduce the Bill so long as the original Act exists and I cannot think how he can bring a Motion like this.

Therefore, Sir, I oppose this Motion and request the Hon'ble Speaker to seriously consider whether he should allow the Hon'ble Minister to proceed with this Motion which on the face of it is *ultra vires*.

Mr. J. S. HARDMAN: Mr. Speaker, Sir, we listened yesterday to the explanation given by the Hon'ble Finance Minister for introducing a new Act at the same time as the assent to the original Act by His Excellency the Governor was being placed on the table of the House. This, as the Hon'ble Finance Minister admitted, was a most extraordinary procedure and he pointed out at some length that because the words "province of Assam" had been used instead of the word "province" there was necessity for repealing the original Act and introducing a new Act. Somewhat later in his speech he came to the root of the matter and said, not quite candidly but with some measure of candour, that the original Act was a failure. Why? Because the consent of His Excellency the Governor-General had not been obtained and the Act in one particular infringed the provisions of section 107 of the Government of India Act. He has mentioned that it infringed the Act in one particular, but I would go further and say that in a large number of instances the whole working of the sales tax system of taxation will be affected by this irregularity. And assuming for a moment that the proposition which the Hon'ble Finance Minister put forward was tenable, that we could have a tax being collected under a repealed Act pending the introduction of a new Act, assuming that it is for a moment correct, we will have very serious complications, complications which, I am afraid, will mean difficulties for the public of the Province and prosperity for the legal community. At any rate, discovery of the errors and omissions which have been found in the original Sales Tax Bill has given to this House a very welcome and a very useful opportunity of re-examining and reconsidering the whole question of the sales tax. This went through in the earlier session of the House, possibly without the full consideration to which the measure was entitled and also without, I think, a clear appreciation of all the issues involved. I would repeat that this is a very complex system of taxation and in the changes which the Hon'ble Finance Minister has made in the Sales Tax law in force in other provinces he has made certain difficulties for the consumer, the person who will pay the tax. The first point which I wish to make is that one important change which has been made by the sales tax introduced in the last meeting of this House has the effect of penalising the industry of Assam. The treatment of exports from the Province is step-motherly in the extreme. Our sales tax legislation is far more severe than the corresponding legislation in other provinces. I would refer to the Bengal Finance Sales Tax Act, 1941, section 5(2) (a) (v) which reads: "sales of goods which are shown to the satisfaction of the Commissioner to have been despatched by, or on behalf of the dealer to an address outside Bengal;" Under the provisions of the previous Act and the present Bill goods sold for the purpose of export must, if the goods are in the Province at the time or if the contract is executed in the

Province, pay the sales tax. In regard to few, if any, commodities has the Province a complete or partial monopoly of supply. In consequence goods produced in Assam must be prepared to meet with full competition from goods produced elsewhere in India, and it is scarcely wise to penalise the purchase of Assam's goods in other parts of India. We heard yesterday an inspiring speech from His Excellency the Governor, in which he stated that hydro-electricity will be developed on a very large scale; that some five million kwt. are to be produced and industry is to be developed on a large scale. We have therefore the policy of Government with generosity on the one hand towards the establishment of new industry and niggardliness on the other in preventing industry from competing fairly and on equal terms with the industry of other provinces. It is recognised that the heavy dependence of the province on agriculture is a very serious drawback and if standards of living are to be raised, a greater degree of industrialisation is both desirable and inevitable. No dispute exists regarding this proposition and it is, I would submit, the very basis of Government's own plans. In addition to the expansion of existing industries there is a very urgent need for attracting new industries. So far in recent years there has been no evidence of the desire of the industrialists to start up new industries in this Province. There has been expansion in many other provinces in India, but the Province of Assam remains industrially backward. If industrialists realise that by setting up their factories in this Province they are going to handicap severely their prospects they will certainly select other provinces and Assam will be the poorer. It is therefore necessary that the sales tax legislation should give full right to the industry of the Province to compete outside.

My second point concerns the general public. The general public is very often ignored when taxation is concerned. The sales tax is not going to be realised from the manufacturer or the dealer; in normal circumstances it is paid by the general public and it is therefore necessary for Government to see that the general public is safeguarded against exactions under the guise of tax. It is quite obvious, for those who visit Calcutta to realise that the sales tax is in fact paid by the purchaser. It is a normal practice to obtain a receipt or memorandum in which the amount of the sales tax is given and also the amount of the sale price. There was a provision in the Rules which the Assam Government had framed in connection with the original Sales Tax Act. Rule 63 reads as follows:—

“A dealer shall when so required by a customer furnish a cash memo.”

What is this cash memo for? It is a waste of paper if it is not going to give to the customer any protection against illegal exactions. As I stated both the Act and the Rules are completely silent about protection of the customers and the prevention of any excess charge of sales tax. It is a most fundamental right that the tax payers should be adequately protected and this need is greatly increased when the tax collectors are not Government servants as in the case of Income-tax or Agricultural Income-tax, etc. But these are dealers. Thousands of dealer-collectors are scattered over the Province who are the unpaid tax collectors on behalf of Government. A dealer, who realises an excess amount on account of sale tax, will be defrauding the public but he will not be benefiting the Government. Under the system of sales tax the amount which the dealer has to pay is determined by the taxable turnover and has no relation to the actual amount, the individual amounts, collected from the purchasers as sales tax. We are fully confident that the Government have no real desire to deprive the public of their rights and we hope that they will readily agree to the introduction of an amendment designed to protect the rights of the consumer.

I come now to a rather technical point in connection with the sales tax. There has, I consider, been a serious mistake in the classification of the goods required by a dealer for resale. Clause 15(1)(b)(i)(b) reads as follows:

"The net turn over shall be determined by deducting from a dealer's gross turnover during any given period—his turnover during that period on 1(b) sale to a registered dealer of 1(i) goods specified in the purchasing dealer's certificate of registration as being intended for use by him for 1(b) use in the manufacture or production of any goods for resale."

I draw particular attention to the use of the word "resale" particularly because there has been an important difference compared with the Bengal Finance Sales Tax Act of 1941. There a corresponding provision refers to sales to registered dealer of goods specified in purchasing dealers' registration certificate which have been intended for resale by him or for use by him in the manufacture of any goods for sale. Allow me to take a very simple example to illustrate the point which I wish to make. A baker who is a registered dealer is entitled to buy the ingredients of cakes which on sale become liable to sales tax. If he has to pay sales tax on the ingredients and also to collect sales tax on the cakes when they are sold, he is being subjected to double taxation which contravenes the basic principle of a single point sales tax, as outlined in the present Bill. An article, such as a cake, which is manufactured from ingredients cannot, by any stretch of imagination, be regarded as being resold. It cannot be "resold" just because the ingredients have been purchased. In other Sales Tax legislation manufacturers are permitted to purchase goods free of sales tax for use in the manufacture of goods for sale. We contend that there is no reasonable ground for making a different provision from the provision in other Sales Tax Acts.

In the same clause another important error occurs. Sub-clause (2) of clause 15 provides for deduction of tax on debts proved to have been bad and written off. It says "the tax paid under this Act on such debts proved to have been bad and written off." At first sight this seems to be a very generous provision. The intention clearly is to exempt a dealer from paying sales tax which has not been realised on account of the default of the original purchaser and in point of fact on which transaction no sales tax has been recovered. When a dealer prepared his return on sales tax all transactions classified as sales are included in the return whether in point of fact the amount of the price is recovered or not. He pays on that total the sales tax. It is subsequently necessary when there is a bad debt to reverse the process and to deduct not the amount of sales tax paid but the total amount of the transaction which was bad and had to be written off. Again let me give a simple example. A dealer sells an article for Rs.100 and is taxed Rs.3-2-0. If he is merely allowed to deduct Rs.3-2-0 from his gross turnover on writing off a bad debt of Rs.100, he will recover only 1½ annas. So for every 100 rupees of bad debt the dealer has to pay a tax amounting to rupees three and half an anna while Government very generously agrees to contribute 1½ annas. There is no equity or sense in this arrangement and I am sure Government will agree to this amendment.

The privileges of this House are being severely restricted by certain provisions in this Sales Tax Act. It is a privilege of this House to collect taxes, to vote funds and to make the arrangements for providing Government with the necessary finance. It is entirely wrong to find in any Act arrangements by which Government can, without a reference to this House, increase the amount of taxation. In sub-clause (6) of clause 2, the Bill gives the Administration the right to increase the number of goods specified as "luxury goods". Supposing the number of such goods today is 50, in two months' time it may be 200. This clearly is giving to the Executive a power which this House should retain. It is not necessary for the adminis-

tration of the sales tax for these powers to be retained by Government, since at any time, when there is need for change, a schedule can be introduced asking for the approval of the House to the increase in the tax.

A similar point arises in regard to clause 7. There it provides for additions, amendments and modifications of articles included in the exempted list. There is certainly no valid objection to increase the exempted list because this does not result in the increase of taxation, but there are definite objections to reducing the exempted list.

During the previous debates on the sales tax Government accepted the limitations of its power to increase the rate of tax under clause 4 and, by the same logic of that decision Government should be prepared to agree to modifications in clause 2 sub-clause (6) and in clause 7. Clause 2(6) should be modified so as to allow Government to reduce but not to increase the number of luxury articles and clause 7 should be modified so as to allow Government to increase but not to reduce the number of exempted articles.

During the former debates on the sales tax particular attention was focussed on the very unsatisfactory features of clause 29. But we feel that these unsatisfactory features have been only imperfectly recognised by Members of this House and not recognised at all by Government. This clause empowers the Commissioner, who may under the powers delegated to him under this Act be a minor official, to order an unregistered dealer who buys goods from outside the Province to pay sales tax not merely on particular purchases from outside the Province but also on all sales effected by him during the year. It is not a crime to purchase from outside if they are unregistered dealers. Yet the small dealer who does make such purchases is subjected to a very severe penalty. There is no similar provision, as far as I am aware, in any other existing Sales Tax Act in force in India and this is one of the inventions of the Hon'ble Finance Minister to which I take exception. The powers which this clause confer can be exercised very arbitrarily and may spell ruin for the small dealer. It is the small dealer who has a turnover of less than ten thousand rupees a year who is affected. For instance, a dealer with a gross turnover of, say, Rs.9000 a year purchases a box of cigarettes from outside the Province valued at Rs.10. At the whim of the Commissioner he may become liable to pay a tax of Rs.281-4-0. Under the Sales Tax Act a registered dealer can recover sales tax day by day from his customers. But the unfortunate small dealer who commits the unrecognised crime of purchasing from outside his Province is deprived of the opportunity of recovering sales tax from his customers because the transaction is finished and closed and no one would go to pay sales tax after the transaction is closed. If the small dealers are informed at the commencement of the year that they are required to be registered, I would raise no objection because in that case they will be able to recover sales tax from their customers and they will not be liable to be penalised. Apart from the various obvious opportunities of corruption which this clause provides, it is quite a capricious taxation arrangement which is unworthy of any Government (*A voice hear: hear.*)

Some confusion exists over the use of the term "Contract" in the Sales Tax Act. Hon. Members will remember that it has been given a specialised meaning in clause 2, sub-clause (2). Concisely it means any agreement for carrying for cash or deferred payment or other valuable consideration—(a) the preparation, construction, fitting out, improvement or repair of any movable property or any building, road, bridge or other immovable property, or (b) the installation or repair of any machinery affixed to a building or other immovable property. To put it shortly, a contract for the purposes of the sales tax means a building, installation or repair contract. Now, let us turn to another section of the Bill—clause 3. I invite particular attention of the hon. Members to its proviso. There we find, I think, the term is used in the

general or ordinary meaning of the word, providing that the tax shall not be payable on sales involved in the execution of a contract which is shown to the satisfaction of the Commissioner to have been entered into on or before the date so notified. This contravenes the very normal provision in any taxation statute by which existing transactions are not to be affected by a new tax. Obviously, neither party can satisfactorily determine the liability for taxation which has not been contemplated at a time before an Act is introduced. It is, I maintain, a very unreasonable provision, since by reason of the earlier definition given to the word contract we have the proposition that a contract means only a building contract. Only building contracts are exempted from this liability to tax. Any other agreement for sale is liable to tax. Some agreements may be continuing for many years and it is, I submit, quite incorrect to give preferential treatment to certain building contracts and not to other contracts. I expect the Hon'ble Finance Minister will reply that he has copied this provision from other sales tax legislation and I am prepared to agree to that. But at the same time I am not certain that the Hon'ble Finance Minister is aware that in other provinces in actual working practice this term "contract" has in clause 3 been given a wider interpretation and all sale agreements have in practice been exempted. I would not raise any very serious objection to accepting the provision if the Hon'ble Finance Minister will give an assurance on those lines that in practice notwithstanding the contrary meaning of the wording of the section he will accept all existing sale contracts in force before the introduction of the sales tax. There are, of course, dangers in introducing legislation with a knowledge that a particular section has to be given an opposite meaning. There are many people who are not aware of an assurance that may be given on the floor of this House, and I think, hon. Members would generally agree that it is safer and wiser to have the section plainly and clearly setting out what it purports to state. In this view of the matter, I am certain that the House will be prepared to agree to an amendment safeguarding all existing agreements in force on the notified date. Government have shown very commendable consideration in exercising mercy in regard to commodities included in a particular group specified in clause 6, i.e., motor spirits, lubricants and articles assessed to tax under the Eastern Bengal and Assam Excise Act, 1910. There is however a very similar category of articles which though not being subject to provincial excise is subject to Central excise. Their claim for reasonable treatment is not less and if Government have a grievance, they ought to settle it with the Centre and not place an additional burden on the consumer and on the purchaser of these particular articles.

I confess, Sir, that I was somewhat surprised at the statement yesterday made by the Hon'ble Finance Minister that notwithstanding the repeal of the Sales Tax Act XA of 1947 by clause 53 of the present Bill, it is proposed in the meanwhile to collect the sales tax and to secure the assent of His Excellency the Governor-General in due course. Hon. Members may realise that a sale tax is a very delicate mechanism and by having an Act about to be repealed pending the assent to a new Act, we are introducing very extraordinary legal features. It is necessary for me to point out that under the present Bill notices and rules have to be issued and in accordance with section 52 these require to be published previously. Until the new Act is passed, there can be no valid publication of the rules to administer the present proposal in the Bill. As soon as however assent is given to the present Bill there will be no authority for collection of the sales tax since the substantive provisions of the earlier Sales Tax Act will disappear. The position therefore is likely to be for a few weeks that the registered dealer will collect the sales tax and Government may not be able to recover it. Then, there will be a period in which no sales tax is collected. This represents only one of the

numerous objections which flow from any attempt to repeal the existing Taxation Act and to collect the tax meanwhile under the repealed Act. I would suggest again to the Hon'ble Finance Minister that he should, in the interests of the public refrain from this very difficult attempt.

In conclusion, the criticisms which have been advanced against the present Bill have not been advanced in any partisan spirit and in our view represent very essential improvements which we earnestly hope Government will consider with care and with sympathy. We intend at the appropriate stage to move suitable amendments to secure the points of principle which have been advanced today, but at the present stage we are not raising any objection to the further progress of this Bill.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, we have heard with rapt attention the very elucidating speech which has just now been delivered by hon. Mr. Hardman and I thank him for the labour he has taken on the subject. But in view of the objections that have been raised by him after a very close study and scrutiny I would suggest one course of action to the Hon'ble Minister in charge. As this measure will affect the dealers in general and will bring some money to the Government coffer and as this will be an Act of far reaching character and it will be in force for years and years to come until of course provisions are amended in the light of the working experience, we should not regard this matter in a partisan spirit. We should think of the interests of the public and also think that all persons have got the right to think in their own way and to give their own opinions though we are the accredited leaders or representatives of them in our respective constituencies. We cannot monopolise to think for them in all matters and so they should be given a chance to criticise our actions and policies on the subject and for this reason the Bill should be sent for public opinion. Let the public also have some voice in the matter and let them guide us to some extent by their valued opinions. So, Sir, I suggest and move that the Bill be circulated for public opinion and the opinions to be received by the end of December 1947.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Sales Tax Bill, 1947, be circulated for eliciting public opinion returnable by the 31st December 1947."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, it is really strange that my hon. Friend on the other side admires the speech of Mr. Hardman and at the same breath he does not accept his advice. Mr. Hardman, like a reasonable man, puts his views before the House by saying that he does not want to retard the progress of this Bill. He knows fully well that this Bill was in fact, in this present form, passed in the last Budget Session of the Assembly. It is now 10 months since the Bill was introduced before this House and moreover it was published about a year ago. In case of any objectionable features they had enough time to express their views and criticise the provision of this Bill. My hon. Friend with his party groups had full opportunity of criticising this Bill in the last Budget Session.....

Maulavi ABUAL MAJID ZIAOSH SHAMS: On a point of information, Sir; in the last Budget Session we boycotted the Assembly on some reason (*laughter*), on a matter of principle.

The Hon'ble Srijut BISHNURAM MEDHI: That might be the fact; but they could have sent their criticisms even after that. So what is the purpose now for moving a Motion for sending the Bill for eliciting public opinion? If

the Bill had not been introduced before the House then the question of sending it for eliciting public opinion would have arisen. That is why I say that my hon. Friend opposite is admiring the speech of Mr. Hardman but at the same time he is not accepting his advice not to retard the progress of the Bill now. In view of this I would request my hon. Friend to withdraw his Motion for circulating the Bill for eliciting public opinion. I think the hon. Member is not so serious about this Motion as he is smiling while moving the Motion. *(Laughter)*

Maulavi ABUAL MAZID ZIAOSH SHAMS. No, Sir, I am speaking seriously.

The Hon'ble Srijut BISHNURAM MEDHI: With regard to the points raised by my hon. Friend, Mr. Hardman, I do not propose to go into the details at this stage, because all these points were thrashed out not only on the floor of this House but also in the Select Committee. Mr. Hardman was invited by the Select Committee and his advice was considered by the Select Committee though he was not a Member of it at the time. He was specially invited to give his suggestions to the members of the Select Committee.

Mr. J. S. HARDMAN: On a point of personal information, Sir, my advice was given but not taken. *(Big laughter)*

The Hon'ble Srijut BISHNURAM MEDHI: However, as he had experience of the working of the Sales Tax Act in Bihar he was invited to offer his suggestion to the members of the Select Committee although he was not a Member of the Assembly. I would like to draw the attention of the Members of this House to one or two points raised by him in this debate. He was telling the House that it would be very hard on the part of the persons preparing cakes, loaves and other local sweet-meats because as they will be twice taxed; but I would like to point out to the hon. Member that when cake is prepared flour and sugar are used as ingredients. There are many other things but the principal ingredients used are sugar and flour which are in the exempted list.

Mr. J. S. HARDMAN: On a point of personal information; I hope the Hon'ble Minister will start making cakes with the only commodities exempted in the list. *(Laughter)*.

The Hon'ble Srijut BISHNURAM MEDHI: The other things used are butter and eggs. These ingredients are also exempted. *(Big laughter)*. So his argument that confectioners will be twice taxed does not stand a moment's scrutiny as it will be seen that almost all the ingredients used for preparing cakes or sweet-meat are in the exempted list under this Sales Tax Bill.

Adjournment

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

(After lunch)

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I do not want to take much time of the House because we have got so many items of business to go through to-day so ; I will be short.

I generally stated that the main objection that the manufacturer will be hard-hit under this Bill is not tenable at any rate so far as the cake manufacturer is concerned. Of course, I am quite aware that the Tea Industry, which he represents, is a highly developed industry ; in fact, this is the only developed industry in Assam. With the exception of this industry, Assam is industrially very backward. This fact has been admitted by him. I do not want to go to the genesis of how it happened. Mr. Hardman's argument is that this sales tax penalises the industries in Assam and instead of encouraging export of industrial products of Assam to go out of the Province and compete in open market, it levies tax on export unlike Bengal. But I say that the sales tax is a tax which is not static, it will vary with the development of the country from time to time, as will appear from the changes made in different provinces at different stages. The principle of higher rate of sales tax on luxury goods than that of ordinary goods, has been accepted by many of the provinces; now even Madras, which did not accept it is introducing an amendment to that effect to tax luxury goods at a higher rate than ordinary goods. So, this is an Act instead of being static should be dynamic ; it will change according to the prevailing circumstances and along with the development of the country. Assam is a backward country industrially ; as a matter of fact, all our raw products go out of Assam. The Sales Tax Bill which levies tax on raw materials exported out of Assam will not only serve as a check on such exports but also will act as an encouragement for manufacture of finished products out of the abundant available raw material, such as jute and hide, etc. Government can only think of exempting the export when Assam is industrially developed in such a way that all her raw materials are converted into finished Products within the Province. So long the Province is industrially backward, Government should see that her raw materials do not go out of this Province as such. Our case is different from that of big cities like Calcutta or Bombay, where trade and business flourish on exports. They therefore are very much interested in encouraging exports. But if we encourage exports what will happen ? The raw materials will go out of the Province as such and industrial development of the Province will be retarded. These are some of the points which we considered during the last Budget Session when this proposal of exempting exports came up. Mr. Hardman is anxious that since the tea pays excise duty, it should be exempted from sales tax. But the Tea Industry is reaping bumper crop and paying about 50 to 60 per cent. dividends and it should not grudge paying a little sales tax in order to assist the industrial development of the Province.

Sir, as regards other points, I do not like to go into them in detail because these will come afterwards in connection with Amendments. I hope there will be lesser number of Amendments as all these points were raised and discussed on the floor of this House and these Amendments were rejected during the Budget Session. I do not therefore like to go into all the points raised by Mr. Hardman at this stage.

Sir, as regards classification of goods, in Bihar the classification of goods has been left to the rule-making power of the Province itself, but we have classified and some articles as illustrative have been shown in the schedule for the guidance of the public. I had already stated that if the tax is reduced in Bengal it may be necessary for us to reduce the tax as well. We may have to bring some luxury goods into the ordinary list. There may not be sufficient time to summon the Assembly to take action on those lines. That is why we want that this power

should be with the Government to enable them to take action as they consider necessary.

Sir, Mr. Hardman objects to clause 29. Now, this clause is very important as far as Assam is concerned. Take the instance of an unscrupulous shopkeeper who makes purchases in Calcutta. He brings goods to Assam without payment of sales tax and carries on business and competes with the rest, thereby placing the registered shopkeeper at a great disadvantage. He not only deprives the Government of the sales tax by not registering himself, but also reaps the benefit and places himself in a better position than other shopkeepers who have registered their shops under the Sales Tax Act.

MR. J. S. HARDMAN: On a point of information, Sir. I understand that the dealer with a turnover of less than 10,000 is not required by the Act to register. So, I think it a little unfair to describe him "unscrupulous" for not doing what the Act does not require him to do.

The Hon'ble Srijut BISHNURAM MEDHI: Yes, I quite see. I do not want that shopkeepers of that category should commit fraud not only on the Government but on other shopkeepers, I mean, business men. This penal provision is provided to prevent evasion of sales tax. If he wants to get goods from Calcutta direct and pay no sales tax to the Province, he should be penalised. If fraud is detected action will be taken under clause 29. Clause 29 says that where a dealer not ordinarily liable to registration under the provisions of this Act sells good which he has obtained from outside the Province, he shall, when so required by the Commissioner (Mark—it is left to the Commissioner) be liable to registration and after such registration he shall also be liable to be taxed on all sales as if he were a registered dealer. Therefore this provision is absolutely necessary so that people may not evade the tax and deprive Government of the due share of sales tax.

In view of these facts, I think, hon. Mr. Hardman will not press all his Amendments or put in many Amendments to this Bill passed in the last Assembly after full discussion.

I am a little bit surprised to find that hon. Members have not thanked me for giving them an opportunity of criticising this Bill. Had I brought in Amendments as suggested by Maulavi Rouhique, he would not have got any opportunity of criticising the Bill generally. I am giving, now, a chance of moving an Amendment to all clauses (Maulavi Abul Majid Ziaosh Shams—chance should be utilised in accepting the Amendment).

Another point of order has been raised by Maulavi Md. Rouhique that when the Sales Tax Act is in force this Bill cannot be introduced. He wants that another repealing Bill should have been introduced. I think owing to pressure of work and other multifarious duties his attention was not drawn to clause 53 which definitely lays down that this Sales Tax Bill proposes to repeal the existing Sales Tax Act. So, a separate Bill is not necessary. This is why I think, Mr. Hardman did not raise that objection. All preliminary steps, such as framing of rules etc., will be made ready for application as soon as the Bill is passed into law. So I hope the House will pass this Bill in this Session. There will be no time spent and the Governor General's assent would be forthcoming within a fortnight to put the Act into operation. There will be practically no gap. Another point is that this Bill is practically the same Bill as the existing law which is not void in its entirety. At the time of introducing the Bill, I mentioned that there are a few clauses which are repugnant as contemplated under section 107 of the Government of India Act. If this Bill was not introduced, what would have been the effect? For want of assent of His Excellency the Governor General, the particular Sections which are repugnant might only could have been considered void; but no body could have questioned the rest of the Bill. I think, Mr. Hardman will just appreciate the difference. This question will not

arise at the beginning and there will be very few occasions in which these particular clauses will come into play. In view of these circumstances I feel the House will pass the Bill without any Amendments.

Maulavi MAHAMMAD ROUFIQUE: Does the Hon'ble Minister mean clause 53?

The Hon'ble Srijut BISHNURAM MEDHI: Clause 53 of the Bill itself. I will read out the clause for the elucidation of the House: "The Assam Sales Tax Act, 1939, and the Assam Sales Tax Act 1947" are hereby repealed.

Maulavi MAHAMMAD ROUFIQUE: In the Statement of Objects and Reasons that has not been stated. It has been stated that the Assam Sales Tax Act, 1947, contained errors which the present Bill proposes to remove. This is deceptive. He explained that they were clerical errors. For removing clerical errors, another Bill has to be introduced?

The Hon'ble Srijut BISHNURAM MEDHI: The word 'errors' includes all errors. There are no words as 'clerical error'.

Maulavi MAHAMMAD ROUFIQUE: You said so.

The Hon'ble Srijut BISHNURAM MEDHI: I said one of the reasons. The other error is repugnancy. That is why the word "clerical" was not added before the word 'error'. The question of repealing is in the clause itself.

The Hon'ble the SPEAKER: What does the hon. Mr. Ziaosh Shams propose to do?

***Maulavi ABUAL MAJID ZIAOSH SHAMS:** I beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Motion? (*Voices—yes, yes*).

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

The Hon'ble the SPEAKER: The question is:

"That the Assam Sales Tax Bill, 1947, be taken into consideration".

The question was adopted.

The Hon'ble the SPEAKER: I must remind the hon. Members that the last date for submission of Amendments is 3 P.M. to-morrow, the 7th November, 1947,

Mr. J. S. HARDMAN: It will be too short, Sir.

The Hon'ble Srijut BISHNURAM MEDHI: In that case we will not be able to finish all the items. It will not be possible to complete our business during this Session. We want that all these Bills should be passed on the 10th or 11th instant.

Mr. J. S. HARDMAN: So far as we are concerned we waive our right.

*Speech not corrected.

The Hon'ble Srijut BISHNURAM MEDHI: The difficulty is that the session will have to be continued beyond 11th November in such a case.

Mr. J. S. HARDMAN: We on our side waive the right of requiring notice. The Bill can be taken up on the appointed date.

The Hon'ble the SPEAKER: I now extend the time upto 5 o'clock to-morrow.

Mr. J. S. HARDMAN: On Saturday upto 11 O'clock.

Maulavi ABDUL HAI: We are only asking for some time, Sir.

The Hon'ble the SPEAKER: I can extend the time upto 5 O'clock to-morrow.

Mr. J. S. HARDMAN: Would 12 O'clock Saturday morning do, Sir?

The Hon'ble Srijut BISHNURAM MEDHI: I think, 5 p. m. will be quite good.

The Hon'ble the SPEAKER: I think 5 p. m. will do.

Maulavi MAHAMMAD ROUFIQUE: I think, Sir, the Hon'ble Revenue Minister should agree. He has already taken credit for giving an opportunity to move Amendments and he should not be niggardly in this respect.

The Hon'ble Srijut BISHNURAM MEDHI: It is for the Hon'ble Speaker.

Maulavi MAHAMMAD ROUFIQUE: If there is no opposition from the Hon'ble Speaker.....

The Hon'ble Srijut BISHNURAM MEDHI: There may not be sufficient time during this session for passing this Bill.

Maulavi ABDUL HAI: The discussion on the Amendments will come on the appointed date but for submission of Amendments we require a little more time.

The Hon'ble the SPEAKER: I proceed to item No.10.

Mr. J. S. HARDMAN: Sir, may I refer to rule 67 of the Assembly Manual which says:—

“If notice of a proposed amendment has not been sent to the Secretary three clear days before the meeting of the Assembly at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker, in his discretion, allows the amendment to be moved”.

What we are proposing is that with the sense of the House you should exercise your discretion in allowing the debate to continue notwithstanding the fact that Amendments have been held later and the debate should occur on the

same date on which the Hon'ble Finance Minister wishes but that we should have a little more time to consider the detailed drafting of the Amendments. I am not in a position to put in Amendment of the sort at once but we should like to have it examined with greater care to see that any possible objections are avoided and if the time is extended up to noon on Saturday, I think, it will be better for all concerned.

The Hon'ble Srijut B'SHNURAM MEDHI: The difficulty about this is that these Amendments are generally examined by our departments concerned. There is a Sunday intervening. So, it will be very difficult for us to do it. As a matter of fact, all these Amendments were moved and threshed out in the last Budget Session and so there will be no difficulty to submit Amendments by 5 P.M. as suggested by the Hon'ble the Speaker.

Maulavi MAHAMMAD ROUFIQUE: I don't think there will be any difficulty for the Hon'ble Minister because he is already conversant with the Amendments, as he says.

The Hon'ble the SPEAKER: But sometime should be given to my office also to type or print and circulate these Amendments.

Maulavi ABDUL HAI: So the time fixed is to-morrow upto 5 P.M.

The Hon'ble the SPEAKER: Yes.

The Assam Local Self-Government (Amendment) Bill, 1947

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I beg to introduce the Assam Local Self-Government (Amendment) Bill, 1947, and to move that the Bill be taken into consideration.

Sir, copies of the Bill has been circulated. The Statement of Objects and Reasons of the Bill runs thus:

"On the inauguration of Independence it is considered necessary and desirable that the number of elective seats of Local Boards should be determined on the basis of population without giving any weightage to other factors." In short, the intention is to ensure more fair and even distribution of seats in the Local Boards.

It is well known, Sir, that the accepted criterion of election now is the basis of population. Hence it is sought to amend the relevant section which contains in its criteria the basis of population and other factors such as area, taxes and other things. It is considered that the basis of population should be the only criterion for seats in the Local Boards and for that reason the Bill has been introduced.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Local Self-Government (Amendment) Bill, 1947 be taken into consideration."

Maulavi MAHAMMAD ROUFIQUE: Before we give our opinion we want to have some information from the Hon'ble Minister. Now when this Amendment is accepted whether there is going to be a regulation of seats and whether the seats will be reallocated immediately after these Amendments are accepted on the basis of population.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Action will be taken to recallo seats.

Srijut SIDDHINATH SARMA: Mr. Speaker, Sir, গৱৰ্ণমেণ্টে এতিয়া যি সংশোধনী প্ৰস্তাব আনিছে সেই প্ৰস্তাবটো আজিৰ দিনৰ সন্মেলনত আনিবলৈ হৈছে আৰু তাক নই সৰ্বসাধাৰণৰে সন্মত কৰিব। এই অৰ্থে বিশেষ অসমীয়া সংসদীয় কৰ্মসমূহ গৱৰ্ণমেণ্টে এটা আনৰ ইয়াত চলি আছে সেইখন আইনটো ১৯১৫ চনত প্ৰথম আৰম্ভ হৈছে আৰু আজি পুৰণি ৩২ বছৰ এই আইন চলি আছে। ইয়াৰ ভিতৰত কাম কৰা কৰ্মসমূহৰ বিহীন বৰমান গৱৰ্ণমেণ্টে আৰু ইয়াৰ আগৰ এচেন্সিয়েটা ইয়াৰ নাম প্ৰকাৰ সংশোধন হৈছে আৰু ইয়াৰ আঁকাবন্দীক ব্যৱস্থা আৰু পাৰা আছে সেইবিলাক এতিয়া যোৱাটো চাবলৈ হৈছে আৰু ইয়াৰ পিছত সন্মেলনযোগী হৈ থকা নাই। সেই কাৰণে ইয়াৰ আনুৰূপ বিবৰ্তন হোৱা কৰিবলৈ ইয়া ১৯১৫ চনত যোত্য়া কংগ্ৰেছ পাৰ্টি এচেন্সিয়েটা আইনটো সেই সময়ত নই এই আইনৰ এখন সংশোধনী বিল আনিছিল। সেই বিল তেতিয়াৰ গৱৰ্ণমেণ্টে নাম কৰাৰে প্ৰত্যাহ্বান কৰিব পৰা নাছিল। আৰু তেওঁবিলাকে আপত্তি কৰিছিল। তেওঁবিলাকে কৈছিল যে তেওঁবিলাকে তেওঁৰ এখন সংশোধনী বিল আনিব। তাৰ পিছতো আনৰ বৰ্তমান Speaker আনিবলৈ এখন সংশোধনী বিল আনিছিল, কিন্তু সেই বিলাক আইনত পৰিষ্কাৰ হোৱা নাছিল। কিন্তু আজিৰ দিনৰ একজন সংশোধন কৰি থাকিলেই এই আইনখন ঠিক সন্মেলনযোগী হব। বোধকৰোঁ তেওঁৰ পৰিষ্কাৰত বিল এখন সোনকালে গৱৰ্ণমেণ্টে আনিব। ভিলেজ পঞ্চায়ত বিলাক হোৱাৰ পৰিষ্কাৰ হৈছে কিছুমান ক্ষমতা দিয়া হব। এই আইনত হোৱাৰ পঞ্চায়ত আইনত বোৰকাৰ বোৰ্তি বিলাকক যি ক্ষমতা দিয়া হৈছে তাৰ লগত গাৰ্ৱলীয়া পঞ্চায়ত বিলাক গাৰ্ৱলীয়া হৈছেকি যি ক্ষমতা দিয়া হব তাৰ সামঞ্জস্য ৰাখি যদি অৰ্ডা মাৰ্চ অধিবেশনত এখন নতুন পঞ্চায়ত আইন বিল বা আইন পৰিষ্কাৰ কৰি এখন সংশোধনী বিল দাঙি ধৰা হয় তেনেহলে সেইটো সন্মেলনযোগী হব বুলি মই ভাবো। আশা কৰোঁ গৱৰ্ণমেণ্টে এই বিষয়ে বিবেচনা কৰি চাব। বৰ্তমান অৱস্থাত গৱৰ্ণমেণ্টে পঞ্চায়ত বিল আনি যি বিলাক ক্ষমতা গাৰ্ৱলীয়া পঞ্চায়তক দিব বুলিছে তাৰ ওপৰত লোকল বোৰ্ডৰ কি সন্দেহ থাকিব সেই বিষয়ে নিৰ্দ্ধাৰণ কৰা উচিত হব। লোকল বোৰ্ড বিলাক ৰখা হবনে নহব সেই বিষয়েও গৱৰ্ণমেণ্টে বিবেচনা কৰা উচিত হব। মোৰ বিবেচনাত লোকল বোৰ্ড বিলাক বোধহয় ৰাখিবই লাগিব—অন্ততঃ কিছুদিনলৈ হলেও।

বৰ্তমানে স্কুলেই হৈছে লোকল বোৰ্ডৰ এটা প্ৰধান বিষয়। বাসভাৰুৱাক প্ৰাথমিক শিক্ষাৰ আইনতে সেই স্কুলবিলাক গৱৰ্ণমেণ্টৰ হাতলৈ আনিব। এতিয়া লোকল বোৰ্ডৰ হাতত বিশেষকৈ বাস্তা, স্কুল আৰু ডাঙৰখানাৰ অধিকাৰ আছে। বৰ্তমানে লোকল বোৰ্ডৰ কিছুমান গাৰ্ৱৰ বাস্তা Public Works Department ৰ তলত লোৱা হৈছে। যদি সকলো আৱশ্যকীয় বাস্তা গৱৰ্ণমেণ্টে Public Works Department ৰ তললৈ আনে আৰু ডাঙৰখানা বিলাক মেডিকেল ডিপাৰ্টমেণ্টৰ তললৈ আনিবলৈ বিচাৰে তেনেহলে লোকল বোৰ্ড বিলাকৰ কাম নিশ্চয় কম হব, যদিহে আন ক্ষমতা লোকল বোৰ্ড বিলাকক দিয়া নহয়। যদিহে এইভাবে গৱৰ্ণমেণ্টে কাম নকৰে বা সেই বিলাক গৱৰ্ণমেণ্টে নিজৰ হাতলৈ আনিবলৈ নিবিচাৰে বা লোকল বোৰ্ড বিলাক ৰখা আৱশ্যক বুলি ভাবে তেনেহলে ভিলেজ পঞ্চায়তৰ লগত লোকল বোৰ্ডৰ কি সন্দেহ থাকিব, কি কাম ভিলেজ পঞ্চায়তৰ হাতত থাকিব আৰু কি কাম লোকল বোৰ্ডৰ হাতত থাকিব তাক নিৰ্দ্ধাৰণ কৰা উচিত হব। মোৰ বোধেৰে লোকল বোৰ্ড বিলাক আৰু কিছুদিন ৰখা উচিত হব বুলি ভাবো। কিয়নো, ইংলণ্ড, আমেৰিকা আদি স্বাধীন দেশবিলাকতো Country Council বিলাক আছে আৰু সেই বিলাকে গাৰ্ৱৰ কামবোৰ কৰে। সেই অনুসাবে আমাৰ ভিলেজ পঞ্চায়ত বিলাক ভালকৈ পঢ়ি নুঠালৈকে এই লোকল বোৰ্ড বিলাক ৰখা উচিত হব বুলি মই বিবেচনা কৰো। সেই কাৰণে, লোকল বোৰ্ডৰ কি কি ক্ষমতা থকা উচিত, গাৰ্ৱলীয়া পঞ্চায়তক কি কি ক্ষমতা দিয়া উচিত আৰু গাৰ্ৱলীয়া পঞ্চায়ত আৰু লোকল বোৰ্ডৰ কি কি সন্দেহ থকা উচিত, এই বিলাক ভালকৈ পৰীক্ষা কৰা উচিত।

বৰ্ত্তমান লোকেল চেৰ্জ গৱৰ্ণমেণ্টৰ যি বিলাক ধাৰা বা rule আছে সেই মতে কাম কৰাত লোকেলবোৰ্ড বিলাকৰ বহুত ব্যাঘাত হয়। স্কুলৰ পণ্ডিত বিলাকক দৰমহা স্থিতিত গাৰাৰণতে ৩।৪ মাহ পলম হয়। পণ্ডিত বিলাকে বিল কৰি চুৰ-ইন্স্পেক্টৰ বিলাকলৈ পঠিয়ায়, তাৰ পিচত ডিপুটি ইন্স্পেক্টৰৰ ওচৰলৈ যায় আৰু তাৰ পিচতহে লোকেল বোৰ্ডলৈ আহে। তেতিয়া তেওঁবিলাকে চাই চিন্তি বিল পাচ কৰি পাহৰাৰী শফক সকললৈ দৰমহা পঠিয়াব লগা হয়। দৰমহা পঠিয়াবলৈকো আহকাল আছে। এপোষ্টে আপিচে বিলাকে এটা নিৰ্দ্ধাৰিত সংখ্যাৰ বেচি মনিঅৰ্ডাৰ নলয়। লোকেল বোৰ্ডৰ পৰা প্ৰত্যাহ ভেৰ হাজাৰ মনিঅৰ্ডাৰ যাব লাগে, কিন্তু তাৰ ভিতৰত কোনো কোনো পোষ্ট আপিচে ৪০৫০ খন আৰু কোনো কোনো পোষ্ট আপিচে ২০।২৫ খন কৈহে লয়। যদি গৱৰ্ণমেণ্টৰ হাতলৈ বোৰ্ড আছে তেনেহলে ইয়াৰ এটা উপায় কৰিব লাগিব। যদিহে মনিঅৰ্ডাৰ কৰি টকা প্ৰত্যাহাৰ ব্যৱস্থাই থাকে তেনেহলে এনেবিলাক অসুবিধা সদায় হব। সেই কাৰণে হয় চেক্ দিয়াৰ ব্যৱস্থা কৰিব লাগে নহলে যি বিলাক পণ্ডিত ওচৰত থাকে আৰু দিনটোৰ ভিতৰতে উভতি যাব পাৰে, সেইবিলাকক অফিচৰ পৰা চেক্ দিয়াৰ ব্যৱস্থা কৰিব লাগিব বা অইন কোনো উপায় কৰিব লাগিব।

নতুন আইনমতে যদি গণ ভোটৰ ওপৰত নিৰ্ভৰ কৰি নিৰ্বাচন হয় তেনেহলে appointed মেম্বৰ থাকিব নে নাথাকিব তাকো বিবেচনা কৰিব লাগিব। Local Self-Government Act section 4 ত appointed মেম্বৰ বন্ধাৰ কথা আছে। মই বিবেচনা কৰো যে যদি গণ ভোটৰ ওপৰত নিৰ্ভৰ কৰি নিৰ্বাচন হয় তেনেহলে appointed মেম্বৰ বন্ধাৰ আৰু কোনো আৱশ্যক নাই। যেতিয়া এছেম্বলিতে appointed মেম্বৰ নাথাকে, তেনেস্থলত লোকেল বোৰ্ডত appointed মেম্বৰ বন্ধাৰ আৱশ্যকতা কি? এই Act খন amend নকৰিলে সেই কথাটো উঠাই দিব নোৱাৰে। Local Self-Government Act section (4)ত আছে "Every Local Board shall consist of not less than sixteen members who shall be in part elected and in part appointed in accordance with the rules." গতিকে এইমতে এতিয়াও appointed মেম্বৰ থাকিব। সেই কাৰণে appointed মেম্বৰ বন্ধা উচিত হবনে নহয় সেইটো এই House এ আৰু গৱৰ্ণমেণ্টে বিবেচনা কৰি চোৱা উচিত। মোৰ ব্যক্তিগত মত এই যে appointed মেম্বৰ থাকিব নালাগে। ইয়াৰ বাহিৰেও সম্প্ৰদায়িক ভিত্তিত সদস্য নিৰ্দ্ধাৰণ হোৱাৰ ব্যৱস্থা আছে। "The distribution of the elected members among the different sections of the Community and in different localities". এই সম্পৰ্কেও এটা বিবেচনা কৰি চোৱা উচিত। নতুন Constitution মতে কেৱল Scheduled Caste, Muhammadan আৰু Tribal সম্প্ৰদায় কেইটিহে Minority Community হিচাবে পৰিগণিত হব। তাৰ বাহিৰে এই আইনত কোনো community minority হিচাবে থকা উচিত হবনে নহয় সেইটো বোধ কৰো গৱৰ্ণমেণ্টে বিবেচনা কৰিব আৰু সেই বিষয়েও ভাবি স্ম-মীমাংসালৈ অহা উচিত হব।

ইয়াৰ বাহিৰেও এই আইনত যি বিলাক ধাৰা আছে তাৰ বহুত পৰিবৰ্ত্তন কৰা আৱশ্যক। মই বৰ্ত্তমান প্ৰত্যেকটি ধাৰাৰ বিষয়ে আলোচনা কৰিব নোখোজো। ইয়াৰ বাহিৰে ইয়াত যি বিলাক rule আছে সেই বিলাকৰো আমূল পৰিবৰ্ত্তন আৱশ্যক। এটি rule আছে যে proceedings বিলাক ইংৰাজীত লিখিব লাগে। এতিয়া আমি এছেম্বলিতেই অসমীয়া ভাষা প্ৰচলন কৰিছো, তেনে অৱস্থাত লোকেলবোৰ্ড বিলাকৰ proceedings অসমীয়া ভাষা লেখা নিতান্ত আৱশ্যক আৰু সকলোৱে তাকে কৰিবলৈ বিচাৰিছে। ১৫ আগষ্টৰ পিচত গৌহাটী লোকেলবোৰ্ডৰ যি মিটিং হৈছিল তাত সকলো সদস্যই অসমীয়াতে proceedings লিখিব লাগে বুলি মত প্ৰকাশ কৰিছিল আৰু সেই মতেই এটা প্ৰস্তাৱ গ্ৰহণ কৰি গৱৰ্ণমেণ্টৰ ওচৰলৈ পঠিয়াইছিল আৰু অসমীয়াতে proceedings লিখিছিল।

The Hon'ble the SPEAKER: The hon. Member will try to be relevant.

Srijut SIDDHINATH SARMA : মই কৈছো যে ইয়াৰ এটা ধাৰা পৰিবৰ্তন কৰিলেই নহব—ইয়াৰ আনুল পৰিবৰ্তন কৰা আৱশ্যক। সেইটো দেখুৱাবলৈকে কেইটামান উপাধৰণ দিছো। ইয়াৰ বহুত rule আৰু আইন ধনো বহুত পৰিবৰ্তন কৰা আৱশ্যক। মই সেই কাৰণে লোকেল চেলফ গৱৰ্ণমেণ্টৰ মছী মহোদয় আৰু গৱৰ্ণমেণ্টক অনুৰোধ কৰো যেন তেখেত সকলে অহা নাৰ্চ Sessionত গোটেই Local Self-Government Act খন recast কৰি এখন সময়োপযোগী বিল তৈয়াৰ কৰিব আৰু এছেম্বলিত দাঙি ধৰিব দুটি আশা কৰিলো।

The Hon'ble the SPEAKER : The Hon'ble Minister will now reply.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I quite appreciate the remarks made by my hon. Friend. It is really a fact that our Assam Local Self-Government Act has become very old by this time and many of its provisions are not at all suited to the needs and requirements of our communities at present. From some years past this Act was sought to be amended very thoroughly but after due consideration the wholesale amendment was not taken up; because it was considered that certain political changes were coming up shortly and it would be better to take up the recasting of the Act in the light of those political changes which might be useful to realise facts. We have now experienced some of the changes and yet much more are to come. For instance, my hon. Friend has pointed out that the Village Panchayat Bill might be taken up. At the same time, it will be our duty to see how far the services for the villagers will devolve on the Local Board and how far those services would be taken up by the Village Authority according to the act of legislation suggested by my hon. Friend. I have also quite appreciated the other remarks that have been made to the effect that the Local Board employees have been suffering. If, of course, a Bill or a legislation as suggested by Mr. Sarma is not contemplated and brought by Government, then of course the amendment would be brought in such a way that the difficulties might be sufficiently remedied in future. Government will take all these suggestions into their earnest consideration and, if necessary, will bring suitable and thorough amendments possibly in the next March session and, if not possible, as early as possible.

The Hon'ble the SPEAKER : The question is :

“That the Assam Local Self-Government (Amendment) Bill, 1947, be taken into consideration”.

The question was adopted.

The last date for submitting Amendments is the 7th November 1947 at 5 P.M.

The Assam Municipal (Amendment) Bill, 1947

The Hon'ble the SPEAKER : Now, item No. 11.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I beg to introduce the Assam Municipal (Amendment) Bill, 1947, and move that the Bill be taken into consideration.

Sir, in view of the changed constitutional set up of the Dominion of India, the prescribed order under section 16 of the Assam Municipal Act has become inoperative and as such, it has been considered necessary and desirable that the

said section should be amended. On a reading of the section, Sir, it will appear that such a change as is contemplated by this Bill is absolutely necessary. I read the section for the information of hon. Members.

Section 16. Every person who is elected or appointed to be a Member of a Board shall before taking his seat make at a meeting of the Board an oath or affirmation of allegiance to the Crown in the following form, *viz.* "I, A. B.,
elected
having been _____ a member of this Board do solemnly swear (or affirm)
appointed
that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, his heirs and successors and that I will faithfully discharge the duty upon which I am about to enter". Here, in place of "Crown", the words "Dominion of India" have to be substituted and in the other place where "His Majesty the King, Emperor of India" occur, the words—"Constitution of India" are to be used. Hon. Members have been supplied with a copy of the form with which we propose to amend the section. These changes are of very formal nature and I hope there will be no objection to their adoption.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Municipal (Amendment) Bill, 1947, be taken into consideration".

Srijut DANDESWAR HAZARIKA : Mr. Speaker, Sir, ভাৰতবৰ্ষই স্বাধীনতা পোৱাৰ পিচৰ পৰা মিউনিচিপালিটিৰ মেম্বৰ সকলে আগেয়ে যি শপত লব লাগিছিল সেইটো বদলি কৰিব লাগিব আৰু তাৰ কাৰণে যিখন বিল আনিছে মই তাক সমৰ্থন কৰোঁ। যি বিলাক মেম্বৰে জনসাধাৰণৰ ভোটত ৰাইজৰ সেৱা কৰিবলৈ আহে, তেখেতসকলে কামত সোমোৱাৰ আগতে শপত গ্ৰহণ কৰা এটা ভাল ব্যৱস্থা আৰু এই ব্যৱস্থা মিউনিচিপালিটিত আছে, কিন্তু লোকল বোৰ্ডত মিউনিচিপালিটিতকৈ বেচি সংখ্যক প্ৰতিনিধি থকা স্বত্বেও তাত তেনেকুৱা শপতৰ ব্যৱস্থা নাই। এতিয়াই মাননীয় শৰ্মা ডাঙৰীয়াই কৈ গৈছে যে লোকলবোৰ্ডৰ যিখন আইন আৰু যি বিলাক rule আছে সেই বিলাকৰ বহুতো সংশোধন কৰিব লাগিব আৰু তাৰ কাৰণে তেখেতে গৱৰ্ণমেণ্টৰ দৃষ্টি আকৰ্ষণ কৰিছে। মই গৱৰ্ণমেণ্টক অনুৰোধ কৰো যে কেৱল লোকল বোৰ্ড বেই নহয়, মিউনিচিপাল আইনবোৰো বহুত নিয়ম আছে যি বিলাক সাল সলনি কৰিবৰ প্ৰয়োজন হৈ পৰিছে।

Srijut BELIRAM DAS : যেনে ?

Srijut DANDESWAR HAZARIKA : মই কম ; don't be impatient ; taxation ৰ কথা। যেতিয়া house tax নিৰ্দ্ধাৰণ কৰে তেতিয়া যদিও কেইজন মান মেম্বৰ বহি পৰামৰ্শ কৰি নিৰ্দ্ধাৰণ কৰে তথাপিও বহুত সময়ত arbitrarily নিৰ্দ্ধাৰণ কৰা দেখা যায়।

বিশেষকৈ sweeper ভাই সকলক যি দৰমহা বা সুবিধা দিছে সি সচাঁকৈয়ে বৰ দুখ লগা। তেওঁলোকে এনেকুৱা কঠিন কাম কৰে যে তেওঁলোকক যি দৰমহা দিয়াহয় সি একেবাৰেই নগণ্য।

Srijut BELIRAM DAS : মিউনিচিপালিটিয়ে ইচ্ছা কৰিলেই বেচিকৈ দিব পাৰে।

Srijut DANDESWAR HAZARIKA: দিৱ পাৰে হয়। I have only drawn the attention of the Government to this fact. সেই কাৰণে এই গৱৰ্ণমেন্টক অনুৰোধ জনাও যে লোকেনবোর্ড আৰু মিউনিসিপালিটি বিলাকলৈ গৱৰ্ণমেন্টে বাবে সুবিধিয়ায় যে যি বিলাক rule amend কৰিব লাগে সেই বিলাকৰ বাবে যোৱা বিলাকে suggestion দিয়ে। আগেয়ে মিউনিসিপাল বোৰ্ডেই হওক বা লোকেন বোৰ্ডেই হওক, যি বিলাক resolution বা bye-law গৱৰ্ণমেন্টলৈ পহিঁয়াব, দেখকৰো কমিছনাৰ বকাৰ কাৰণে সেই বিলাকৰ অনুমোদন পোৱাত বহুত পলম হয়।

Srijut BELIRAM DAS: এতিয়া কমিছনাৰ post উঠি গৈছে।

Srijut DANDESWAR HAZARIKA: আমি দেখিবলৈ পাইছো যে কেতিয়াবা ২½ বছৰ এ বছৰৰ ভিতৰতো বোৰ্ডে একোটা bye-law বা resolutionৰ অনুমোদন গৱৰ্ণমেন্টৰ পৰা নাপায়। এতিয়া অৱশ্যে কমিছনাৰ পদ উঠি গৈছে। সেই কাৰণে বাবে এই বিলাকৰ অনুমোদন সোনকালে পোৱা নায তাৰ কাৰণে অনুৰোধ জনাই এই বিলাক সম্বন্ধ কৰিলোঁ।

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, this is another observation regarding the defects pointed out by my hon. Friend, Srijut Dandeswar Hazarika. Those defects are not real. Regarding the principle of fixation of tax, the Municipal Board is entitled to set the matter right. The present defect is that when our rate-payers elect their members they do not consider about the duties which the members are to discharge and they are influenced by motives other than service to the Board and ultimately they are misled. If the rate-payers really consider the matter carefully before election as to what sort of representatives should be sent to the Board, I think, there will be no difficulty in properly administering the Municipal Board. A Municipal Board is a completely self-governing institution and it can discharge its duties as desired by the rate-payers. The only defect, of course, in the light of the present circumstances, is that Government has the power to nominate some members for some Municipalities. However, Government will take the matter for their consideration whether the system of nomination of members should still continue.

Regarding the point about the condition of sweepers, Sir, I may say that it is a province-wide problem. The last war is responsible for this problem. The finances of all the municipalities have proved quite inadequate to meet their requirements. It is well known to all the hon. Members that expenditure in every direction has shot up to a very high level and some municipalities have tried to meet their demands by increasing the rate of taxes, and even then prices of things have gone up to such an extent that they cannot cope with the increased demands by raising taxation. It will be great hardship if the municipalities want to meet the increased expenses of the Boards by raising taxation. For all this the sweepers in most of the municipalities are very poorly paid at present. Their quarters are mostly insanitary. I personally visited some of the sweepers quarters and also I have had some experience in this respect, while I was a member and also a Chairman of a Municipal Board for some time. This need has been felt everywhere and recently we have got some correspondence from Mahatmaji who also recommends favourable consideration for improving the condition of the sweepers. It is well known that there is no use in asking the municipalities to raise their taxation for improving the condition of their sweepers. There is a proposal on the side of Government themselves to divert, if possible, some money

from the Post-War fund and then take up the housing problem of the sweepers in all the municipalities. Of course it is still a proposal and is being dealt with by Government. Government will try their utmost to improve the condition of the sweepers as soon as possible. I may state that the Government is not unaware of the miserable condition of the sweepers.

The Hon'ble the SPEAKER: The question is:

“That Assam Municipal (Amendment) Bill, 1947, be taken into consideration.”

The question was adopted.

The Hon'ble the SPEAKER: The time for submitting amendments is 5 P. M. to-morrow.

The Assam Courts Fees (Amendment) Bill, 1947

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Court Fees (Amendment) Bill, 1947, and to move that the Bill be taken into consideration. The purpose of introduction of this Bill is that during my tour facts were brought to my notice by some of the Munsiffs that the suits are under-valued but under the existing law there is no provision to hold an enquiry, whether the valuation given regarding the subject matter of the suit is correct or not. Power is given under this Bill to hold an enquiry to ascertain the correct valuation of the subject matter of suit. It shall come into force at once. After Section 7 of the Court-fees Act, 1870, the following shall be inserted as section 7A, 7B, 7C and 7D, and shall apply to the whole of Assam, namely:—

7A. If the Court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation, and may hold such inquiry as it thinks fit for such purpose.

Similarly section 7B and the other sections relate to making enquiries, summoning of witnesses, examining witnesses if necessary for coming to a proper decision regarding valuation of a suit.

In view of all this, I hope the hon. Members will accept my Motion.

The Hon'ble the SPEAKER: Motion moved:

“That the Assam Court Fees (Amendment) Bill, 1947, be taken into consideration.”

Maulavi ABUAL MAJID ZIAOSH SHAMS: Mr. Speaker, Sir, I should think that this amendment is unnecessary on account of two important reasons. First, it would add to law's delay and secondly, it would add to cost of the litigant.

You all know the proverbial thing that the case, especially civil cases in India, are very much prolonged and if additional powers are given to the Court for holding enquiries, this will further prolong litigation and delay and this will add to the cost of the suit. Because the court in order to come to a decision whether the valuation of a suit is proper or not will have to issue a commission and the commissioner may sometimes go to a certain locality for enquiry and the charge will be very high. Supposing the value of the property is Rs. 200 but is under-valued at Rs. 100 only and *ad-valorem* fee of Rs. 7-8-0 is paid on it. But then if a man goes on a commission of enquiry for undervaluation then it may sometimes add a cost of Rs. 25 to Rs. 100. So for

a suit of the value of Rs. 200 one has to pay more than Rs. 100 as cost for court fees besides other costs. I suppose, the hon. Members know that the Civil Procedure Code has given ample opportunities to the court to reject the plaint when the suit is under-valued, when the proper court-fee is not given and I refer the Hon'ble Minister in-charge to Order 7 rule 11 of the Civil Procedure Code:—"The plaint shall be rejected in the following cases:—(a) where it does not disclose a cause of action; (b) where the relief claimed is undervalued, and the plaintiff on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so; (c) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so."

Then we all know section 151 gives Courts wide powers, which is inherent powers of the Court. There are also powers under section 149 given to Courts to make up deficit court fees and to realise the proper court fees and even if a man is not able to pay the proper court fees at the time of filing.

Now the circumstances, as they prevail how things are done, are perhaps known to the Hon'ble Minister-in-charge. We know that the Civil Sheristadar examines the claims and finds out whether it is undervalued. And he brings the matter to the Court, the Court exercises powers as I have already said under order 7, rule 11 and further we know an Inspecting officer goes once or twice a year for this purpose and recently one such officer went to Dhubri and certain pleaders including myself were asked to give more court-fees for some such suits. As things stand at present, I do not see any use of the present contemplated complicated machinery which will not only cause law's delay, as I have already stated, but the poor litigant will not have opportunity to seek justice at such a high cost.

With these words, I hope it is better that the present Bill, if at all it is needed, if the Government wants to pursue the matter, should be circulated for public opinion and the opinion to come by the 31st of December, 1947.

The Hon'ble the SPEAKER: Do you want to move a Motion?

Maulavi ABUAL MAJID ZIAOSH SHAMS: I beg to move that the Court Fees (Amendment) Bill 1947 be circulated for eliciting public opinion and the opinion to come by the 31st of December 1947.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Court Fees (Amendment) Bill, 1947 be circulated for eliciting public opinion to be received by the 31st of December 1947."

The Hon'ble Srijut BISHNURAM MEDHI: At present, Sir, my hon. Friend has a very special fascination for a Motion of this kind for eliciting public opinion even in a simple matter of this kind. He himself says that in the Civil Procedure Code there is a discretion left with the Munsiff or the person trying the case to make some sort of summary enquiry. But can he point out whether the Court under that section can examine witnesses, if necessary, to find out a certain valuation? Take for instance that a plot of land is valued in the plaint at Rs. 100 whereas the market value is Rs. 1,000. How can the Court find out the proper valuation?

The Court will examine and the sheristadar, about whom the hon. Member mentioned, will see whether Rs. 100 valued in the plaint is paid in the shape of court-fees. That is the only thing that is done by the clerk. But the Civil Procedure Code does not provide for an enquiries to ascertain under Civil Procedure Code now whether the exact value of the subject-matter of the suit is the real value as stated in the plaint or not. Of course if the plaint is erroneously valued under one section instead of being done under the right section of the Act, it can be detected by scrutinising under the Civil Procedure Code. But how can a Court sitting at Gauhati or Dhubri ascertain the value of a plot of land situated at Dibrugarh? With regard to a particular plot of land if a case is instituted before a Sub-Judge, how can the Sub-Judge say what is the value of the land which is subject-matter of the suit? So, Sir, I don't understand why my hon. Friend is anxious to say that there is no necessity of this Bill. I think his anxiety is to save his clients and deprive Government of the due amount of court-fees. He need not bother about delay, as after filing of the plaint about two months will elapse before appearance of defendant and during this time the enquiry can be completed.

Maulavi ABDUL HAI: On a point of information, Sir. Who will bring to the notice of the Court that the suit has not been properly valued just after the filing of the suit?

The Hon'ble Srijut BISHNURAM MEDHI: The Court may do so on its own motion or the Government pleader may move the Court in the interests of Government.

Maulavi ABUAL MAJID ZIAOSH SHAMS: But on money suits, such as bonds and rent and khata account suits, they are properly valued and advance court fees paid, for which there is no objection. Only on title suits and suits of complicated nature the question of valuation arises, and there you find that invariably 95 per cent. of cases are contested and the defendants, whenever there is undervaluation and proper court fees not paid, generally raise objections and the Court gets an opportunity to decide the matter.

The Hon'ble Srijut BISHNURAM MEDHI: But Government should have an option of intervening in case the landed property is undervalued and the defendant does not raise any such objection. That is why section 7D specifically lays down "If in the result of an inquiry under section 7A the Court finds that the subject-matter of the suit has been undervalued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry. If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid". So, if Government cannot prove its case the cost of inquiry will fall on Government. That will be a check. It is quite possible, Sir, that after this Bill is passed the plaintiffs will hesitate to undervalue their properties. In view of this, I would request my hon. Friend to withdraw his Motion for circulation.

Maulavi ABUAL MAJID ZIAOSH SHAMS: This time also I am acceding to the request of the Hon'ble Minister, and I beg leave of the House to withdraw my Motion.

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

The Hon'ble the SPEAKER: The question is.

"That the Assam Court Fees (Amendment) Bill, 1947, be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER: Time for Amendments is up to 5 p. m. to-morrow.

The Assam Home Guards Bill, 1947

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to introduce the Assam Home Guards Bill, 1947, and to move that the Bill be taken into consideration. I need not possibly take the time of the House by a prolonged statement on the Bill. The Bill is almost in the same terms and in the same language as the Ordinance which was promulgated by this Government on the 30th of September 1947. In the Statement of Objects and Reasons you will find the reasons which prompted Government in bringing forward this Bill before the House. The object is to help the prevention of lawlessness in the country which in Assam was particularly noticeable in relation to the Food Control Orders in certain districts of the Province. But the Bill will have a wider scope as it is intended to meet not only this end but also to prepare our youths to meet any emergency in the Province. Judging from the structure of the Bill you will be pleased to find that the object of the Government is to have an organisation which will be organised more or less under the auspices of the Government itself; and the main idea behind this is that it is possibly necessary to have popular will behind the formation as well as in the working out of the scheme of the Home Guards. This Bill has been based more or less on Bills which have been enacted elsewhere, but, as I said, the fundamental principle is the preparation of the people themselves to meet lawlessness in the country as well as to meet emergencies which in the present circumstances of things may break out at any moment. I do not propose to take more time of the House excepting pointing out that the organisation is proposed to be instituted by the Government through a Commandant General acting under the Inspector General of Police. The duty of the organisation will apparently be under the guidance and direction of the Inspector General and will be taken up by the Commandant. The whole force within the Province will be considered as one unit. But there will be sub-units in the districts and there will be Commandant of district also. The district officer whenever there is necessity for using these Guards will call them out apparently through the Commandant who will be in charge and will work in co-operation with the Superintendent of Police of the district. How the Home Guards shall be enlisted is laid down in the provisions of the Bill. How they will be trained is also there. There is also provision for disciplinary action against these Home Guards as well as provision for certain immunities which as police force they will enjoy for certain action that they will do. The rest are matters of details and I do not propose to take up the time of the House. I commend this Motion for the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved.

"That the Assam Home Guards Bill, 1947, be taken into consideration."

Maulavi ABUAL MAJID ZIAOSH SHAMS: I would, of course, congratulate Government for the idea which has actuated them in bringing forward this legislation. But as regards the scheme of appointment, I have got

some words to add and to which of course I object very much. It is just in consonance with the time and spirit since we have got independence. Our people should have an opportunity to serve the Government and the people by volunteering their services. But then as it is a measure which will benefit the people, as it is a measure which gives an opportunity to the people to serve and combat lawlessness, the people themselves should be consulted in the matter of appointing the Home Guards—not all people, only those people who are in some organisation, as for example, the Congress Committee or the Muslim League Committee. We all know that both the Congress and the League have got their volunteer corps, such as, Sevadal and Muslim National-Guards. I do not say that simply by virtue of the fact that a young man happens to be a member of the Sevadal or of the Muslim National Guard he becomes automatically a Home Guard; but then his qualification and competency are to be judged properly. Anybody and everybody will not do. So in the matter of appointment these organisations should be consulted.

Clause 6 which refers to the appointment of the Home Guards simply says:—

“Subject to the provisions of this Act and to the rules made thereunder any person willing to serve as a Home Guard and possessing such qualifications as may be prescribed may be appointed a Home Guard.”

So enough provision has been made here for the rules that will be made under this, as regards the scheme of appointment and method of appointment. So I would request the Government to consider whether they should not consult these organisations which are people's organisations before appointment. So with these words I support the idea but I would ask the Government Member in-charge to consider my humble suggestion under the rules. If he agrees then I will have no objection in accepting *in toto* and give my full support to the Bill; otherwise, we will have to bring in amendments which will make the matter cumbrous and not smooth.

Srijut BELIRAM DAS: As regards the proposal to refer the Bill for the opinion of the various organisations, Sir, I would like to say that both the bigger political parties are present here in this House and so there is no necessity for sending the Bill for eliciting public opinion. As regards consulting the organisations in the matter of selection of candidates, there is no necessity because according to qualifications the appointments will be made. Government will appoint some machinery that will make these appointments; powers have been given to such officers as Superintendents of Police and they will be proper persons to look into the details. Hence there is no necessity to take the opinions of the organisations at the time of appointment.

Srijut SARAT CHANDRA SINHA: মাননীয় সভাপতি ডাঙৰীয়া মাননীয় সদস্য মহোদয়ে কৈছে যে Home Guard আৰু নিৰ্যুক্ত বিষয়ে বিভিন্ন পাৰ্টি বা organisation বিলাকৰ পৰামৰ্শ লব লাগে। কিন্তু তেনে কিমান পাৰ্টি বা organisation আছে সদস্য মহোদয়ৰ পৰা জানিব পাবোনে?

Dr. EMRAN HUSAN CHAUDHURY: বহুত আছে।

The Hon'ble Srijut GOPINATH BARDOLAI: I thank the hon. Deputy Leader of the Opposition for the support that he has given to my Bill. But his fears, I thought, was sufficiently met by the sub-clause which he read before the House. The sub-clause says that while there will be selection by proper people, anybody is entitled to offer himself for service in the Home Guard. But it should surely be the duty of the appointing authority to see that it is constituted by people who could be relied upon for fulfilment of the purpose for which the Home

Guard is created. I could tell my hon. Friend over there that we are not going to apply any principle of communalism there, but we will surely want that those who are meant for the defence of the country do actually defend it and not betray it. That is the attitude which every Government has a right to adopt in a question of this kind and that is the attitude which will be maintained by this Government also. I could tell the hon. Member that in Levadal which claims to be a national organisation there are Muslims who are working as volunteers. Therefore, if any person inspired by spirit of service wants to come in, he could be taken in. There is talk of territorial units being formed for the whole of India. I do not know whether Home Guards could be a part of it. Therefore for the service of India we shall require men who will be able to do it effectively. That is the main object of the Bill and I am sure hon. Members will give full help and support to this measure of Government.

Maulavi MAHAMMAD ROUFIQUE: May I know whether allegiance to the province is the only consideration for enrolment as volunteer for this unit or whether one's political leaning is also to be considered? I want to be clear on this point.

The Hon'ble Srijut GOPINATH BARDOLOI: There are several things which the recruiting officer shall have to take into consideration such as age, health, antecedent and character.

Maulavi ABUAL MAJID ZIAOSH SHAMS: Whether any political leaning to a particular political body will be taken into consideration?

The Hon'ble Srijut GOPINATH BARDOLOI: If such allegiance to a particular organization is conducive to the belief that they could be relied on for the defence of the country, that should come into consideration.

Maulavi MAHAMMAD ROUFIQUE: If the political aim of the party does not clash with the loyalty?.....

The Hon'ble Srijut GOPINATH BARDOLOI: I have not been able to follow the hon. Questioner.

Maulavi MAHAMMAD ROUFIQUE: I should like to be frank. There are Muslim Leaguers who have pledged loyalty to the State and given full support.....

Srijut MOTIRAM BORA: Has the Muslim League given up their two-nation theory?

The Hon'ble Srijut GOPINATH BARDOLOI: I mean whenever the appointing authority could rely on the loyalty there could be no disqualification for these people. The principal criterion is loyalty to the cause for which this unit is sought to be brought into existence.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, if you will just permit I would like to explain the position. We want to state clearly that we have.....

Srijut BELIRAM DAS: Government has already replied.

The Hon'ble Srijut GOPINATH BARDOLOI: I have nothing more to add ; but I have got to answer a question from Mrs. Bonily Khongmen. The question is "will women be taken too ?" (*Loud Laughter*). I will only reply in the same way as I have done to my hon. Friend on this. I think they may have some part to play in the same way in which I have submitted to the other Member of the House.

The Hon'ble the SPEAKER: The question is : "That the Assam Home Guards Bill, 1947 be taken into consideration".

The question was adopted.

The Hon'ble the SPEAKER: Time for submitting Amendments is tomorrow, 5 p. m.

The Assam Revenue Tribunal (Transfer of powers) Bill, 1947

The [Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Revenue Tribunal (Transfer of powers) Bill, 1947 and to move that the Bill be taken into consideration.

Now this hon. House may remember that a Resolution has been accepted in this House for the constitution of a High Court in the Province and we expect that the High Court will soon be constituted after necessary orders have been passed by His Excellency the Governor-General. With the constitution of the High Court there will not be the necessity of having a separate Revenue Tribunal and, in view of this, we have introduced this Bill for transfer of powers to the High Court in regard to those matters or pending cases of judicial nature. After the constitution of the High Court also there will be certain other matters which are now disposed of by the Revenue Tribunal, which are of administrative nature just like the orders of the Excise Commissioner regarding settlement of excise shops and other things of administrative nature. We consider that those matters should not be brought for disposal before the High Court and those administrative matters may be decided by the Government or the authority to be constituted by Government. In this Bill we have divided the matters of judicial nature and matters of administrative nature, because the High Court is not constituted as yet. That is why it has been provided in the Bill that it shall come into force on such date as the provincial Government may by notification in the official Gazette appoint. As soon as the High Court is constituted under the orders of His Excellency the Governor-General, notification fixing the date will be issued and the Act will come into force from the date specified in the notification and from that date under the proposed Bill matter of judicial nature described in Schedule A and that of administrative matter described in Schedule B will be disposed of by the High Court or the Government or authority constituted by the Government. Schedule A is considered by the Government as matters of judicial nature and Schedule B is considered as matters of administrative nature. In view of this, I hope, hon. Members will help us and accept this Motion for consideration of the Bill.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Revenue Tribunal (Transfer of powers) Bill, 1947 be taken to consideration".

The Hon'ble the SPEAKER: No body it seems is taking part in this Motion. So I put the question. The question is :

"That the Assam Revenue Tribunal (Transfer of powers) Bill, 1947 be taken into consideration".

The question was adopted.

Adjournment

The Assembly was then adjourned till 2 p. m. on Friday, the 7th November 1947.

SHILLONG :

A. K. BARUA,

The 18th December, 1947.

Secretary, Legislative Assembly, Assam.