

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

THE ASSEMBLY met at the Assembly Chamber, Shillong, at 11 a.m., on  
Tuesday the 1st March, 1938.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred questions 104 and 105 belonging to Mr. Arun Kumar Chanda  
and Maulavi Mabarak Ali were not put here as the questioners were  
absent.)

Appointments to the Assam School Service

Babu KARUNA SINDHU ROY asked :

\*106. Will Government please state—

(a) How many appointments were made by the Director of Public  
Instruction in the Assam School Service after 1st April  
1937 ?

(b) How many school teachers and how many school Sub-Ins-  
pectors were appointed by him after 1st April 1937 ?

(c) In how many of these cases, the Assam Public Service Com-  
mission was consulted, mentioning the numbers of Sub-Ins-  
pectors and school teachers separately ?

(d) In how many of these cases, the Director of Public Instruction  
made the appointments according to the recommendation of  
the Public Service Commission, mentioning the numbers of  
Sub-Inspectors and school teachers separately ?

(e) In how many of these cases, he ignored the recommendations  
of the Public Service Commission ?

(f) Did he obtain the permission of his Excellency the Governor  
of Assam through the Minister in charge in those cases where  
the recommendations of the Public Service Commission were  
ignored ?

(g) If he did not take any such permission, why he did not ?

\*107. Will Government be pleased to lay on the table a statement  
showing the names and numbers of persons recommended for appoint-  
ments in Assam School Service by the Public Service Commission and of  
persons actually appointed by the Director of Public Instruction after 1st  
April, 1937 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

106. (a)—27, including temporary and officiating appointments.

(b)—6 Sub-Inspectors and 21 Assistant Masters.

(c)—4 of Sub-Inspectors and 12 of Assistant Masters.

(d)—The Director has given effect to the recommendations of the Commission which were revised in certain cases after discussion.

(e)—Does not arise.

(f)—Does not arise.

(g)—Does not arise.

107.—A statement is laid on the table. The remaining 11 appointments have been made on a temporary basis, and the whole question of the authority to make permanent appointment is under the consideration of Government.

*Statement referred to in reply to starred question No. 107 put by Babu Karuna Sindhu Roy*

**A statement showing the names and numbers of persons recommended for appointments in Assam School Service by the Public Service Commission and of persons actually appointed by the Director of Public Instruction after 1st April 1937**

Babu Kamini Kumar Bardhan, B.Sc.

Mr. Lamphrang Tham, B.A.

Sudhir Chandra Mali, B.A.

Mr. Hastingwell Kharkongor, B.A., B.T.

Maulavi Shofiqul Haque, B.Sc.

Jogesh Chandra Sutradhar, B.A.

Maulavi Serajul Haque Choudhury, B.A. (Hons.).

Maulavi Abul Hason Fazlul Bari, B.A.

Srijut Lohit Chandra Kakoti, B.A.

Srijut Lalit Ram Hazarika, B.A.

Srijut Gopinath Saikia, B.A.

Srijut Suresh Chandra Sarkar, B.A.

Maulavi Abdul Mannan, B.Sc.

Srijut Rampada Das, B.A. (Hons.).

Srijut Gabinda Ram Bhattacharyya, M.Sc., B.L.

Maulavi Saifur Rahman, B.A. (Hons.).

**Babu KARUNA SINDHU ROY:** Was there any recommendation made by the Public Service Commission and ignored by the Director of Public Instruction?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not aware of that. I am rather in a difficulty in answering this question as my Hon'ble Colleague who is in charge of the file is not here. I will make an enquiry and let my hon. friend know in due course.

**Babu KARUNA SINDHU ROY:** Do all these names in the statement include all the persons who have been recommended by the Public Service Commission?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am at the same disadvantage. I will make an enquiry and let my hon. friend know.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI:** How many Muhammadan teachers are there in Classes I and II in the Assam School Service?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That is a question that most probably does not arise out of this. At the same time I do not possess these figures. I require notice of the question.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI:** From the reply of the Hon'ble Education Minister at the last session I found that there is not a single Muslim teacher in Class II of the Service.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I will take my hon. friend's statement as correct.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI:** Will the Hon'ble Minister be pleased to consider the question so that suitable Muhammadan teachers are appointed in Classes I and II.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The suggestion will be considered.

**Erosion of a portion of land in front of the Circuit House at Habiganj by River Khowai**

**Maulavi ABDUR RAHMAN** asked:

\*108. Are Government aware of the fact that in front of the Circuit House at Habiganj a considerable sum is spent every year by the Public Works Department to stop the erosion there?

\*109. If so, will Government please state the amount that was spent during the last 20 years?

\*110. Do Government propose to consider the desirability of having a diversion of the Khowai to the further east?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

108.—Government are aware that a small sum is spent yearly on the protection of the river bank in front of the Circuit House.

109.—The average annual expenditure during the past twenty years has been Rs. 434.

110.—No.

**Maulavi ABDUR RAHMAN:** Is it a fact that the erosion could not be stopped even by spending this amount?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** On the other hand our report is that erosion has been stopped by boulder dam.

**Maulavi ABDUR RAHMAN:** Is it a fact that a part of the road passing by the side of the river has been threatened away by the river?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir.

**Maulavi ABDUR RAHMAN :** May I know whether the Government is prepared to take steps to divert the course of the river ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I have already replied that Government do not consider it advisable to divert the course of the river. This will not be a practicable proposition.

**Maulavi ABDUR RAHMAN :** Are Government aware that this proposition was considered by the previous Council and some scheme was prepared ?

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

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI :** Will the Hon'ble Minister take it from me that the works that have been put up for stopping the erosion have been unsuccessful ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** The report of the Executive Engineer is to the contrary.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI :** May I know when the report was received ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I cannot give the date off hand. I can give the information later if desired.

**Superintendent, Assam Surveys, stationed at Shillong**

**Babu RABINDRA NATH ADITYA** asked :

\*111. Are Government aware that the Superintendent, Assam Surveys, stationed at Shillong has to absent himself from his office to attend the court at Shillong in connection with his private litigations ?

\*112. Do Government propose to transfer such an officer involved in private litigation in the interest of public service ?

\*113. If the answer to question 111 is in the negative, do Government propose to enquire into the matter ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

111.—The Superintendent, Assam Surveys, is not engaged in any litigation on his own behalf. He was made an executor under the will of the late Mr. A. V. Morello and was occasionally had to appear in court in that connection.

112.—No.

113.—Does not arise.

**Babu RABINDRA NATH ADITYA :** Did he take the permission of Government to become an executor for a private person ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I require notice of that question.

**Babu RABINDRA NATH ADITYA :** Is it not a fact that he had to attend court several times at the cost of his official duties ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** He had to attend court occasionally, I think to take out probate, but the probate must have been taken out by now and so he may have to attend very rarely.

**Babu RABINDRA NATH ADITYA :** Did he take permission to attend court ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I do not think it was necessary because he did not have to absent himself from office throughout the day.

**Babu RABINDRA NATH ADITYA :** But he had to attend court during office hours.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I am not sure of that. I shall make an enquiry whether any permission is required. I think he is the Head of his office.

**Babu RABINDRA NATH ADITYA :** Does it not contravene the Government Servants' Conduct Rules.....

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I do not think so.

**Babu RABINDRA NATH ADITYA :** Does it not contravene the rule of the Government Servants' Conduct Rules in being appointed as an executor ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I do not think so.

**Mr. W. FLEMING :** Is it not a fact that acting as an executor for bereaved children is a public service ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I think that is a sort of public service which even Government servants have to undertake to do.

**Mr. W. FLEMING :** Thank you, Sir.

**Babu RABINDRA NATH ADITYA :** Has it not the effect of detracting the attention of Government servants from his duties ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I don't think so.

(Starred questions 114-115 were not put here as the questioner Mr. Arun Kumar Chanda was absent.)

**Amount realised annually from the Commercial Carrying Company Limited**

**Khan Bahadur Maulavi SAYIDUR RAHMAN** asked :

\*116. Will Government be pleased to state the amount or amounts realised annually from the Commercial Carrying Company Limited by Government on different heads ?

\*117. Will Government be pleased to state the amount of expenditure incurred by Government annually for the upkeep of the Shillong-Gauhati road ?

\*118. Will Government be pleased to state what amount or amounts are annually paid by Government to the Commercial Carrying Company Limited, on account of (a) carriage of mails, (b) carriage of Government stores, (c) travelling of Government officers from and to Shillong ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied.

116.—

Annual fee for 52 permits granted for 5 years.	Annual fee for 8 permits granted for 2 years.	Annual re-registration fee of Company vehicles.	Inspection fee of 8 vehicles.	Annual tax.
Rs.76,000	Rs 34,000	Rs. 262	Rs.160	Rs.13,995

117.—Rupees 1,62,709 in 1935-36.

„ 1,73,381 in 1936-37.

118. (a)—Rupees 17,500 per annum, (b) & (c)—these details could not be ascertained except after minute enquiry from each department which could not be done in the short space of the session.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** Is there any net gain to Government after deducting their expenditure from the collections from the Commercial Carrying Company?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I don't think there is any net gain to Government. A considerable portion of expenditure is met by the different collections from the Company.

**Counting of officiating services of officers of class III of the Assam School Service towards increment**

**Khan Bahadur Maulavi SAYIDUR RAHMAN** asked :

\*119. Are Government aware of a circular No.12830-56, issued by the Inspector of Schools, Assam Valley Circle, to all Head Masters and Deputy Inspectors, to the effect that officiating services of officers in class III of the Assam School Service will count towards increment from the 18th March 1930?

(b) If so, will Government be pleased to state why the above facility has not been granted to officers rendering officiating Services prior to the 18th March 1930, as also to the officers serving in the Assam Lower School Service?

\*120. (a) Are Government aware that according to the above circular, certain senior officers having long terms of officiating service prior to the 18th March 1930 but having no adequate terms of such service from that date, are going to receive lower pay than some of the officers who are junior in service?

(b) If so, what steps do Government propose to take to remove this mal-adjustment?

(c) If not, do Government propose to enquire and remove their grievances?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

119.—Government have not seen the circular, the date of which has not been furnished. It is, however, presumed that the orders of the Inspector of Schools have a reference to Government letter No.3888-3922-F.(a), dated the 17th September 1935 (a copy of which is laid on the Library table) which was issued as a result of the revision by the Secretary of State of Fundamental Rule 22. These orders affected not only these two services but also all the establishments in the province.

120. (a)—As in other establishments, there may be rare cases of this nature in these services.

(b) and (c)—The answer is in the negative as the Government orders referred to in the reply to question 119 laid down that orders is in force at various times prior to 18th March 1930 would govern old cases arising before the aforesaid date.

**Re transfer of Srijut Gagan Chandra Barua, School Sub-Inspector of Goalpara**

**Srijut JOGENDRA CHANDRA NATH** asked :

\*121. Are Government aware that the Nikhil Goalpara Krishak Sanmilani of Goalpara in its annual session at Dudnai passed a resolution demanding the transfer of Srijut Gagan Chandra Barua, School Sub-Inspector of Goalpara?

\*122. Is it a fact that he is again going to be brought to Goalpara from the Garo Hills where he was transferred?

\*123. (a) Has the Hon'ble Minister of Education received any representation from the Mofussil public during his recent visit to Goalpara stating their grievances against the said officer?

(b) Do Government propose to accede to the demand of the public in this respect?

(c) If not, why not?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

121.—Government understand that the Director of Public Instruction received such a resolution.

122.—Srijut Gagan Chandra Barua was transferred temporarily in a leave vacancy to the Garo Hills and will revert at the termination of that vacancy.

123. (a)—There is no record of such a representation.

(b)—Government are not aware that there is such a demand.

(c)—If any representation is received by them Government will call for a report.

**Srijut JOGENDRA CHANDRA NATH:** Is Government aware that this particular officer has been in Goalpara for 20 years.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not aware of it. But it may be correct.

**Discretionary Grants of the Hon'ble Ministers**

**Srijut MAHI CHANDRA BORA** asked :

\*124. Will Government be pleased to state—

(a) The amount of discretionary allotment funds placed at the disposal of each of the Hon'ble Ministers of Assam during 1937-38?

(b) How the grants have been used and made by the Ministers?

(c) To whom and what institutions, if any, the grants for the period have been given?

(d) The consideration on which the allotments from the discretionary grants are made?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

124. (a)—Rs.2,500 to each of the five Hon'ble Ministers.

(b)—In conformity with the Rules a copy of which is placed on the Library table.

(c) and (d)—The details are given in the statement laid on the Library table.

*Re the use of the term "Vernacular"*

**Srijut MAHI CHANDRA BORA** asked :

\*125.(a) Are Government aware that there has been of late a good deal of resentment amongst the public of this Province against the use of the term "Vernacular" the derivative meaning of which is "slave language" or "Language of the home-born slave"?

(b) If so, do Government propose to direct that the term "Vernacular" should not in future be used in the official records and correspondences?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

125.(a)—Government are not aware of any such resentment and believe that the derivation suggested for the word is inadequate.

(b)—No. The word is an ordinary English word, just as it is derived from an ordinary Latin word, both without any derogatory implication.

**Srijut MAHI CHANDRA BORA** : Do I understand that the Hon'ble Chief Minister is particularly satisfied with the use of the term?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Yes, Sir.

**Srijut MAHI CHANDRA BORA** : What may be the possible objection on the part of Government to change the term?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : If there is nothing objectionable, Government see no reason to change the term. (Laughter.)

### UNSTARRED QUESTIONS

(to which answers were laid on the table.)

#### Number of Labour disputes affecting the Tea and other Industries

**Mr. ARUN KUMAR CHANDA** asked :

272. Will Government be pleased to state—

(a) The number of labour disputes affecting the Tea and other industries which occurred during the last three years 1934-35 to 1936-37?

(b) The number of labourers affected during these years year by year?

(c) The number of working days lost in each case?

(d) The cause of each such strike?

(e) The number of labourers victimised in each case?

**The Hon'ble Babu AKSHAY KUMAR DAS** replied :

272.—A statement tabulating the replies is laid on the table.

*Statement showing the particulars of labour disputes or strikes affecting the Tea and other Industries which occurred during the years 1934-35 to 1936-37*

Serial No.	Name of concern	No. of labourers affected	Days lost	Cause	Number of labourers whose services were dispensed with
1	2	3	4	5	6
1934-35					
1	Rajahali Tea Estate.	312	2	Dissatisfaction over wages.	...
2	Karimpur Tea Estate.	1,800	3	Trouble between the Manager who tried to enforce discipline and the labourers, culminating in an assault on the Manager.	21
3	Hoogrijan ...	100	3	Dissatisfaction with <i>hazira</i> rates.	...
4	Burnibraes Tea Estate.	400	2	Alleged maltreatment of some female workers by the Assistant Manager and their detention after fixed working hours.	...
5	Deopani Tea Estate.	60	3	Trouble between the Manager and the labourers over wages.	...
6	Numaligarh Tea Estate.	49 including children.	4	Discontent over the quantity of hoeing work demanded.	...
7	Tarajuli Tea Estate.	150	5	Demand on the part of the labourers to be paid by <i>hazira</i> instead of the existing practice of doing such work by contract system.	...
	Tingalibam...	1,200	3	Alleged short weighments of leaf and excessive hours of work.	12

Statement showing the particulars of labour disputes or strikes affecting the Tea and other Industries which occurred during the years 1934-35 to 1936-37—contd.

Serial No.	Name of concern	No. of labourers affected	Days lost	Cause	Number of labourers whose services were dispensed with.
1	2	3	4	5	6
1935-36					
1	Chundicherra Tea Estate.	300	3	Dissatisfaction over wages.	...
2	Hanchura Tea Estate.	620 (Including 50 children and 270 females).	2	Dissatisfaction over wages.	...
3	Lalchand Tea Estate.	336	2	Dissatisfaction over wages.	...
4	Mertinga Tea Estate.	600	5	Alleged rude behaviour of a <i>hazira</i> Babu and a Sardar and underestimation of the weight of leaves plucked.	...
5	Chandighat Tea Estate.	150	4	Refusal by the Manager to give more work until the work given to the labourers had been done properly.	...
6	Hilika Tea Estate.	30	2	Demand for repatriation.	...
7	Mariani Tea Estate.	140	2	Dissatisfaction against the head Babu.	...
8	Katalguri Tea Estate.	12	2	Discontent over wages.	...
9	Borsapari Tea Estate.	128	3	Reduction of hoeing rates by the management.	...
10	Samdang ...	200	...	Discontent arising from alteration of task.	...
11	Betjan ...	500	2	Discontent arising from alteration of task.	...
12	Tara Tea Estate.	2,000	3	Discontent arising from reduction of wages without reduction of work.	...
13	Kumsong ...	2,000	3	Ditto	...

Statement showing the particulars of labour disputes or strikes affecting the Tea and other Industries which occurred during the years 1934-35 to 1936-37—contd.

Serial No.	Name of concern	No. of labourers affected	Days lost	Cause	Number of labourers whose services were dispensed with
1	2	3	4	5	6
1935-36—concl'd.					
14	Assam Match Factory, Dhubri.	350	57	Retrenchment by the management.	...
1936-37					
1	Binnakandi Tea Estate.	80	1	Limitation of the labourers' earnings per week.	Nil.
2	Mohanpur Tea Estate.	200	2	Assistant Manager's alleged assault on a female worker.	9
3	Amo Tea Estate.	450	6	Dissatisfaction over <i>hazira</i> rates for hoeing.	Nil.
4	Bamonpukhuri	200	2	Dissatisfaction over the rate of wages for plucking leaves.	...
5	Bhubandar Tea Estate.	700	5	Dissatisfaction over wages and alleged ill-treatment by a Sardar.	199
6	Wakha Tea Estate.	200	1	Dissatisfaction over wages for plucking.	Nil.
7	Luayuni Tea Estate.	350	1	Altercation arising from alleged payment of a bad coin to one of the labourers by the Pay clerk.	...
8	Udairam Ghansyam Mustard Oil Mill, Barbheta.	30	3	Dissatisfaction with the treatment given by Manager and trouble over working hours.	...
9	Sreebari Tea Estate.	100	1	Dissatisfaction with the allotment of tasks.	...

Statement showing the particulars of labour disputes or strikes affecting the Tea and other Industries which occurred during the years 1934-35 to 1936-37—concl'd.

Serial No.	Name of concern	No. of labourers affected	Days lost	Cause	Number of labourers whose services were dispensed with
1	2	3	4	5	6

1936-37—concl'd.

10	Assam Match Factory, Dhubri.	350	288 days, viz., from 14th December 1936 to 27th September 1937.	Various differences between the management and the employees, which came to a head in a conflict arising from the reduction of the production of case-boards by the Company and consequent retrenchment of some of the employees. For details, the hon. member may see Notification No.4647-G.J., dated the 1st November 1937, published in the Assam Gazette, dated the 10th November 1937.	
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#### Number of patients in the Tezpur Mental Hospital

Maulavi ABDUL BARI CHAUDHURY asked :

273. Will the Hon'ble Minister in charge be pleased to state—  
 (a) The number of patients in the Tezpur Mental Hospital at present ?  
 (b) The number admitted in the years 1935-36 and 1936-37 and the number discharged after complete cure in these two years ?

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

273. (a)—There are 686 patients at present.

(b)—The information as asked for in the form is not available. Figures for calendar years are however available and these are as follows :—

	Admitted			Re-admitted			Discharged as cured		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
1935	144	19	163	9	..	9	58	11	69
1936	88	24	112	11	1	12	51	4	55

#### Names of contractors getting contracts in the Sylhet-Shillong Road

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

274. Is it a fact that there are no other contractors except Khasis and a Pathan who neither domiciled nor natives of the province within a length of 40 miles from Shillong in the Sylhet-Shillong Road ?

275. Is it a fact that U Sati Raja the Siem of Myllem is a native Prince and is continually given contract work in the Khasi and Jaintia Hills Division by Government ?

276. Will Government please state whether it is a fact that Shersingh, Narain Singh and Sherdil Khan are getting contracts from Government though they could not produce domiciled certificates ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

274.—The contractors engaged on work in the area specified are Khasis with the exception of a Pathan and one domiciled Bengali.

275.—The facts are as stated by the hon. member.

276.—Yes. They are contractors of many years standing. Sher Singh and Narain Singh have carried out Public Works Department contracts for over nine years and Sherdil Khan for over seven years.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Did Government ask the contractors to produce domiciled certificates ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have not asked the contractors to produce domiciled certificates.

#### Deprovincialization of Government High Schools

Srijut GAURI KANTA TALUKDAR asked :

277. (a) Will Government in the Department of Education be pleased to consider the desirability of deprovincializing the existing Government Schools and Colleges of the province and to utilise the money thus saved in extending aid to a larger number of institutions ?

(b) If not, why not ?

The Hon'ble Maulavi MUNAWWARALI replied :

277. (a) and (b)—The question of deprovincialization of Government High Schools has been before the Legislature for the last ten years and the opinion so far has been against the proposal.

Deprovincialization of the two Government Colleges for general education has been suggested for the first time in this question. Government is of opinion that such a step will not be in the best interest of higher education in the province.

**Dr. Banikanta Kakoti's thesis known as "Assamese, its formation and development"**

Srijut BELI RAM DAS asked :

278. Are Government aware that Dr. Banikanta Kakoti rendered valuable contribution to the cause of the Assamese language by writing a thesis known as "Assamese, its formation and development" and that the Doctorate was awarded to him for the same ?

279. Is it a fact that Dr. Kakoti's thesis yet remains unpublished ?

280. Will Government please state whether Government received any application from Dr. Kakoti for having the book published by Government or for any contribution by Government for its publication by him ?

281. Do Government propose to publish the same or contribute towards the cost of its publication ?

The Hon'ble Maulavi MUNAWWARALI replied :

278.—Government are aware of the writing of the thesis by Dr. Kakoti and the award of a Doctorate. As regards the service rendered to the cause of the Assamese language it may be so.

279.—Yes, from the Author's own statement.

280.—The hon. member is referred to the reply given to a similar question asked by Srijut Omeo Kumar Das at this session of the Assembly.

281.—The matter will come up for consideration in due course.

#### Condition of teachers serving under the Local Bodies

Srijut SIDDHI NATH SARMA asked :

282. Will the Hon'ble Minister in charge of Education be pleased to state whether he had received memorials from the teachers serving under the Local Bodies in the Assam Valley, in last June 1937, for increment of their pay, to make necessary provision for pension or Provident fund, and for leave with allowance ?

283. If the reply to question 282 above is in the affirmative, will the Hon'ble Minister in charge of Education be pleased to state if any action has been taken on the point or points raised in the said memorials ?

284. If no action has yet been taken, does the Hon'ble Minister in charge of Education propose to take any action on that in the near future and if so, which of the points ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

282.—Government have been receiving such memorials since July 1937.

283.—The memorials have been under examination and a series of reports has been received from the Director of Public Instruction, which are being examined.

284.—The requests made by the teachers mainly concern action required from the local bodies. Government will carefully consider the extensive material submitted to them and will see what steps can be taken to help the memorialists.

#### Objection petitions against assessment of grazing tax by the graziers in the years 1935-36 and 1936-37 in Tezpur subdivision

Srijut MAHADEV SARMA asked :

285. Will the Hon'ble Minister in charge be pleased to state—  
(a) Whether there were any objection petitions against the assessment of grazing tax by the graziers in the years 1935-36 and 1936-37 in the Tezpur subdivision ?

(b) If so, what are the numbers ?

(c) Who submitted those petitions ?

(d) Whether all the petitions were disposed of and how long they took ?

286. Will the Hon'ble Minister in charge be pleased to state—

(a) What are the numbers of land sale cases in the year 1935-36 in the Tezpur subdivision ?

(b) How many of those lands were sold and how many of them were annulled ?

(c) Who generally purchased these sold estates ?

(d) If it is a fact that mostly the non-cultivators are the purchasers ?

287. Will the Hon'ble Minister in charge be pleased to state—  
(a) Whether the *ex-mauzadar*, Sakomatha in the Tezpur subdivision had been dismissed for defalcating Government money a year or so ago ?

(b) If so, what amount of money he has defalcated ?

(c) Whether the whole amount thus defalcated has fully been realised ?

(d) If not, what steps do Government propose to take to realise the amount defalcated ?

(e) If it is a fact that the said *mauzadar* was fined rupees two hundred by the Deputy Commissioner a few days before he was arrested and finally dismissed ?

(f) For what he was fined ?

(g) Why immediate steps were not taken ?

(h) What amount of dues is still outstanding from the time of the *ex-mauzadar* ?

288. Are Government aware of a fishery called the "Kadamani Beel" in the district of Darrang which is the subject of an appeal petition made by the local public to the Commissioner, Assam Valley Division ?



289.(a) Is it a fact that the Commissioner ordered the Deputy Commissioner of Darrang to settle the said Beel with the public after making certain enquiries ?

(b) Is it a fact that an enquiry was actually made by the Circle Sub-Deputy Collector ?

(c) Is it a fact that although the report of the enquiry was in favour of the people in terms of the Commissioner's order on appeal, the Deputy Commissioner refused to settle the fishery with these people ?

290. Do Government propose to call for reports from the Commissioner and the Deputy Commissioner on the matter and lay the same on the table ?

291. Will the Hon'ble Minister in charge of revenue be pleased to state—

(a) Whether the *ex-mauzadar* of Chilabandha Srijut Golok Chandra Bora of the Tezpur subdivision had been dismissed only for default of payment of Government revenue ?

(b) If so, what was the total amount due from him ?

(c) Whether the whole amount in arrears was really not collected from the people ?

(d) If any enquiry was made to this effect before any action was taken against him ?

(e) If so, what were the findings of the enquiring officer ?

(f) Whether the Deputy Commissioner took immediate action to realise the amount misappropriated, if any ?

(g) From what year the Mauzadar was in arrears and when did the Deputy Commissioner take action against him ?

(h) By what amount the Mauzadar was in default every year ?

(i) What was the total amount still unrealised from the *ex-mauzadar* and whether Government had to sustain any loss of revenue and if so, for whose fault ?

(j) Whether there are many land sale cases still pending of this mauza from his time ?

(k) Whether most of these cases had to be struck off for the production of receipts paid to the *ex-mauzadar* by the so-called defaulting *ryots* ?

(l) Whether any responsible Government officer checked the *আমদানি* and *ওড়াশিল* book for these years ?

(m) Whether the Deputy Commissioner is presently taking any steps to provide against the possibility of unnecessary *zulum* of the *ryots* by instituting false cases ?

292. Will the Hon'ble Minister in charge be pleased to state—

(a) Whether there is a village grazing ground in the Kolongpur mauza of the Tezpur subdivision named "Hatibandha Gopchar" ?

(b) If it is a fact that this grazing ground is adjacent to several villages and the only grazing ground for them ?

(c) If it is a fact that the Manager, Purabari Tea Estate, has encroached upon this grazing ground ?

(d) If it is a fact that the public has made several representations to the Deputy Commissioner and the Sub-Deputy Collector ?

(e) What was the area of the original "Hatibandha Gopchar" and what is the present area after encroachment ?

(f) What is the area of the Purabari Tea Estate and what is the area under tea cultivation ?

(g) What are the findings of the present Sub-Deputy Collector whom the public has again represented about the encroachment of the said grazing ground ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

285 (a), (b), (c) and (d)—The information has been called for.

286. (a)—Eight thousand and eighty-two.

(b), (c) and (d)—The information has been called for.

287. (a)—Yes.

(b)—Rupees 12,413-6-0 according to the report of the investigating Police Inspector. Subsequently the liability stood at Rs.12,355-5-0 up to 1341B.S.

(c)—No.

(d)—The movables were first attached and sold and the immovable properties were also afterwards attached and advertised for sale. The balance will have to be written-off as irrecoverable.

(e)—Yes.

(f)—Carelessness.

(g)—The Mauzadar on pressure being put cleared the arrears of 1339B.S. in March 1935 and it was expected that he would pay the arrears of the following year also. Leniency is shown to Mauzadars in this respect as far as it is possible to do so.

(h)—Rupees 10,684-0-0 against this Rs.878 is adjustable as the commission due to the Mauzadar.

288.—Yes.

289. (a)—Only if on enquiry he found the fishery not valuable and likely to damage cultivation or affect the villagers water-supply.

(b)—Yes.

(c)—The Sub-Deputy Collector reported after personal local enquiry that this *beel* is valuable from the fishing point of view and that fishing operations will not cause harm to any cultivation. The *beel* was therefore retained as a fishery mahal.

290.—As the replies given are based on the reports and the order of the Commissioner, it is not proposed to call for any further reports.

291. (a)—No ; in addition to his default he was found to be hopelessly incompetent over a period of years.

(b)—The amount payable by the Mauzadar for 1340 and 41 B.S. was Rs. 14,431-12-3.

(c)—From an enquiry it appears that the amount actually uncollected from *ryots* was very small.

(d)—Yes.

(e)—The enquiring officer found that the Mauzadar had spent the amount due from him in meeting the dues of the previous years.

(f) and (g)—As the Mauzadar was an old man and had been a Mauzadar for 30 years as well as his father before him, he was given time to pay up his arrears. He actually paid up the arrears of 1338 and 1339B.S. He was called upon to clear up the arrear by the end of March 1935 and cleared the arrear of these two years in June 1935. His accounts were then examined by an Extra Assistant Commissioner in July 1935, in August 1935 and in January 1936. As there was no improvement in the position, proceedings were drawn against him and he was dismissed in April 1936. The Mauzadar's property has been put up for sale as well as his surety but the proceedings have not yet been completed.

302.—Government have no information.

303.—Any complaint of the erection of bunds above the customary level is investigated and dealt with according to equity.

304.—Local bidders are welcome to bid for fisheries and to take settlement. There has been no case in which an outsider has been given preference. Settlement of fisheries with Jaintia men only irrespective of auction bids will entail heavy fall of revenue.

#### Estimated outturn of crops in Bhabanipur, Hastinapur and Bijni mauzas

**Srijut KAMESWAR DAS** asked :

305. Are Government aware that some of the officials of the Agricultural Department including the Deputy Director of Agriculture recently made enquiries about the outturn of *Ashra*, *Kharma* and *Ahu* paddy crops in the Bhabanipur, Hastinapur and Bijni mauzas for the current year?

306. (a) Is it a fact that their estimate of outturn of these crops was about 25 per cent. only?

(b) If not, what is their estimate of outturn?

(c) What Government propose to do regarding remission of land revenue of the current year in those areas?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** replied :

305.—Yes.

306. (a)—No.

(b)—The outturn estimated departmentally for the localities is shown below :—

Name of paddy		Outturn
Hastinapur,	Asra ...	... 40 to 50 per cent.
Bijni and part	Kharma ...	... 45 to 55 ,, ,,
of Bhabanipur.	Ahu ...	... 50 to 60 ,, ,,

But the average reported by the Deputy Commissioner for the whole district of Kamrup was 83 per cent.

(c)—Remission enquiries are being made and the Deputy Commissioner, if he finds a case for partial or total remission, will doubtless approach the Commissioner in due course (the latter has power to sanction up to Rs. 10,000 remission in any one district).

**Srijut KAMESWAR DAS** : The average outturns in Hastinapur, Bhabanipur and Bijni were wanted in my question but in reply we see the average outturn of the whole district of Kamrup. May we know whether the average outturn figure of the whole district has any bearing to the average outturn figures of those specified areas?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : As these are parts of the district, the average figure given for the whole district includes the figures of those specified localities.

**Srijut KAMESWAR DAS** : Do the figures of the whole district indicate any intention on the part of the Deputy Commissioner to give any remission in the effected areas of Bijni, Hastinapur and Bhabanipur?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : It was an additional information given to the hon. member.

**Srijut KAMESWAR DAS** : I could not follow the Hon'ble Minister.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : It was only an additional information supplied to the hon. member.

**Srijut KAMESWAR DAS** : I want to know whether the figure 83 per cent. does indicate the intention of the Deputy Commissioner whether to grant or not any remission of land revenue in the effected areas?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : In granting remission of land revenue the Deputy Commissioner would take all the factors into consideration.

**Srijut KAMESWAR DAS** asked :

307. Are Government aware that frequent failure of agricultural crops is usual in the Assam Valley districts, owing sometimes to the overflow of water and sometimes to draught?

(b) If so, do Government propose to create a special branch of the Agriculture Department to take up irrigation and drainage works in right earnest and advise suitable means to meet these exigencies?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** replied :

307.—Government do not deny that such failures occur. It is for this very reason that lands are classified and a lower rate of assessment is fixed for lands where crops are not expected to be successful.

(b)—Government are fully alive to the importance of drainage and irrigation work and the matter will receive due attention of Government.

#### Condition of the buildings in the Karimganj Police Station

**Babu KAMINI KUMAR SEN** asked :

308. Are Government aware that some of the police quarters in the town of Karimganj are in a wretched condition, and that they are unfit for human habitation during the rains?

309. Will Government be pleased to state, if any higher Police Authorities saw these quarters and submitted any report?

310. If so, will Government please state what action do Government propose to take?

311. If no such inspection was made, do Government propose to direct some one to have a look into these quarters and take immediate steps for replacing these quarters by better ones?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

308.—Government are aware that some of the buildings in the Karimganj Police Station are in a deplorable condition?

309.—Yes.

310.—Action has already been taken and as a first step a project for the construction of quarters for the Divisional Inspector has been administratively approved. It is proposed to replace the other buildings gradually as funds permit.

311.—Does not arise.

*Re conduct of Maulavi Nisfor Ali, the Senior Court Sub-Inspector of Sunamganj towards Muktear's Clerks*

**Babu KARUNA SINDHU ROY** asked :

312. Will Government please state whether it is a fact that Maulavi Nisfor Ali, the Senior Court Sub-Inspector of Sunamganj, insulted Muktear's Clerks and other gentlemen who were present in the Court of the Senior Extra Assistant Commissioner, Sunamganj, on 5th November 1937, by ordering them out of the Court ?

313. Is it a fact that the members of the Muktear Bar, Sunamganj, have adopted a resolution condemning the action of the aforesaid Sub-Inspector, and that a copy has been sent to the Hon'ble Minister in charge of Law and Order ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

312.—No. Government have inquired and find that the Court Sub-Inspector only cleared the court room of outsiders at the orders of the presiding officer in order to make room for more police constables to look after the large number of accused persons and that he did so in a courteous manner.

313.—Yes.

**Babu KARUNA SINDHU ROY** : Are not the court rooms open to the public ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : The court rooms are open to the public but on the occasion when this case was tried there were as many as 21 accused persons. The case was one of murder and the court room was so crowded that the witnesses were finding it difficult to identify the accused persons. Therefore, the Presiding Officer of the Court asked the Sub-Inspector to clear the room of the people who were not wanted. It appears from the report which we have got that whole thing was done in a courteous manner.

**Maulavi ASHRAFUDDIN MD. CHAUDHURI** : Is not the service of the pleader's clerk necessary for the defence—lawyer's when they are engaged in a case ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I could not follow the hon. member.

**Maulavi ASHRAFUDDIN MD. CHAUDHURI** : Is it not difficult for the defence lawyer to carry their business if their clerks are not allowed entrance to that room ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : It was an occurrence on a particular day because it was a sensational case of murder and there were as many as 21 accused persons. Only the other day we heard that in our court rooms there are not sufficient room for pleaders. In this particular case it was thought that the people who were not connected with the case for prosecution or defence may be asked to clear that room.

**Maulavi ASHRAFUDDIN MD. CHAUDHURI** : So far as the clerks are concerned there ought to be some distinction marked.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Generally the clerks have no business to crowd the room making it difficult for the witnesses to identify the accused persons. Of course, if they are engaged by the pleaders conducting the defence or the prosecution, then their presence is necessary.

**Maulavi MUHAMMAD AMJAD ALI** : Do not Government consider it necessary that the defence lawyers' clerks should remain present in the court room ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I have already admitted that Sir.

**Provision of a sum of Rs.20,000 for water pumps irrigation**

**Babu KARUNA SINDHU ROY** asked :

314. Is it a fact that the agriculturists are to pay for the working of water pumps to water their fields ?

315. Is it a fact that the people of villages Dakinkul, Pirojpur and Mathabpur, have not been supplied with water pumps to water their fields in the Luvor Haor under the Police Station Tahirpur in the subdivision of Sunamganj, as they could not pay money in advance ?

316. Is it a fact that a sum of Rs.20,000 have been provided this year for this purpose ?

317. Will Government please supply the House with an account of the expenditure incurred up till now, out of this Rs.20,000 ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** replied :

314.—Yes.

315.—Government have no information but are enquiring.

316.—Yes.

317.—It is not possible to supply an account of the expenditure incurred upto date but the sum was allotted as given below :—

	Rs.
Surma Valley	14,000
Upper Assam Valley	3,000
Lower Assam Valley	3,000

**Babu KARUNA SINDHU ROY** : Shall I be correct if I say that most of the sums allotted for Surma Valley was spent before the presentation of the budget of 1937-38 ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : Will the hon. member please repeat the question ?

**Babu KARUNA SINDHU ROY** : Shall I be correct if I say that most of the sums out of Rs.14,000 allotted for Surma Valley was spent before the presentation of the budget of 1937-38 ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : I shall require notice of that question Sir.

**Srijut SARVESWAR BARUA** : May we know what districts are meant by Upper Assam Valley districts ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : I think, the term is meant to include Lakhimpur, Sibsagar and Nowgong districts.

**Srijut SARVESWAR BARUA** : May we know in which district the pumps are working now ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** I cannot say off hand. I require notice of that question, Sir.

**Srijut SARVESWAR BARUA:** May we know in which districts of the Lower Assam Valley the pumps are working?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** As regards details, I cannot say anything off hand. I shall require notice of it, Sir.

**Dismissal of Babu Jatish Chandra Das, Lecturer in History and Philosophy of Murarichand College**

**Babu KARUNA SINDHU ROY** asked:

318. Do Government know that in their Departmental reports, there are the following statements:—

(a) "The services of Babu Jatish Chandra Das, M.A., Lecturer on probation in History and Philosophy, were dispensed with in the course of the session. This action followed his refusal to co-operate with the remaining colleagues at the time of stress at the re-opening of the college in July. His place remained vacant till the end of the year under report" (*vide* page 11 of Assam Public Instruction report for 1930-31).

(b) "The services of Babu Jatish Chandra Das, M.A., Lecturer on probation in History and Philosophy, from July 1922 were dispensed with in the course of session 1930". (*Vide* page 91 of Public Instruction Quinquennial report for period from 1927-28 to 1931-32.)

319. Is Government aware that on the same subject in answer to Council questions, Government stated that the aforesaid officer Babu Jatish Chandra Das twice disobeyed orders passed by the Principal of the College and Government further stated that Government came to the conclusion that he was not likely to prove a satisfactory public servant and therefore terminated his probationary service? [*Vide* answer to Question 34 (a) of Council proceedings printed in the *Assam Gazette*, dated 23rd March 1932.]

320. Is Government aware that the Murarichand College, Sylhet, is the College referred to in the above questions?

321. Will Government be pleased to state the full particulars of "Stress at the re-opening of the College in July" mentioned in extract (a) of question 318 above?

322. Is Government aware—

(i) That the aforesaid stress arose out of circumstances connected with the Civil Disobedience Movement?

(ii) That the stress originated on account of the fact that there was a strike of students on the 16th April, 1930 declared by the students out of feelings due to imprisonment of Congress leaders and that their strike was continued on the re-opening of the College in July?

323. Do Government know that at the time of the aforesaid stress, the Principal placed pickets from the members of the staff, two at each of the main gates and two at the cross roads near the College? (*Vide* paragraph 4 of Principal's Memorandum No. 1596, dated the 9th July 1930, to the Director of Public Instruction.)

324. Is it a fact that Babu Jatish Chandra Das refused to do this picket duty which the Principal wanted him to do exactly like the other members of the staff?

325. Do Government know that at the time, the situation was substantially the same at the Cotton College, Gauhati, as at the Murarichand College, Sylhet?

326. Will Government please state what the Principal and the staff of the Cotton College did to meet the situation at the time?

327. With reference to last sentence of extract (a) in question 318 above, will Government be pleased to state—

(a) The exact amount saved by Government on account of the vacancy mentioned therein?

(b) The date when the place fell vacant and the date when the vacancy ended?

328. With reference to extract (b) of question 318 above, will Government be pleased to state the exact date and month when the aforesaid Lecturer's services from July 1922 were dispensed with in course of session 1930?

329. With reference to Government statements quoted in question 318 above, will Government be pleased to state the date, official number and the text of Government orders whereby the services of the officer concerned were dispensed with?

330. With reference to Government statements quoted in question 319 above, what is the date, official number and the text of the Principal's order in which it is said "twice disobeyed orders passed by the Principal of the College"?

331. Are Government aware that in answer to question 34(c) of the Council proceedings, printed in the *Assam Gazette*, dated 23rd March 1932, Government made a statement regarding the re-instatement of the aforesaid Lecturer to the effect that "Government have not been shown any facts or considerations which would justify a reversal of their decision"?

**The Hon'ble Maulavi MUNAWWARALI** replied:

318.—Yes.

319.—Yes.

320.—Yes.

321.—Government do not propose to elaborate the situation existing at a period now nearly eight years past. The hon. member has himself sufficiently indicated the facts in a later question.

322.—The answer to both parts is in the affirmative.

323.—Yes.

324.—Government are not prepared to discuss matters which concern the discipline of their officers.

325.—Yes.

326.—The classes were closed while picketing continued.

327. (a)—Approximately Rs. 1,458.

(b)—The 18th August 1930 and the 28th July 1931, respectively.

328.—From the 1st August 1930 and the 28th July 1931, respectively.

329.—The orders of Government were issued to the Director in their letter No. 2694-E, of the 11th August 1930. Government are not prepared to disclose the text of the correspondence in this case.

330.—The question is not quite clear. If the hon. member means the date, etc., of the two orders of the Principal, Government regret that they are not prepared to disclose the details of a disciplinary case, especially so long after the event. The officer was allowed an appeal to the then Governor, which was rejected after full consideration.

331.—Yes.

**Re blockade of the Luha-Chura Khal under Police Station Tahirpur**

**Babu KARUNA SINDHU ROY** asked :

332. Will Government please state whether the Hon'ble Minister in charge of Local Self-Government Department got any representation, while he was at Sunamganj about the grievances of thousands of villagers relating to the blockade of the Luha-Chura Khal under the Police Station Tahirpur in the subdivision of Sunamganj ?

333. Are Government aware that many village agriculturists residing on the southern sides of the Luha-Chura Khal generally work for extracting forest produce during the months of September, October and the last part of November, when the route mentioned in the reply to my unstarred question 1524 of the last August-September Session is dried up ?

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

332.—Yes. The Hon'ble Minister discussed the complaints with the Vice-Chairman of the Local Board.

333.—Yes. It was decided that the best course would be for the Chairman of the Board to visit the place in the dry weather and see if any compromise could be arranged between those who want the *khal* opened and those who want it closed. Government will enquire in due course what results have been obtained.

**Application of Badarpur villagers for supplying drinking water**

**Babu KARUNA SINDHU ROY** asked :

334. Is it a fact that an application of the villagers of Badarpur under the Police Station Tahirpur for supplying drinking water has been received by the Minister in charge of Local Self-Government Department ?

335. (a) If so, will Government please state if any steps have been taken to supply these villagers with drinking water ?

(b) If not, why not ?

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

334.—Yes.

335. (a)—The matter has been referred to the Subdivisional Officer, Sunamganj, for action.

(b)—Does not arise.

**Babu KARUNA SINDHU ROY** : Will Government be pleased to inquire into this urgent demand because the people will suffer again for want of drinking water ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : We have already referred the matter to the Subdivisional Officer for action. It is the Subdivisional Officer who deals with the money that we get from the Government of India for supplying drinking water to the villagers. The petition has been forwarded to him for necessary action.

**Babu KARUNA SINDHU ROY** : Will Government be pleased to send reminder to the Subdivisional Officer ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : All right we will inquire and see what has been done about it.

**Construction of quarters for the Munsifs of Habiganj Civil Court**

**Babu SHIBENDRA CHANDRA BISWAS** asked :

336. Are Government aware that a large plot of land originally acquired near the Civil Court compound at Habiganj for construction of Munsifs' quarters is lying still vacant ?

337. Will Government please state why the quarters for the Munsifs at Habiganj are not yet constructed ?

338. Are Government aware that the three Munsifs at Habiganj reside in private houses on hire ?

339. Is it a fact that one of the Munsifs of Habiganj is living in the house of an influential Zemindar who and whose co-sharers have got important cases pending in that Court ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** replied :

336.—Yes.

337.—As a necessary result of the paucity of funds.

338.—Yes.

339.—Government have no information and unless the officer's name is given, they cannot make an inquiry.

**Babu SHIBENDRA CHANDRA BISWAS** : May I be allowed to bring to the notice of the Hon'ble Minister that the Munsif referred to is the fourth Munsif of Habiganj ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : We will make an inquiry into that.

**Cost for maintaining the establishment of the Agricultural Staff**

**Maulavi ABDUR RAHMAN** asked :

340. Will Government please state—

(a) The percentage of the total cost of the Agricultural Department for maintaining the establishment of the Agricultural staff ?

(b) The percentage of the expenditure for supplying different varieties of improved seeds, manure, and implements to the cultivators ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** replied :

340. (a)—58 per cent.

(b)—16 per cent.

**Maulavi ABDUR RAHMAN** : Is the Hon'ble Minister prepared to admit that 58 per cent. is too high in consideration of the work received by the people ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : Is the hon. member asking for an expression of opinion, Sir ?

**Maulavi ABDUR RAHMAN** : May I know what is the Government view in this matter—whether the cost of maintaining the staff is too high ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : The staff has to do other duties besides supplying improved seeds and manures.

**Maulavi ABDUR RAHMAN** : My question is, Sir, 'what is the percentage of the total cost of the Agricultural Department for maintaining the establishment of the agricultural staff' ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** The answer is already given in the reply to question 340(a).

**Maulavi ABDUR RAHMAN:** In regard to the answer to my question No. 340(a) may I know whether Government admit that the cost of maintaining the staff is too high?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Government do not admit that the cost is too high because I say that the staff has other duties to perform.

**Maulavi ABDUR RAHMAN:** As regards question 340(b) are Government aware that the power of land production in the country is going down day by day?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** I could not understand what is meant by 'land production'.

**Maulavi ABDUR RAHMAN:** I mean to say whether Government know that productive capacity of the land is going to be diminished day by day?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** That may be the case Sir.

**Maulavi ABDUR RAHMAN:** Are Government prepared to spend more money in this connection?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Government is always anxious to spend as much money as they can afford for the improvement of the lands of the province.

**Maulavi ABDUR RAHMAN:** May we know whether Government is prepared to make necessary arrangements for providing the cost?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** With the resources available, Government is trying to do their best.

#### Total number of road mileage under Habiganj Local Board

**Maulavi ABDUR RAHMAN** asked :

341. Will Government be pleased to state—

(a) The total number of road mileage under Habiganj Local Board?

(b) What is the communication grant of Government to the said Local Board in 1937-38 and what was the grant in 1927-28?

342. Is it a fact that the communication grant of the said Board is very meagre in consideration of the length of mileages it has to maintain?

343. Do Government propose to raise it making it equal to the grant of 1927?

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

341. (a)—According to the Annual Report for 1936-37...290.91 miles.

(b)—Rs. 11,650 and Rs. 22,000 respectively.

342.—The grant is made for improvement of communications, and is not supposed to cover the whole cost of the roads. Government regret that they have not the means to give the local boards larger grants at present.

343.—Government hope, if the finances of the Province improve, to be able in the future to increase the grant.

**Maulavi ABDUR RAHMAN:** Are Government aware that the road communications to the Northern part of Habiganj subdivision is very bad?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** What does that supplementary question relate to?

**Maulavi ABDUR RAHMAN:** I think it comes under both (a) and (b)?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** It may be so, Sir.

**Maulavi ABDUR RAHMAN:** May I know whether Government is prepared to give special consideration for the improvement of the communications of the Northern part of the Habiganj subdivision?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The case of Habiganj local board will be considered along with the case of all the other local boards in the province.

**Maulavi ABDUR RAHMAN:** Is it a fact that from rural uplift grant Habiganj subdivision has not received a farthing?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** If the hon. member means by Rural Uplift Grant the money that is granted by the Government of India then I can say that amount is not given at all to the local boards. It is in the hands of the district officers who spend the amount according to the necessity of each area.

**Maulavi ABDUR RAHMAN:** Is Government prepared to sanction that grant or give a loan?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Government is very willing to give grant to local boards but there are no funds (laughter).

**Maulavi MUHAMMAD AMJAD ALI:** May we know whether Habiganj is going to be made a special case?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Not in the sense that the hon. member wants that it should be made a special case.

#### Inclusion of Assamese as second language for the B. A. course

**Srijut MAHI CHANDRA BORA** asked :

344. (a) Is it a fact that Assamese is not included in the list of principal subjects in the B. A. course of the Calcutta University and not taught as a second language in the said course like Bengali?

(b) If so, will Government be pleased to state whether Government has moved the University in the matter?

(c) If not, why not?

345. Will Government be pleased to state since when, Bengali is recognised as a second language in the B. A. course of the Calcutta University?

**The Hon'ble Maulavi MUNAWWARALI** replied :

344. (a)—A reference recently received from the Government of Bengal indicates that the University is now prepared to accept Assamese as a principal subject for the B. A. course like Bengali. If a schedule to be placed before the Assembly at the current session is approved it will be possible to teach Assamese as a second language for the B. A. course.

(b)—Yes, with the result already stated.

(c)—Does not arise.

345.—Government are unable to say. **Srijut MAHI CHANDRA BORA:** The reply is "Government are unable to say." May I know why Government is so unable to say?

**The Hon'ble Maulavi MUNAWWARALI:** Because there are no records in our office to indicate that.

**Srijut MAHI CHANDRA BORA:** Did Government make any attempt to get it from the University?

**The Hon'ble Maulavi MUNAWWARALI:** If the hon. member so desires, I shall enquire.

**Srijut MAHI CHANDRA BORA:** I desire it, Sir.

**Registration and issue of license plates to bullock carts in both Municipal and Urban areas**

**Mr. F. W. HOCKENHULL** asked:

346. Will Government be pleased to state—

- (a) Who is responsible for the registration and issue of license plates to bullock carts in both Municipal and Urban areas?
- (b) Who is responsible for seeing that all carts carry their license plates, also lamps after dark?
- (c) Whether the Police have full powers to ensure that all carts carry license plates, also lamps after dark, both in Municipal and Urban areas?
- (d) Whether it is a fact that in some parts of the Province carts move about without license plates, or lamps after dark?
- (e) Whether it is a fact that in such areas the Police state that they have no authority in the matter?
- (f) If so, do Government propose to take steps in the matter for the protection of the public?
- (g) Do Government propose to consider an amendment to the existing Motor Vehicles Act whereby not only Motor Vehicles but *Ticca gharris*, bullock carts and bicycles may also be brought under the one source of Registration and general administration?

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

346. (a)—The Municipal Board or Town Committee.  
 (b)—The general responsibility lies upon the Board or Town Committee. A reference is invited to Section 318 of the Assam Municipal Act.  
 (c)—A reference is invited to Sections 318 and 319 of the Act, from which it will be seen that the duties and powers of the police are defined and regulated. Section 319 gives power to the Police to deal with offences in Municipalities and Small Towns, e.g., under Section 126 for driving a cart without a number plate or under a municipal bye-law for driving a cart without a light at night.  
 (d)—Yes.  
 (e)—Government are not aware of such a statement by the Police. Rule 283 framed under the Assam Local Self-Government Act provides a penalty for driving a cart without a light. The rules under the Assam Highways Act, 1928, deal with the use of lights on Government roads. The Police exercise certain powers under the Criminal Procedure Code, but the Local Self-Government Act and Highways Act do not convey any special powers to the Police. The requirement of a number-plate for carts is at the option of the local boards, since no provision has been made on this point in Sections 52A to 52C of the Local Self-Government Act.  
 (f)—Government will enquire into the matter.

(g)—Not as at present advised. Government considered whether all forms of vehicular traffic should be brought within the scope of the Motor Taxation Bill, and decided against this suggestion.

**Col. A. B. BEDDOW:** In reply to (d) Government state that they are aware that in some parts of the province carts move about without license plates, or lamps after dark. Will Government take steps to prevent this practice?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** In some parts of the province, Sir, carts have no license plates. In these parts the local boards have the responsibility and as yet they have made no rules. We shall refer the matter to the local boards.

**Mr. BAIDYANATH MOOKERJEE:** What about lights, Sir?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** According to rule 283 of the Local Self-Government Act, every vehicle should have a light and the police have the power to report against anyone driving a cart without a light.

**Mr. BAIDYANATH MOOKERJEE:** When Government admit that some carts are plying without light have they already taken steps in the matter?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** This is the first time the matter has been brought to the notice of Government.

**Col. A. B. BEDDOW:** In reply to (e), Sir, Government say "The requirement of a number plate for carts is at the option of the local boards." Will Government take steps to make it compulsory?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** According to the rules it is the local board who will frame rules for providing these license plates and Government can only refer the matter to them and ask them to frame rules for the purpose.

**Col. A. B. BEDDOW:** Will Government consider the question of revising their decision against bringing all forms of vehicular traffic under one head and one Bill?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The difficulty in revising this order of the previous Government is this. The taxation over carts are for the local bodies. Only mechanically propelled vehicles come under the Provincial List. Therefore, Government found it difficult to have a Provincial Act to take away the powers given to the local bodies by the Local Self Government Act and the Assam Municipal Act. According to these Acts the local bodies are the authorities who have the power to tax carts.

**Mr. F. W. HOCKENHULL:** Will Government favourably consider the question of revising this? Because if they do then the Police will be able to regulate all forms of vehicles.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I do not think it is necessary. The police can deal with this case in regard to lights without amending these Acts—I mean the Local Self-Government Act and the Assam Municipal Act. So it is not necessary to bring all the carts under the same category as the mechanically propelled vehicles which have been brought under the power of the Provincial Government by the Assam Motor Taxation Act.

**Mr. F. W. HOCKENHULL:** Will the Hon'ble Minister take it from me that in the interests of safety something should be done to co-ordinate the rules regarding all vehicles which are moving especially at nights?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** We shall look into this matter.

**Maulavi ABDUR RAHMAN:** If a private individual maintains a bullock cart for his personal use is he liable for taxation for obtaining license plates?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** That does not arise. But if you permit me I shall reply.

**The Hon'ble the SPEAKER:** Next question.

**Mr. J. B. Rowntree, Deputy Conservator of Forests**

**Mr. ARUN KUMAR CHANDA** asked:

347. (a) Is the Hon'ble Minister in charge of Forests aware that Mr. J. B. Rowntree, Deputy Conservator of Forests, was notified in the *Assam Gazette* of the 22nd December, 1937 to hold charge of the Kamrup Forest Division on return from leave?

(b) If so, will Government please state—

(i) When the leave of Mr. Rowntree expired?

(ii) When Mr. Rowntree joined his duty?

(iii) Whether the notification mentioned in question 347(a) above cancelled by subsequent notification in the *Assam Gazette* of the 26th January 1938 posting Mr. Rowntree to Shillong as an attached officer to the Direction Division?

(iv) For what specific work and reasons and for how long Mr. Rowntree has been appointed as an attached Officer of the Direction Division?

(v) What work Mr. Rowntree has performed in that capacity?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied:

347. (a)—Yes.

(b) (i)—8th January 1938.

(ii)—13th January 1938.

(iii)—Yes.

(iv)—Mr. Rowntree on return to India could not join the Kamrup Division for reasons of health for which he has been granted leave for two months from 18th January 1938. He was attached to the Direction Division and posted to Shillong from 13th to 17th January 1938 during which time he was under medical observation.

(v)—Does not arise.

**Srijut DEBESWAR SARMAH:** Did or did not Mr. Rowntree on his arrival in India inform Government that he is not in a fit state of health to join duty?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I do not know that, Sir. He joined duty on the 8th January and applied for leave immediately afterwards.

**Srijut DEBESWAR SARMAH:** Did he join on the 8th?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** His leave expired on the 8th, I beg your pardon, Sir.

**Srijut DEBESWAR SARMAH:** My question is whether Mr. Rowntree informed Government on his arrival in India that he is not in a fit state of health to join duty?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Yes, some time after his arrival he informed Government.

**Srijut DEBESWAR SARMAH:** Then, Sir, did he seek permission to join at Shillong instead of at Gauhati?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** He joined at Shillong under the orders of Government.

**Srijut DEBESWAR SARMAH:** From the previous Gazette notification it appears that he had to join at Kamrup on the 8th. What special reasons led Government to allow this particular officer to join at Shillong only for four days?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** The reply is given under (iv) that it was for medical reasons.

**Mr. ARUN KUMAR CHANDA:** Will Government be prepared to extend the same kindness towards other officers?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Of course. Under similar circumstances.

**Mr. FAKHRUDDIN ALI AHMED:** Why did not Government grant leave to Mr. Rowntree soon after his arrival in India when it was found that he was not in good health?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I think there is a confusion. Mr. Rowntree's leave expired on 8th and he joined his duty on 13th and then the notification was issued wherein it has been clearly stated that Mr. Rowntree on return to India could not join the Kamrup Division for reasons of health. He was attached to the Direction Division and posted to Shillong from 13th to 17th January during which time he was under medical observation.

**Mr. FAKHRUDDIN ALI AHMED:** There is no confusion in our minds but there is a confusion in the mind of the Hon'ble Minister. My question is why did not Government grant him leave as soon as he arrived here and informed Government that he was not keeping good health?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** He arrived here on 13th and leave was granted from 18th. I think not much time was lost in granting him leave.

**Mr. FAKHRUDDIN ALI AHMED:** On what grounds was he kept on duty at Shillong for four days from 13th to 17th, when Government knew that he was ill and could not join his post in Kamrup?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** On humanitarian grounds.

**Mr. FAKHRUDDIN ALI AHMED:** Will not the tax payers suffer a loss in view of the fact that the travelling allowances will have to be paid to Mr. Rowntree only because he was allowed to join his duty for four days though he could not do any work?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Not much loss was incurred.

**Mr. FAKHRUDDIN ALI AHMED:** Will he not claim travelling allowance, from Gauhati to Shillong and back?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Yes.

**Mr. FAKHRUDDIN ALI AHMED:** Will not thereby Government suffer a loss?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Yes, so far as that particular item is concerned.

**Mr. FAKHRUDDIN ALI AHMED:** Is that the way Government have been wasting the public money kept in their trust?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** In the interest of public service such consideration has to be shown at times.

**Mr. FAKHRUDDIN ALI AHMED:** Is not the interest of the public taken into consideration?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Certainly. It is in the interest of public service that such officers when found in difficulty should be helped by Government in this way.



**Mr. FAKHRUDDIN ALI AHMED :** What was the difficulty, Sir ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** In this case the officer had to come to Shillong for medical reasons. And as soon as he was put under medical observation it was found that he could not work and therefore he was granted leave. If as a result of the observation he was found fit to work in this Division, Government would not have sustained the loss.

**Mr. BAIDYANATH MOOKERJEE :** Was there no competent medical man at Gauhati for his examination ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** There are not as much facilities at Gauhati as at Shillong.

**Kumar AJIT NARAYAN DEV :** Was a special post created for Mr. Rowntree to bring him up to Shillong ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** No.

**Mr. BAIDYANATH MOOKERJEE :** In that case Mr. Rowntree could have been granted leave before he came to India.

**Mr. FAKHRUDDIN ALI AHMED :** Is not the Hon'ble Minister aware that Mr. Rowntree would get more leave salary by this arrangement than what he would have got, if he had been given leave straight way ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I do not know what the figure would come up to exactly. But the whole position has been fully explained to the hon. member that he was brought here for medical reasons and put under medical observation. As I said, if as a result of the medical observation he was found fit to work in this Division there would have been no loss to the Government at all.

**Mr. FAKHRUDDIN ALI AHMED :** I want to know whether Government are aware that Mr. Rowntree would now get more leave salary than what he would have got if he had not been allowed to join his duty for four days.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** That may be so because he would have gone on medical leave and would have got full pay.

**Mr. FAKHRUDDIN ALI AHMED :** I want a ruling, Sir, whether the Hon'ble Minister can make evasive replies and should not reply "yes" or "no".

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I am not bound to reply "yes" or "no". The hon. member need not indulge in the luxury of a cross examination here.

**Mr. FAKHRUDDIN ALI AHMED :** My question is whether Government is aware.....

**Khan Bahadur Maulavi KERAMAT ALI :** My hon. friend is making a speech (laughter).

**The Hon'ble the SPEAKER :** Next question.

#### Rice and Oil Mill Factories in Assam

**Srijut LAKSHESVAR BORCOAH** asked :

348. Will the Hon'ble Minister for Industries be pleased to furnish a statement in the enclosed form showing the details as specified therein ?

#### FORM A STATEMENT OF RICE AND OIL MILLS IN ASSAM, 1937

Name of the district where it is situated	1	2	3	4	5	6	7	8	9	Average rate of paddy purchased per maund	Average rate of rice sold per maund	Remarks
										10	11	

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied:

348.—The information readily available is given below. As regards other details the result obtained will not be commensurate with the time and labour involved in the compilation. Information asked for in some of the columns are of a confidential nature, which the proprietors might not like to supply.

*List of Rice and Oil Mill Factories in Assam for the year ending 1937*

Name of the district where it is situated	Name of the Mill	Working for Rice and Oil
Lakhimpur ...	1. Narungrai Udairam Lakhimpur Oil Mills.	Oil.
	2. Tinsukia Rice and Oil Mills ...	Rice and Oil.
	3. Eastern Assam Rice and Oil Mills.	Rice and Oil.
	4. Barbarua Rice Mill ...	Rice.
	5. Rampatdass Rameswar Oil Mill	Oil.
	6. The Khemani Rice and Flour Mills.	Rice and Flour.
Sibsagar ...	1. Udairam Ghanasyamdass Rice and Oil Mills.	Rice and Oil.
	2. Lakhivaral Rice and Oil Mills ...	Ditto.
	3. The Ramkumar Kamakhyaprasad Sibsagar Rice and Oil Mills.	Ditto.
	4. Harakchand Radhakishan Rice and Flour Mills.	Rice and Flour.
	5. Khemka Rice Mill ...	Rice.
Darrang ...	1. Sree Ganesh Oil and Rice Mill ...	Oil and Rice.
	2. Sree Durga Rice Mill ...	Rice.
Goalpara ...	1. Nanakram Binraj Rice Mill ...	"
	2. Dulani Rice Mill ...	"
Nowgong ...	1. Badulal Gobardhan Rice Mill ...	"
	2. Chaparmukh Rice Mill ...	"
	3. Dashram Mirzamall Rice Mill ...	"
	4. Ramlall Onkaramall Rice Mill...	"
	5. Gangabishun Motilall Rice Mill	"
	6. Nowgong Rice Mill ...	"
	7. Prahladrai Mirzamall Rice and Oil Mill.	Rice and Oil.
	8. Mahabir Oil and Rice Mill ...	Ditto.
Kamrup ...	1. Sree Radhkrishna Oil and Rice Mill.	Ditto.
	2. Sonairam Fulchand's Rice and Oil Mill.	Ditto.
	3. Dashuram Mirzamall Uloobari Rice Mill.	Rice.

Name of the district where it is situated	Name of Mill	Working for Rice and Oil	
Kamrup—concl'd.	4. Ramnarain Mirzamall Oil and Rice Mill.	Oil and Rice.	
	5. Dhanuka Oil and Flour Mills ...	Rice and Flour.	
	6. Bansidhar Muralidhar Rice Mill	Rice.	
	7. Joinarain Sonchiram Rice Mill...	"	
	8. Sagarmall Rice Mill ...	"	
	9. Lalchand Ramdeo Rice Mill ...	"	
	10. Sreemanta Rice Mills ...	"	
	11. Ganapatrai Mangilall Rice Mill	"	
	12. Nagarmall Gaurisankar Rice Mill	"	
	13. Prahladrai Seetaram Rice Mill ...	"	
	14. Kishandayal Rice Mill ...	"	
	15. Lahiri Rice Mills ...	"	
	16. Sewnarain Onkaramall Rice Mill	"	
	17. Chutiapara Mill ...	"	
	18. Kanhaiyalall Biswanath Rice Mill.	"	
	19. Sorupeta Rice Mill ...	"	
	20. Kamakhyaprasad Agarwala Rice Mill.	"	
	21. Rameswar Gopiram Moscora Rice Mill.	"	
	22. Rampratap Gordhandas Rice Mill.	"	
	23. Gauridutta Rukmananda Rice Mill.	"	
	24. Nagarmall Gajadhar Oil and Rice Mill.	Oil and Rice.	
	Cachar ...	1. Jesraj Rampratap Sewsankar Rice Mill.	Rice.
	Sylhet ...	1. Sree Govindeo Ghanasyamdass Oil Mill Company.	Oil.

**Srijut LAKSHESVAR BOROOAH:** May I draw the attention of the Hon'ble Minister to the statement contained in Form A and ask whether he is not in a position to give the information called for under columns 8 and 9 regarding the quantity of paddy and rice exported from the mills.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** As the hon. member will see that Government had to take a good deal of pain and trouble in replying to these questions and some of them could not be answered because the mill owners would not supply those informations.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** It has been stated that there is only one oil mill in the district of Sylhet. May I know, Sir, where is this Sree Gobindeo Ghanasyamdass oil mill situated?

**Srijut LAKSHESVAR BOROOAH:** My question has not been answered. May I know whether the Hon'ble Minister is not in a position to give the information asked for under columns 8 and 9? Is there any secrecy in that?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Government has made every attempt to answer the question and has tried to supply as much information as was possible. As for the information regarding exported rice and paddy, probably the mill owners are unwilling to give out that information.

**Srijut LAKSHESVAR BOROOAH:** If an attempt was made, I think, the information could have been obtained.

**Mr. BAIDYANATH MOOKERJEE:** I think the Income-tax officer can help the Hon'ble Minister in this respect.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** May I now in which Subdivision is this Sree Govindeo Ghanasyamdass oil mill is established?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** In the district of Sylhet.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Is there no other oil mill in the district?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** So far as our information goes there is only one oil mill in the district of Sylhet.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Will the Hon'ble Minister take it from me that this information is incorrect?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Without further enquiry I am not prepared to accept the statement as correct.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Will the Hon'ble Minister make an enquiry?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Yes.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** When?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** After the budget session.

**Mr. BAIDYANATH MOOKERJEE:** May I request the Hon'ble Minister that when they make enquiries they will make thorough enquiries?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** When Government make enquiries they make thorough enquiries.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Will Government make a thorough enquiry before they give the answer?

**The Hon'ble the SPEAKER:** Hon. member will make a standard of thoroughness.

#### Strength of the Constabulary in all districts of the Assam Valley

**Srijut RAMNATH DAS** asked:

349. Will Government be pleased to state—

(a) The strength of the Constabulary district by district of all the districts of the Assam Valley?

(b) The number of the Constabulary in each district of the Valley belonging to the scheduled castes?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

349.(a) & (b)—Two statements are laid on the table.

349.(a)—

Name of district	Sanctioned strength			Actual Strength		
	Armed Branch	Unarmed Branch	Total	Armed Branch	Unarmed Branch	Total
Goalpara ...	119	203	322	119	199	318
Kamrup ...	114	244	358	114	239	353
Lakhimpur ...	163	229	392	161	227	388
Sibsagar ...	154	184	338	154	184	338
Darrang ...	99	154	253	96	148	244
Nowgong ...	89	135	224	86	135	221
Garo Hills ...	...	44	44	...	42	42

349.(b)—

Name of district	Number of constables belonging to the scheduled castes		
	Armed Branch	Unarmed Branch	Total
Goalpara ...	...	...	3
Kamrup ...	...	...	2
Lakhimpur ...	...	...	2
Sibsagar ...	...	...	2
Darrang ...	...	...	6
Nowgong ...	...	...	...
Garo Hills ...	...	...	...

**Number of persons dispensed with from the temporary police force in pursuance to the cut effected in the Budget estimate for 1937-38**

**Babu LALIT MOHAN KAR** asked:

350. Will Government be pleased to lay on the table a statement in a tabular form showing the names and designations of persons of the temporary police force whose services were dispensed with in pursuance to the cut effected in the Budget estimate for 1937-38 under grant No.12.—Major Head—29—Police, Minor Head—Criminal Investigation Department, as also the amount of saving made thereby?

351. (a) Will Government be pleased to state whether any of the persons whose services were thus dispensed with have, simultaneously or subsequently, been absorbed in the same Department or any other Department?

(b) If the reply to question 351(a) is in the affirmative, will Government be pleased to lay on the table a statement in a tabular form showing the names of such persons, the Departments they now belong to, the designations of the office they now held and the salaries they now draw, as also the amount of increase in expenditure, if any, in such Departments caused by such absorption?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

350 & 351. (a) & (b)—The services of officers or men of the temporary Police force were dispensed with. They were all officers and men drawn from the District Police, where they had liens on permanent posts. So on the abolition of the temporary force, they reverted to the District Police.

**Babu KAMINI KUMAR SEN:** In answer to this question it is stated that—"the services of officers or men of the temporary Police force were dispensed with. They were all officers and men drawn from the District Police, where they had liens on permanent posts. So on the abolition of the temporary force, they reverted to the District Police". But here in the explanatory note to supplementary demand No.6 it is stated—"Government accepted the decision of the Assembly and decided to abolish this temporary staff as soon as possible. Efforts were, however, made to absorb the personnel in other vacancies, but in particular cases where the incumbents could not be so absorbed they had to be given the usual notice of three months before discharge". Now from the later statement it appears that some of them have already been discharged from service whereas in the former statement it appears that all of them reverted to the District Police. May I know which statement is correct?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Both statements are correct. In this reply I have not included typists and copyists of this department, who have been retrenched, but one of them has since been employed in the Assam Rifles. They do not form the regular force of the Criminal Investigation Department.

**Maulavi ABDUR RAHMAN:** Is it not a fact that some Shorthand writers, during the Civil Disobedience movement, were engaged in the Police Department as a temporary measure?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** This is an entirely new question, Sir.

**Khan Bahadur Maulavi KERAMAT ALI:** Order, order.

**Maulavi ABDUR RAHMAN:** May I draw the attention of the Chair to the fact whether the Khan Bahadur is entitled to say, order order?

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

**Maulavi ABDUR RAHMAN:** On a point of order, Sir.

**The Hon'ble the SPEAKER:** What order?

**Maulavi ABDUR RAHMAN:** I want to know from the Chair whether the Khan Bahadur is entitled to function the duties of the Hon'ble Chair by calling "Order, order."?

**The Hon'ble the SPEAKER:** Certainly not.

**Maulavi ABDUR RAHMAN:** Is it not imprudent, Sir?

**Mr. BAIDYANATH MOOKERJEE:** Old men are always entitled to get license.

### STARRED QUESTIONS

(To which oral answers were given)

**The Hon'ble the SPEAKER:** Now, there are still eight minutes' time. The other day I told the hon. members that hon. members would do well to remain in their seats when their questions are called out.

**Mr. ARUN KUMAR CHANDA:** I very much regret, Sir.

**The Hon'ble the SPEAKER:** The other day I distinctly told hon. members that I would not allow any hon. member to have his question answered at a subsequent time after they are called. However, I allow starred questions to be answered which were not called out by reason of the hon. member's absence from the House.

### Revenue realised by Forest Department in Cachar

**Mr. ARUN KUMAR CHANDA** asked:

- \*104. Will Government be pleased to state—
- The conditions under which Forest villagers hold lands within the Forest Reserves in Cachar?
  - The revenue realized by the Forest Department from Forest villages during the years 1934-37, year by year and Reserve by Reserve?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied:

104. (a)—The hon. member is referred to the rules in Chapter 8 at page 82 of the Assam Forest Manual, Vol. I, a copy of which is on the Library table. The revenue for the land given to a forest villager in Cachar is one anna and three pies per bigha.

(b)—A statement is laid on the table.

*Statement referred to in reply to starred question No. 104(b) put by Mr. Arun Kumar Chanda*

### Statement showing amount of land revenue realised in Cachar Division

Year	Name of Range	Name of Reserve	Amount of land revenue realised		
			Rs.	a.	p.
1934-35	... Sonai	... I. L. Reserve, Sonai	729	13	0
1935-36	... Ditto	... Ditto	784	14	0
1936-37	... Ditto	... Ditto	596	4	0
1934-35	... Lakhipur	... Upper and Lower Jiri.	127	4	3
1935-36	... Ditto	... Ditto	142	5	0
1936-37	... Ditto	... Ditto	128	1	0
1934-35	... Matijuri	... Katakhal	632	2	0
1935-36	... Ditto	... Ditto	735	12	3
1936-37	... Ditto	... Ditto	548	2	0

### Closure of Sharapardhala in Jaldhup Circle (Karimganj Subdivision)

Maulavi MABARAK ALI asked :

\*105. (a) Are Government aware of the fact that the closure of "Sharapardhala" in Jaldhup circle (Karimganj subdivision), the only main outlet from "Langai river" to "Musia Haor" is causing much inconvenience to the public in general ?

(b) Do Government propose to re-excavate either "Haudorkhal" or "Tekoikuna Khal" in this year to remove this inconvenience ?

(c) If so, when ?

(d) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

105. (a)—No. On a reference to the Executive Engineer, that officer reports that no such complaint was ever received either by him or the Sub-divisional Officer.

(b)—No.

(c)—Does not arise.

(d)—Because Government is not aware of any inconvenience being caused to the public.

### Post of an European Traffic Sergeant for the Lakhimpur District

Mr. ARUN KUMAR CHANDA asked :

\*114. Has the attention of Government been drawn to an advertisement in the columns of the *Statesman* of February 1, 1938, under the name of the Assistant to the Inspector General of Police, inviting applications for the post of an European Traffic Sergeant for the Lakhimpur District ?

\*115. (a) Will Government please state whether the post of the said Traffic Sergeant is ear-marked for a foreigner ?

(b) If so, since when and why ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

114.—Yes.

115. (a)—The post is open to European British subjects only.

(b)—The post has been created at the instance of the Government of India to secure better control over motor traffic so as to check overloading. It will be filled up with effect from the 1st April 1938 and the cost met from the Petrol fund.

Mr. ARUN KUMAR CHANDA : Are we to understand that Indian Sergeants are not able to control traffic ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The recommendation of the Government of India, who are paying for the post, is that an experienced mechanical hand who had served in the Army or a discharged European soldier with knowledge of motor mechanics should be given preference. We had to obey these orders,

Mr. ARUN KUMAR CHANDA : Did Government make any representation on behalf of Indian Sergeants ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We did not, because they are paid by the Central Government.

Mr. FAKHRUDDIN ALI AHMED : Is the amount being paid by way of charity ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir ; no charity comes in here.

Srijut GOPINATH BARDOLOI : Has not this amount been shown in the Budget ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The amount comes from the Petrol Fund.

Mr. FAKHRUDDIN ALI AHMED : Is not the Hon'ble Minister prepared to make a recommendation to the Central Government against their recommendation that a European Sergeant is to be appointed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir.

Mr. FAKHRUDDIN ALI AHMED : May I take it that no competent Indian can be found to control traffic ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I do not admit that.

Mr. FAKHRUDDIN ALI AHMED : What is the harm in making a representation to the Central Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : In that case they may withdraw the amount.

Srijut RAJENDRA NATH BARUA : Will not Traffic Habildars do as in Silchar ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : May, possibly do.

Mr. FAKHRUDDIN ALI AHMED : How does Government stand to lose ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Because the greater railway revenue accrues to centre there is more chance for us to get a share. This year we are getting about 3 lakhs. This is under the Neimeyer Report.

### Discussion on expenditure charged upon the revenues of the Province

The Hon'ble the SPEAKER : Now the next item of business. Discussion of estimates of expenditure charged upon the revenues of the Province, other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of section 78 of the Act.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, I should like to make a few observations with regard to the expenditure that has been charged in connection with the salaries of Hon'ble Ministers. Before I do so may I have some information from the Hon'ble Chief Minister ?

My questions are—Whether the Act by which we fixed the salaries of Ministers is still in force. Secondly what is the rate of salaries of the present Ministers. When we passed the Act, there were five Ministers. At present there are six. May we know the rate of their salaries and also whether the old Act is still in force ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir, the old Act is still in force; but the present Ministry is not drawing salary at the maximum rate that was laid under the Act. We are drawing a little less.

**Babu KAMINI KUMAR SEN:** We like to know, Sir, what is the present rate of salary of the Hon'ble Ministers?

**Babu RABINDRA NATH ADITYA:** It is confidential.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There is nothing confidential. My hon. friend can go to the Comptroller's office and get the figures.

**Mr. FAKHRUDDIN ALI AHMED:** Sir, under what provision can the Hon'ble Chief Minister vary the salary which is provided in the Act?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Under the same provision by which our Hon'ble Speaker is not drawing the maximum according to the Act passed.

**Babu KAMINI KUMAR SEN:** Sir, my question has not been answered. If it is not confidential, then I would like to know what is the rate of salary fixed for the Hon'ble Ministers.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There is nothing confidential as I said: The Chief Minister, from the reconstitution of the Cabinet is drawing Rs.2,350, the Revenue Minister and the Minister in-charge of Medical and Public Health, Rs.1,400, the Education Minister and the Minister of Agriculture Rs.1,300 and the Minister of Registration and General Rs.750.

**Mr. BAIDYANATH MOOKERJEE:** May we know, Sir, why is this difference?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not bound to answer that, Sir.

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, in this connection, I should like to refer you to section 51(3) of the Government of India Act. It says, "the salaries of the Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor: Provided that the salary of a Minister shall not be varied during his term of office." I like to lay particular stress on the words 'from time to time' and 'shall not be varied during his term of office'. It seems from a reading of that section that with the reconstitution of the Ministry the old Act fixing the salary of the then Ministers ceases to be operative. I therefore, submit, Sir that the Act by which we fixed the salary of the Ministers during the last budget session is not in force and as in spite of that, their salary has been charged on the revenue we have been deprived of our right of fixing the salary of the present Ministers. We think, Sir, that it is the duty of the Hon'ble Leader of the House to bring in a new Bill for it but that has not been done and I do not know if any legal advice has been taken on this subject. So my submission is that the Act cannot be operative at present and the Hon'ble Ministers of the present Cabinet cannot lawfully draw any salary unless a Bill for that purpose is passed by both the Houses. Besides that we have been told by the Hon'ble Chief Minister that different rate of salary have been fixed for the different Ministers but that was not the intention of the Act that had been passed. Moreover at that time of passing that Act we fixed the salary on the understanding that there were five Ministers. Now, Sir, the number of Ministers has increased and I think,

without amending the Act, even if it be supposed to be still in force, the Hon'ble Ministers cannot draw their salary at the rate at which they are drawing now. So, I submit, Sir, that the expenditure that has been charged on that account has been done illegally and a new Bill ought to have been placed before the House for fixing the salary of the different Ministers.

**Srijut SARVESWAR BARUA:** Mr. Speaker, Sir, I would also like to draw the attention of the House to one fact which we find in the budget, at page 63. Under the column revised estimate we find that rupees one lakh, ten thousand has been provided for the pay of the Ministers.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** May, I know, Sir, which page the hon. member is referring?

**Srijut SARVESWAR BARUA:** At page 63 of the budget of 1937-38, we find that in the budget for 1937-38 one lakh ten thousand had been provided for the pay of the Ministers. Rupees 2,800 had been provided for the Hon'ble Chief Minister and Rs. 7,200 for the other Ministers per month. Sir, an Act was passed reducing the salary of the Hon'ble Chief Minister from Rs. 2,800 to Rs. 2,500 and that of the other Ministers' from Rs. 7,200 to Rs. 6,000. In spite of that Act, we find from the revised estimate that the salaries of the Ministers continue to be the same as was originally fixed. From the revised estimate we find that they are going to draw till the end of the current year at the same rate, i.e., one lakh ten thousand. We find that Government did not intend to give effect to the Act passing the Ministers' salaries as far as the current year is concerned.

**The Hon'ble the SPEAKER:** Does the hon. member mean to say that after the passing of the Act the Ministers are drawing their salary at the same rate which was originally fixed by His Excellency?

**Srijut SARVESWAR BARUA:** As far as I can see from the figures in the Revised Estimate the Ministers are drawing their salary at the same rate even after the passing of the Act reducing their salary.

**Srijut GOPINATH BARDOLOI:** Sir, I thoroughly agree with the interpretation put upon the section 51 by my hon. friend Babu Kamini Kumar Sen. I only want to add that from the wording of the section it is perfectly clear that the salary of a particular set of Ministers can continue only so long that Ministry continues. It has got to be changed with the change of the Ministry. The words that have been referred to by my hon. friend are, I think, sufficiently clear to indicate that the contention that has been submitted by him is perfectly correct. I will read the section—51(3) for understanding the implication of that clause: "The salaries of Ministers shall be such as Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor: Provided the salary of a Minister shall not be varied during his term of office". Here, Sir, the word 'Minister' though stands in singular is for the plural. The words 'from time to time the Legislature has got to fix the salary' mean that with the change of the Ministry, the salary has also got to be changed.

**The Hon'ble the SPEAKER:** In the Act was there any limitation about the period for which the Act would remain in force?

**Srijut GOPINATH BARDOLOI:** Since the Ministry has changed, the Act has got to be changed also. The salary can remain in force during the term of office. There has been a perfect change in the Ministry with the change of two Ministers and the addition of a third therefore, a new Act has to be passed before any valid sanction can be given to their drawing the salary. Then, Sir, what I want to show is that on page 63

of the Budget we find under the head "Pay of Officers—Ministers—Charged 1(2,800) and 4(1,800)" and I think this has been put here in consonance with the Act. In the detailed estimate we find that there are five Ministers—one of whom will draw pay at the rate of Rs. 2,800 and the other four Ministers at the rate of Rs. 1,800. To put Rs. 2,500 in place of Rs. 2,800 or 1,800 in place of 1,500 may be a possible mistake but so far as the number of the Ministers are concerned, there is no mistake that there are four Ministers drawing pay at a particular rate and one Chief Minister drawing pay at a different rate. But scale of the pay of Rs. 2,500 for the Chief Minister and Rs. 1,500 for the other Ministers do not fit in with the present Ministry just now announced by the Hon'ble Chief Minister. Therefore, in this view of the matter also a new Act should have come into force. Of course I do not know if the Hon'ble Ministers under some private arrangement can make any contribution to the sixth Minister. (*Laughter.*) If they had made any private arrangement, that is absolutely a different matter. But that arrangement can never be legal.

Now, I want to speak about the charge of Revenue on the excluded areas. In this matter we heard only the other day from the Hon'ble Chief Minister that this province has to contribute 8 lakhs towards the maintenance of the excluded areas over the income that is derived from the excluded areas themselves. It shows that in order to maintain the areas over which this House has absolutely no control and in the administration of which this House has not the least say, we are to pay 8 lakhs of rupees every year. This to my mind is an extraordinary position and should be strongly resented by this House; and our opinion in this matter should be conveyed to the Government of India.

Sir, I must congratulate the Hon'ble Chief Minister in making out a case for the petrol duty which is Assam's due. Burma, because it is separated, had the advantage of getting the full petrol duty, but Assam is deprived of this because we are tagged to the British India. I submit, Sir, if there is any case for us to cut ourselves from the Federation, I think, this ill-treatment by the Government of India towards our claim for the petrol duty is an additional ground. Therefore, Sir, the whole House in a body should protest against this arrangement. We are to contribute 8 lakhs of rupees from our revenues for the maintenance of the excluded areas, whereas we are deprived of our legitimate share of the petrol duty.

**Mr. W. FLEMING:** May I point out, Sir, that in Burma, the Government of Burma retain only the petrol duty on petrol sold in Burma, and the excise duty on petrol sold in India is collected in India and is taken by the Central Government. The hon. leader of the opposition is mistaking in his statement.

**Srijut GOPINATH BARDOLOI:** I submit that does not at all change the position. Our claim for the petrol duty is quite legitimate. The entire expenditure of the excluded areas must be borne by the Government of India, as it is Government of India alone, which is responsible for its administration.

**Mr. W. FLEMING:** I am not disputing that. I am merely stating the fact.

**Maulavi ASHRAFUDDIN MD. CHAUDHURI:** Sir, I think it was not the duty of the Ministers to bring in an Act. It was a duty more for the Legislature than for the Hon'ble Ministers. I think my hon. friend Mr. Sen is not correct when he says that this House have been deprived of their rights to vote on the salary of the new Ministry. When

we got the information in the Extraordinary Gazette about the formation of the new Ministry, we could ourselves have brought in a Bill about the Ministers' salaries. But before an Act comes into operation the Ministers' salaries shall be determined by the Governor according to the provision in the Government of India Act. I don't know what is the wrong here. I think my hon. friend is not correct in his statement that this House have been deprived of their right over the Ministers' salaries. The Legislature have got the right even now. The provision of section 51 clause 3 is very clear. With the reconstitution of the new Ministry, the old Act is inoperative. Now the Ministers should be drawing the salary on the discretion of His Excellency the Governor.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I fully agree with the arguments advanced by my hon. friend Mr. Sen and the Leader of the Congress party. I think it my duty to point out before the House that when the Chief Minister resigned, the Ministry no longer existed. Now, although the new Ministry has been formed with the former Premier as its chief, still it is apparent that with regard to their salary this House must have a right to give its decision. Section 56, sub-section 3, of the Government of India Act also lays down that the salary of the Minister shall be such as the Provincial Legislature may from time to time by an Act determine. I give stress on the point "from time to time determine" and on the proviso that the salary of a Minister shall not vary during his term of office. The point is whether his term of office is being continued or not. I think the day on which he resigned, his term of office ceased and from the following day on which he assumed charge again, another term of office has begun. So, I think a Bill should have been brought and the House should not have been deprived of the right to give their opinion on the salary of the new Ministry.

**Srijut KAMESWAR DAS:** Mr. Speaker, Sir, whatever interpretation may be given to section 51 (3) of the Government of India Act, I wish to point out one aspect of the matter. It is pointed out that the period for which the Ministers' Salary Act was passed was not definitely stated. But supposing that the Act still continues, then also, Sir, it is significant to note that in the budget estimate for the current year we find the salary of a definite number of Ministers. I lay stress on the word 'definite.' Now, the Hon'ble Chief Minister has said that the five Ministers are drawing their salaries at a reduced rate under the same rule as you, Sir, are drawing your salary.

**Mr. BAIDYANATH MOOKERJEE:** Best salary for the best man.

**Srijut KAMESWAR DAS:** The question is, even if the five Ministers are entitled to draw their salary at a reduced rate will the Hon'ble Chief Minister say whether the sixth Minister is entitled to draw any salary at all. Sir, a few days back I gave notice of some short notice questions on this very important question. The questions are these:—

1. Will the Hon'ble Chief Minister please state—(a) If the salaries of the Hon'ble Ministers of the present Cabinet have been fixed? (b) If so, will the Hon'ble Chief Minister please state the rate or rates so fixed; (c) if not, when will the salaries be likely to be fixed?

2. Will the Hon'ble Chief Minister please state—(a) If Government is bringing in a Bill to fix the salaries of the present Ministers? (b) If so, when? (c) If not, why not?

You were pleased, Sir, after consulting the Hon'ble Chief Minister, to disallow these questions on the ground that the Minister in charge did not give his consent to the putting of these questions. As I have already stated,

Sir, it is a public matter and cannot be taken as a family arrangement. It would have been a different thing to a slight degree if five Hon'ble Ministers would have been drawn their salaries at the maximum rate fixed by the law, and contributed something each towards the salary of the sixth Minister, but as things stand at present the sixth Minister cannot be said to be drawing his salary under any law or rule in force. So I agree with every word said by my hon. friend Babu Kamini Kumar Sen.

**The Hon'ble the SPEAKER:** Will the hon. member explain what he means? Does he mean that they cannot draw any pay till the Act is amended? And if the Act is to be amended what are rates of pay which the Hon'ble Ministers are to be paid till the Act is amended? At what rate will the hon. member pay them?

**Srijut KAMESWAR DAS:** I think that my interpretation of the section is that fresh Bill will have to be brought because as regards the sixth Minister as he was not in the Ministry when the Act was passed he is not at all entitled to draw any salary under that Act. I do not refer to the personal of the 6th Ministry, but to the strength of the Ministry as a whole.

**Srijut SARVESWAR BARUA:** He will live on the charity of the other Ministers.

**Babu KAMINI KUMAR SEN:** The fact is that nobody can draw any pay till the Act is amended.

**The Hon'ble the SPEAKER:** If His Excellency the Governor fixes his salary?

**Babu KAMINI KUMAR SEN:** That is for him.

**Mr. BAIDYANATH MOOKERJEE:** And that cannot be for more than six months. In any case the Government must bring a Bill before the House.

**Babu KAMINI KUMAR SEN:** If it is found that the Act requires amendment, is it not the duty of the Leader of the House to bring in a Bill?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, I will take the last point of my learned friend the opposition leader first. He has raised a very interesting and controversial point, but I can assure him that long before he had raised this point, this matter has been engaging my attention. At the last Delhi Conference I discussed with the Government of India officials about this point, but unfortunately my place here is to take up where my predecessors left. I suppose hon. members know that under section 33(3)(g) of the Act, it was open to the Central Government to make grants to Provincial Governments for purposes connected with the administration of totally excluded areas if they applied for it. It was up to the then Government of Assam to press their claim under this head before the Central Government, but unfortunately, I am sorry to say, the Government of Assam of the time did not continue to press their claim based upon this particular clause. Since I have assumed office, I have already drawn the attention of the Centre, and if I am allowed to survive the onslaughts of my hon. friends, I will press my claim before the Centre (*laughter*).

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir. Was that Act in force at that time?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It was not in force, but it had been passed and it was in the hands of every public man in the country.

In Schedule IX of the Constitution Act the same provision has been repeated in 67A-(3) (iv). So it was a clear indication that if the Government of Assam pressed their case it most probably would have been sympathetically considered. I think, Sir, it is not yet too late. My attempts on

this case have been met by sections 135 and 140 of the Act and according to the interpretation put by the Central Government on sections 137 and 140, Assam cannot have any special claim but that whenever the Centre has got any money to distribute, it will be distributed among the provinces in such manner as may be prescribed.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir. When did this Act come into force?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That has already been stated.

**Mr. BAIDYANATH MOOKERJEE:** That is not clear to me.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not prepared to take the role of a schoolmaster teaching my friend the elements of politics.

**Maulavi MUHAMMAD AMJAD ALI:** We feel, Sir, that at the moment we are in the lecture room of law classes.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Therefore, I thank my hon. friend the Leader of the Opposition for having raised this question and I wish that some other hon. members who followed had some more light on this matter. But curiously enough our minds are always rivetted to Ministers and Ministers' salaries (*laughter*), and even after the lead given by the hon. Leader of the Opposition nobody, I find, took up that subject.

Now Sir, coming to the Ministers' salary, I find that not one of the advocates of the position that the present Ministers can draw any salary unless a new Bill is passed by this House, has gone to the length of looking into the sections of the Act that was passed by this House last year. If the Act had said that the Ministry in Assam would consist of a Chief Minister and 4 other Ministers and no more than that, they would have been correct. But, Sir, what is the actual wording of the section? Section 2 of the Assam Act IV of 1937 reads thus: "There shall be paid to the Chief Minister a salary at the rate of Rs. 2,500 per mensem, and to each of other Ministers a salary at the rate of Rs. 1,500 per mensem". There is no limitation as regards the number of Ministers. My contention is that without coming before the House again, all the Ministers can draw Rs. 1,500 under the Act already passed by this House.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I think the Act was passed for the former Ministers.

**Babu KAMINI KUMAR SEN:** On a point of information, Sir, can an Act that has been made under a specific section of the Government of India Act override that section?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No. My contention is that this Act IV of 1937 which was passed under provision of section 51 holds the field till it is repealed or amended by this House.

**Babu KAMINI KUMAR SEN:** If it is inconsistent, then can the Act prevail over the section?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We do not admit that this Act is inconsistent with the section. My contention, therefore, is that this section, section 2, so long as it remains in its present shape there is nothing to compel us to come before the House for another salaries Bill.

Let us turn to section 51 and see whether there is any substance in the contention of my hon. friend Mr. Sen and his supporters. Section 51, sub-clause (3) runs thus: "The salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the



Provincial Legislature so determines shall be determined by the Governor" As regards the first portion, I have already said that whatever may be the constitution of the Ministry—the former Act does not say that A, B, C, and D are to be the Ministers and they should get the particular salaries mentioned in it. The term used there is a general term "and other Ministers". Therefore it is immaterial whether there has been a change in the personnel of the Ministry and the Act holds good even though there may be a change and some other Ministers K to O take the place of Ministers A to D. Even if there were any force in the contentions of my hon. friends opposite, according to the Act itself it is up to the Governor to determine the salary when there is no Act settling it. There is the proviso remains to counteract the contention of my hon. friends. Because the proviso to that clause is "Provided that the salary of a Minister shall not be varied during his term of office". That means that once an Act is passed that Act continues to be in operation, unless and until it is changed by a vote of the House by a fresh Bill. Under the circumstances.....

**Babu KAMINI KUMAR SEN:** On another point of information, Sir. Has this Legislature any right to alter the Act before the late Ministry resigned?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I do not think, Sir. Because according to the proviso the Ministers' salary when once fixed.....

**Babu KAMINI KUMAR SEN:** But I think the Hon'ble Chief Minister will admit that the Legislature has now got the right to vary it?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I do not admit that, Sir. Because I have already said that the Act did not say that so and so would be the Chief Minister and so and so the other Ministers, and that they alone would get that particular pay. The Act is perfectly wide and in general terms and lays down that whoever be the Chief Minister will get a particular figure and the others another particular figure. Therefore, there is absolutely no ambiguity or difficulty as regards the Act itself. That is the position which Government has taken.

**Srijut SARVESWAR BARUA:** Then what is the force of the word 'his' in the proviso when it says "his term of office"?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We are not applying the proviso in this case.

**The Hon'ble the SPEAKER:** Does the section mean that the salaries must be varied at every change?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No, Sir. That is my contention that so long as this Act remains there is no question of necessity for a separate Act with any change in the Ministry.

**Rai Bahadur PROMODE CHANDRA DUTT:** Has legal opinion been taken as to whether the Act prescribing the Ministers' salaries is still in force?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** But for these constant interruptions for information I was going to come to that and I have noted down all the points of information that were wanted.

**Srijut GOPINATH BARDOLOI:** On a point of information, Sir (laughter) so that you may have a chance of replying to this also, the Act says that the Chief Minister is to draw Rs.2,500 and the rest Rs.1,500. Is the Hon'ble the sixth Minister also to draw Rs.1,500 as provided for in the Salary Act.

**The Hon'ble the SPEAKER:** That has been answered.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am rather surprised that so alert and astute a lawyer as the Leader of the Opposition should come up for this piece of information which I have already supplied in at the beginning of these discussions in answer to questions from some hon. friend.

Now, Sir, the position taken up by Government is this, that under the Act they can draw the salary which has been provided. But there is nothing in the Act to compel us to draw the salary that is mentioned in the Act. It is open to us to draw salary less than that provided in the Act.

My hon. friend Rai Bahadur Promode Chandra Dutt, and before him, the originator of these discussions, raised the question whether we have consulted legal opinion on this matter. We do not think it is necessary and, therefore, no opinion has been called for.

**Rai Bahadur PROMODE CHANDRA DUTT:** You will find it necessary very soon.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am prepared to meet you when the necessity comes—to meet the hon. member, I am sorry I had addressed him direct. We know the tactics of some hon. friends here and I am prepared to meet them when the question comes forward and when the usual course of going to the civil court is resorted to and then I will see whether any change is necessary or not.

The next point that has been raised by Srijut Sarveswar Barua is a perfectly legitimate one. So far as the number of Ministers shown in this budget estimates at page 63, hon. members will remember that this budget is printed in the early part of January, and that was before there was a reshuffling of the Ministry and therefore the figure 5 remained there.

**Srijut SARVESWAR BARUA:** When the Ministers' Salary Bill was actually passed.....

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am coming to that. But I cannot excuse myself or the Finance Department over which I preside for their having made this glaring mistake of showing that one Minister was drawing Rs.2,800 and the others Rs.1,800. Ever since the Act was passed the Ministry has been drawing salary at the rate that has been voted by the Assembly, i.e., Rs.2,500 and 1,500. This is purely a mistake for which I cannot but condemn myself for not noticing it before. I hope.....

**Srijut PURNA CHANDRA SARMA:** Did not the Hon'ble Finance Minister check the budget?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, it is not possible for me to check every single item in the budget but hence forward I hope that there will be no such mistake. As a matter of fact my notice was drawn to it at an earlier stage and I have put a query mark in my book. There is a mistake in the figures in the revised estimate. But that figure was put down on Comptroller's figure I can assure the hon. members that even though these figures are shown incorrectly, we cannot draw one single farthing beyond what has been laid down by the Act itself, for there is the vigilance of the Audit Department presided over by the Comptroller. If my hon. friend's contention is correct that without a further Act the Ministry cannot draw any salary, it is up to the Comptroller to raise objection and refuse to pass our bills. Our bills have been presented to him only to-day and we do not know what will be his decision. But so far as we are concerned, we think, according to the wording of the Act we are perfectly justified in the attitude that we have taken so long

**Maulavi ABDUR RAHMAN:** May I ask the Hon'ble Chief Minister if the Ministry whose salary has been determined by the House refuse to pay the subscription (*laughter*) towards the pay of the sixth Minister, then what will be his position? Will he be able to claim anything from the House?

**The Hon'ble the SPEAKER:** It is very patent from what has been said by the Hon'ble Chief Minister that the pay of the Ministers can be drawn at the rate of Rs.1,500.

**Babu KAMINI KUMAR SEN:** May I know who is the sixth Minister?

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

### DHMANDS FOR GRANTS

#### Grant No. 4 (10.—Forests)

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.8,87,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1939, for the administration of the Forest Department.

**The Hon'ble the SPEAKER:** The motion moved is that a sum not exceeding Rs.8,87,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1939, for the administration of the Forest Department.

There are 30 cut motions tabled and I have intimation from the Secretary of the Congress Party that the party would like to move cut motion No. 29. But I find that there are also cut motions from other members not belonging to that party. I do not know whether they have agreed not to move those motions. If they have agreed not to move those motions, then I can call upon the mover of cut motion No. 29 to move his motion and other members may take part in the debate, because this is a motion which seeks to criticise the policy of Government and the various other members who want to discuss the policy of Government may conveniently do so in this motion.

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** Sir, I have got a motion.

**The Hon'ble the SPEAKER:** Does the hon. member want to move it?

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** Yes.

**The Hon'ble the SPEAKER:** Am I to take it that the Congress members who have tabled cut motions will not move any other motions excepting No. 29?

**Srijut GOPI NATH BARDOLAI:** Yes, Sir. The other members against whose names other motions stand may take part in the discussion.

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

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** Sir, I beg to move that the provision of Rs.82,130 under Grant No. 4, Major head—10.—Forest, Minor head—A.—Conservancy and Works, Sub-head—VIII.—Organisation, improvement and extension, etc. (total), at page 46 of the Budget, be reduced by Rs.50, *i.e.*, the amount of the whole grant of Rs.8,87,300 do stand reduced by Rs.50.

Sir, due to the increase of population by natural causes and expansion in the families it has become very difficult for the people to maintain themselves out of the crop that is produced from their land. Land has become very insufficient for cultivation to the families of cultivators in my district and it is for this reason that many families have been compelled to run away to the other parts of the province leaving their original homes, relations and friends. Sir, this is a very pitiful sight indeed.

There is a vast tract of land at Zamira which is not exactly a forest land. It can be easily settled with the people. This is a plain land and I have the information that there is no dense forest excepting a few bushes here and there. People have been clamouring for its settlement for the last five or six years and every day and every month hundreds of applications are being submitted to the Subdivisional Officer and the Deputy Commissioner for the settlement but to no purpose. Sir, I do not understand why Government should not settle up these lands with the poor inhabitants of my district and thereby save them from starvation and ruin. With these words I commend my motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** The motion moved is that the provision of Rs.82,130 under Grant No. 4, Major head—10.—Forest, Minor head—A.—Conservancy and Works, Sub-head VIII.—Organisation, improvement and extension, etc. (total), at page 46 of the Budget, be reduced by Rs.50, *i.e.*, the amount of the whole grant of Rs.8,87,300 do stand reduced by Rs.50.

**Maulavi NAMWAR ALI BARBHUIYA:** I rise to speak a few words on this motion, Sir. It is understood that recently an enquiry has been held by the Subdivisional Officer, Hailakandi, accompanied by the Divisional Forest Officer, Cachar, as to the desirability of settling the land lying waste in the Jamira reserved forest. During His Excellency's visit to Silchar last time I invited His Excellency's attention to this fact and he also agreed to see the said Reserve on his way back to Lala Ghat from Aijal if time permitted. The other day, on the 24th November, I submitted a note on the subject under discussion to the Hon'ble Minister in charge. The facts that have been stated by my hon. friend sponsoring the motion are true. Sir, there are many reserved forests in the district of Cachar lying fallow and that landless cultivators of the district have been submitting petitions after petitions to the Deputy Commissioner and the Divisional Forest Officer for settlement of these lands. But the authorities always reject their petitions. During the last Budget session of the Assembly I put a question to that effect, and the Hon'ble Minister in reply told me that unless and until the waste lands of the Assam Valley districts were exhausted these forests in the district of Cachar would not be thrown open for settlement. But he failed to see how inconvenient it was for the people of Cachar to go over to the Assam Valley. There they have the various disadvantages like the Line System, Colonisation system, the Block system and many other systems and it is also very difficult for them to defray the expenses necessary for carrying their bags and baggages and their children, to go to the Assam Valley districts. People also do not like to leave their kith and kin and it is also expensive and troublesome for them, to have journey through the Hill section. So they do not like to go to Assam. When there are fertile lands in their own district, why should they be compelled to go to Assam? We demand an assurance from the Hon'ble Minister in charge that he will consider the matter when he gets the report from the Subdivisional Officer, Hailakandi. These reserves have no valuable trees and they yield no income to the Government. We fail to understand the

reasons why the Government and the department decline to throw open the cultivable waste lands within the Cachar Forest Reserves for settlement to the landless cultivators of the district. We demand definite assurance from the Government in this matter.

**Mr. JOBANG D. MARAK:** Sir, I think this cut motion does not concern the Garo Hills.

**The Hon'ble the SPEAKER:** The Garo Hills are not concerned in this cut motion. The hon. member will get an opportunity to speak later.

**Maulavi MUZARROF ALI LASKAR:** I rise to support this motion moved by Babu Hirendra Chandra Chakravarty and supported by the hon. member from Cachar. This question of getting settlement of new lands has become very keen now-a-days. The Hon'ble the Chief Minister, the other day was describing the geographical position of the district of Sylhet as a cup. But that of Cachar is like a soda-water bottle. The entire rainfall of the districts of Lushai Hills, Manipur and the North Cachar Hills passes through the plains portion of the district of Cachar. I mean through Silchar and Hailakandi subdivisions. The entire water has to pass through the only outlet under the Badarpur Railway Bridge. If there be a little abnormal rainfall in Manipur or Lushai Hills, the entire plains portion of the district is flooded. We get floods several times in the year and the crops are repeatedly damaged. Because of these successive floods people are willing to go to the Jamira Reserve and other reserves of the district which are on comparatively higher level. There are vast areas of cultivable lands which are yielding no revenue to Government now. If they are thrown open and settled with the landless cultivators, the condition of the people will improve and will bring large revenue to Government. With these words I support the motion.

**Mr. ARUN KUMAR CHANDA:** Sir, I had a motion which has a more extensive scope, that motion intended to criticise Government for not throwing open for settlement cultivable land lying waste within various forest reserves in Cachar. I will take this opportunity, Sir, of drawing the attention of the Hon'ble Minister in charge to this pressing demand and need for throwing open such fallow lands for settlement with the children of the soil.

Previous speakers have all spoken about the land hunger that prevails in the district of Cachar. In answer to a question of mine last session, the Hon'ble the Revenue Minister stated that vast areas of cultivable lands were lying waste within these forest reserves. I quite recognize that some areas should be reserved for the Forest Department. There are also the growing needs of the forest villagers to be thought of. There is a great deal of controversy about the system of forest villages now in force because it is calculated to dragoon some people into demoralizing forced labour. But if available areas of cultivable lands that are lying fallow are thrown open, that is bound to be a profitable proposition to Government. Government will be able to derive considerable revenue through this process. I, therefore, Sir, bring it to the notice of the Hon'ble Minister in charge that there is a persistent demand for land in my district and there is no sense in locking up such vast areas of land within forest reserves. I submit, Sir, that the situation is very peculiar in Cachar because of the fact that land at the disposal of people is very meagre. Not only the Forest Reserves but Tea Estates also swallow up vast areas of land in the district. If however the Hon'ble Minister would give an assurance to the House that cultivable lands within the reserves would be made available for settlement consistently with the needs of the Forest Department, in that case I suppose the hon. mover would be satisfied as also his supporters.

**Maulavi ABDUR RAHMAN:** May I speak a few words, Sir?

**The Hon'ble the SPEAKER:** About Cachar?

**Maulavi ABDUR RAHMAN:** Yes, Sir. I had been to Hailakandi and I know of the people concerned and their necessity for opening the Jamira reserve. As regards the reserve I had a talk with one of the Sub-Deputy Collectors who were deputed by Government to examine the question whether there was any necessity for throwing the reserve open. I do not know what stood in the way of expediting the matter. It is definitely known that people are greatly in need of cultivable lands and if the Hon'ble Minister takes up the matter earnestly, I think a large number of people can be accommodated there both from the Cachar district as well as from the district of Sylhet.

#### Adjournment.

The Assembly then adjourned for lunch till 2 p. m.

#### After adjournment.

The Assembly re-assembled after lunch at 2 p. m.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** I stand, Sir, to support this motion. I find, Sir, that there is an insistent and persistent demand from all the representatives for disforestation of this particular reserve. So I think there is much force in this demand and I accordingly hope that the Hon'ble Minister will accede to this demand.

On this motion, Sir, I want to speak on general terms as regards the disforestation of certain other reserves also. I generally find that, whenever there is a talk of disforestation, the Forest Department always obstinately obstruct the proposals. These Forest Reserves were constituted long long ago when there was little demand for land for settlement with the indigenous people. But the demand has increased now and people want that certain reserves, which were originally reserved as forest or game reserves, should be thrown open for settlement. There is one reserve, for instance in Nowgong called Laokhoa Game Reserve. There is a demand now for disforestation of this particular reserve. But the Forest Department is opposing the demand on the ground that there are a certain number of rhinoceros in that reserve. But Sir, the Forest Department is in the habit of raising objection on the slightest pretext. Because, Sir, on examination it will be found that these reserves do not bring in any appreciable revenue to Government, and they are being retained by Government simply for the sake of retaining them. So I beg to impress on the Hon'ble Minister that the opposition of the Department itself should not weigh with him. He should enquire into the desirability of opening these reserves on merits. With these words, Sir, I support the motion.

**Babu KALACHAND ROY:** সভাপতি মহোদয়, আমার প্রার্থনা বন্ধু ত্রীষুত হিরেন্দ্র চক্রবর্তী যে প্রস্তাব উত্থাপন করিয়াছেন আমি সেই প্রস্তাব সমর্থন করিতেছি। কাছাড়ের অনেক forest reserve-এ কৃষিপোষা জমী পাকা স্বত্ব আবাদগকে জমী দেওয়া হইতেছে না। বর্ত্তানে অনেক লোক যমুনাযুৎ ও রাঙ্গারবাগ অঞ্চলে গিয়া অনেক জংল বাটে দিন যাপন করিতেছে! সেই জংল forest reserve-এ যে কৃষক উপযুক্ত জমী আছে সেই জংল খুলিয়া না দিলে কাছাড়বাসীর অত্যন্ত কষ্ট হইতেছে। অতএব কাছাড়ের forest reserve-এ যে কৃষি উপযোগী জমী আছে সে জমী খুলিয়া দিতে আমি গভর্ণমেন্টকে অনুরোধ করি।

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** Mr. Speaker, Sir, at the very outset I must tell the House that the Government does not maintain forest reserves merely for the pleasure of it. The whole object in having forest reserves is to help the settlement-holders to get their requirements out of the reserves. For instance, they want timber, grass, thatch and other things; and if the Government had not paid any attention to the forest reserves, the people would ultimately suffer on account of that. The mere reason that cultivable waste lands are required for the purpose of cultivation or the mere reason that Government is getting nothing or that Government will get more if forest reserves were thrown open, that would not in my opinion be sufficient and convincing reason for throwing open reserves. But in this particular instance my attention was drawn by my hon. friend Maulavi Namwar Ali, sometime ago and on receipt of that note from him, I had sent urgent reminders for reports from the Subdivisional Officer and other local officers. The very fact that as many as five members from Cachar have spoken in support.....

**Babu HIRENDRA CHANDRA CHAKRAVARTY :** On a point of information, Sir. May I know when Maulavi Namwar Ali drew the attention of Government?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** On the 24th of February.

As I was saying, Sir, the very fact that as many as 5 members of Cachar have spoken in favour of throwing open these reserves, I feel a great deal of relieved of my responsibility in this matter and as soon as the report from the Subdivisional Officer comes I shall do my best to meet the wishes of the hon. members.

**The Hon'ble the SPEAKER :** Does the hon. member wish to press his motion?

**Babu HIRENDRA CHANDRA CHAKRAVARTY :** I do not understand whether the Hon'ble Minister has given me any assurance at all.

**The Hon'ble the SPEAKER :** The Hon'ble Minister has said that he will look into the matter.

**Babu HIRENDRA CHANDRA CHAKRAVARTY :** The Hon'ble Minister has only said that he will consider the matter as soon as he receives the report of the Subdivisional Officer. But whether he will give a favourable report or not I do not know. I must get some assurance that the Hon'ble Minister will consider the matter favourably.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I am afraid, Sir, the hon member is missing the pet word of "assurance". I say that I assure the House that I will try my best to meet the wishes of hon. members. If it is not detrimental to the interests of the public at large for whom these reserves are sought to be thrown open, I shall have them thrown open.

**Babu HIRENDRA CHANDRA CHAKRAVARTY :** On this assurance, Sir, I beg leave of the House to withdraw my motion.

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

**Maulavi MABARAK ALI :** I beg to move, Sir, that the total provision of Rs.8,87,300 under Grant No. 4, Major head—10.—Forest, at page 45 of the Budget, be reduced by Rs.101.

(To criticise the top-heavy administration of the Forest Department).

**The Hon'ble the SPEAKER :** I may point out to the hon. member that the Congress Party wants to discuss motion No. 29. If that motion be moved, then the hon. member will get ample scope to speak about his motion, as the motions are practically of the same nature. Therefore, I will allow the hon. member to have his say when that motion will be under discussion.

**Maulavi MABARAK ALI :** Then, Sir, I withdraw this motion.

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

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** I beg to move, Sir, that the total provision of Rs.8,87,300 under Grant No. 4, Major head—10.—Forest at page 45 of the Budget, be reduced by Rs.101. Sir, my intention is to raise a discussion for not making enquiry into forest officers' *zulum* in the Thanas Dharmapassa and Tahirpur.

Last year, Sir, I gave an elaborate account of what was happening in my constituency in the matter of the operation of forest law. But I am sorry to find that Government have not tried to remove the grievances of the people. In some places, Sir, Government have placed officers drawing salaries of Rs.20 to Rs.30 a month. These officers have to maintain their family and their *basha* with this small amount. It is obvious that these officers cannot maintain themselves, unless they get something through their left hand. In my constituency, Sir, which is situated near the foot of the Khasi and Jaintia Hills, many of the cultivators have to go to the hills for bringing forest produce. And even when these cultivators show their permits, the petty officers exact money from them in an illegal way. You will be surprised to learn, Sir, that even when a transit permit was issued by a landholder the officers also realise annas two per permit from the owner of the land. If an enquiry is made, the owners will say that they do not pay. But if you will look into their accounts you will find that a fee of annas two is realised from every man and that money is meant for payment to the forest officer. If a landholder will admit this to the enquiring officers, he will be put to trouble by the Forest Officer and therefore he is bound to conceal this fact.

Another thing, Sir, is that this law is explained in different ways by different officers. In some places they realise the royalty on village basis, for instance from some villages they realise at Rs.15 and from others Rs.30. They do not always realise their dues on the basis of the articles the cultivators get from the hills but on various basis. I am prepared to prove this, Sir, if I am challenged. In this way these officers have proved that the forest law is nothing but an oppressive and lawless law. The other day I said quite clearly, Sir, that, when a Police officer sends a man for trial to a court, it is the officer who has to prove that the man is guilty. But under the Forest Law the accused becomes guilty when he is sent up for trial and it is he who must prove his innocence. That is the source of all the troubles.

I asked a question in the last session of the Assembly about a Forester who had the audacity to arrest a Brahman young man. There was case and counter case about the incident. The cases were at last compromised. I put some questions to know the terms of the compromise and how the officer could arrest that man.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** May I know the names of the persons, Sir?

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Mathur Chandra Singh was the name of officer and the man arrested was Sudha Bhattacharji. But the Government did not give any reply. This is

a revenue yielding department, but the major portion of the revenue of this department, I boldly say, goes to the pockets of these officers. I bring these facts to the notice of the Government so that they may enquire into them and amend the law as required.

Sir, we are getting assurances always. I may get an assurance this day also from the Hon'ble Minister, but I cannot be contented unless I am told that the assurance is going to be translated into action.

**The Hon'ble the SPEAKER:** The motion moved is that the total provision of Rs.8,87,300 under Grant No. 4, Major head—10.—Forest at page 45 of the Budget be reduced by Rs.101.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir, I am obliged to hon. mover of this motion for bringing some specific instances to the notice of the Government. Sir, when general and sweeping remarks are made against officers, Government cannot take action, but when specific instances are referred to, Government will be only too glad to make enquiries and take such steps as may be necessary to prevent recurrence of such incidents.

As regards the amending of the law, we shall take that matter into consideration to see whether there are any special circumstances under which the forest officers have committed offences and have not been detected, and if there are, the law may be amended in the manner suggested by the hon. mover. As regards the law being explained in different ways by different officers, it is impossible for me to say anything definitely, unless I know that particular law which is capable of varying interpretations. All that I can do as regards this motion is again to assure the House that the Government will do their best to stamp out corruption as far as possible. They only expect the co-operation of all hon. members and all public spirited individuals in this matter.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI:** Sir, I am satisfied with the assurance given by the Hon'ble Minister (*laughter*) and I beg leave to withdraw my motion.

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

**Srijut KAMESWAR DAS:** Sir, I beg to move that the total provision of Rs.8,87,300 under Grant No. 4, Major head—10.—Forest at page 45 of the Budget, be reduced by Rs.100.

Sir, my object in bringing this motion is to criticise the forest policy of the Government generally and its financial aspect in particular.

Sir, I think, the purposes for which the forests exist are mainly two. The first is that the forests are there for the utmost advantage and benefit of the agriculturists. The second is to get as much revenue out of forests as possible without hardships to the public. Regarding the first, Sir, we have heard various complaints from various quarters. We have already heard Maulavi Maqbul Hussain Chaudhury criticising certain aspects in this regard and there are other hon. members who have tabled their motions to criticise the policy of the department. So, I rather leave this aspect of the matter to be discussed by them. Regarding the revenue aspect, I should like to say that there are vast areas of forests in Assam. The percentage of the total forest area to the total available cultivable lands in the province is rather very high compared with other provinces of India. The possibility of expansion of revenue from this source is also considered immense; but what do we find in practice? The revenue of the department is barely 20 lakhs. I have got the figures for six years. In 1933-34, the revenue of the department was Rs.14,57,000.

**Mr. F. W. HOCKENHULL:** Is the hon. member giving the figure of revenue?

**Srijut KAMESWAR DAS:** Yes, I have got the figure for six years. The revenue of the department was Rs.14,30,000 in 1934-35; Rs.14,84,000 in 1935-36; Rs.16,85,000 in 1936-37, and the estimated figures are Rs.16,28,000 for 1937-38 and Rs.16,79,000 for 1938-39. Sir, from these figures it seems that the revenue is not expanding. The forest revenue per square mile in Assam is probably less than in the other provinces of India. So this is a matter which Government should seriously consider about. I think, the forests of Assam are probably not very inferior to the forests of other provinces of India. I am glad that in recent years there has been a Forest Utilisation Officer and he is doing some good work (*hear! hear!*) but all the same there is yet room for further works in this direction also. The revenue has been hopelessly low and it must be expanded. What is more objectionable is that the expenditures during these years are very high. I quote the figures for the same six years. Expenditure on the establishment alone was Rs.7,81,000 in 1933-34; Rs.7,77,000 in 1934-35; Rs.7,85,000 in 1935-36; Rs.7,97,000 in 1936-37 and the estimated figures are Rs.8,23,000 in 1937-38 and Rs.8,80,000 in 1938-39. The proportion of the expenditure to the revenue is somewhat between 47½ per cent. and 50½ per cent. Surely, Sir, this is a very high percentage. In the land revenue department the percentage of the average expenditure to the average demand is probably not more than 12½. Of course we do not expect that the expenditure in the Forest Department should be as low as that, but I think, Sir, that the present rate of expenditure on the establishment is certainly very high. The expenditure on the whole Forest Department is again more than 68 per cent. of the revenue. It is time therefore that Government reduce the expenditure on the department and try to make out a larger revenue. In this connection I would like to suggest the Government that they should try to popularise the leaf manuring system and if possible, try to earn something thereby.

**Maulavi MUHAMMAD AMJAD ALI:** Will the hon. member please explain the term 'leaf manuring system'?

**Srijut KAMESWAR DAS:** The agriculturists in our province, as a rule, do not know how to manure their lands. There are different kinds of manuring which are very well known to the hon. members of this House. Bonemeal and other methods of manuring land are known to many and leaf manuring is one of them. It is a common knowledge here that the forests resources have not been exploited as much as they should have been. I will therefore urge upon the Government again that they see their way to reduce the expenditure particularly on the establishment and try to introduce better methods to work out the forests with a view to increase revenue.

**The Hon'ble the SPEAKER:** The motion moved is that the total provision of Rs. 8,87,300 under Grant No. 4, Major head—10.—Forest at page 45 of the Budget, be reduced by Rs.100.

**Maulavi MABARAK ALI:** Mr. Speaker, Sir, I rise to support the motion moved by my hon. friend Srijut Kameswar Das. I only want to speak a few words about the revenue of the Forest Department and the expenditure on it.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Will the hon. member please speak louder?

**Mr. BAIDYANATH MOOKERJEE:** He is trying his best, Sir.

**Maulavi MABARAK ALI:** The forest revenue for the year 1938-39 is estimated to be at Rs.16,79,000 and the estimated expenditure is Rs.11,74,000 i.e., 71 per cent. of the whole revenue is swallowed by the Officers of the department.

Now, the question is whether it is a sound business proposition at all to have this sort of top-heavy character in this department. The question is whether this department is only meant for maintaining some servants or to bring some money to the Government coffer so that it may be utilised in the nation-building Department. Now, Sir, at the outset I want to bring to the notice of the hon. members that the forest revenue of the year 1928-29 according to the revised estimate was Rs.40,90,000. At that time the number of Forest Officers was 12 and the number of Forest Extra Assistant Conservators was 16. But in the next year, i.e., in the budgeted year the forest revenue has dropped down from Rs.40,90,000 to Rs.16,79,000 but we find that the number of the Forest Officers has remained the same and the number of Forest Extra Assistant Conservators has increased from 16 to 19. With the drop in the revenue we find an increase in the expenditure. Now, Sir, under the circumstances, what would a good master do? He would have certainly dismissed some of his servants at least, but what are our Government doing?

(A voice—Trying to balance the budget.) In this matter our present Government is following the example of Ministry Sir, when they could produce a surplus budget, number of the Ministers were five but when they produced a deficit budget the number of the Ministers are six (laughter.) It is now for the House to form its opinion.

**Maulavi MUHAMMAD AMJAD ALI:** When the hon. member says that 71 per cent. of the forest revenue is swallowed up by the department, has he calculated what portion of the expenditure is charged?

**The Hon'ble the SPEAKER:** Is the hon. member in a position to answer this?

**Maulavi MABARAK ALI:** The charged money also comes from the Revenue Department.

**Maulavi MUHAMMAD AMJAD ALI:** What percentage is charged of that?

**Maulavi MABARAK ALI:** It is for the hon. member to calculate. (A voice—That is a matter of elementary mathematics.)

**Srijut JOGESCHANDRA GOHAIN:** Mr. Speaker, Sir, in supporting the motion, I take the opportunity to draw attention of the Government to a few facts which are of vital importance to the poor villagers. I draw the attention of Government to a thing which is of vital importance. Prior to the year 1932, almost all the villages had their village forest reserved for them from which the villagers used to get supply of their every day necessities of their lives, e.g., fuel, thatch and such other materials for their domestic use. But those village forests are no longer in existence now. They have been abolished by Government for no fault of the villagers. Government of course, have now put forward some reasons which are not at all convincing. So, we are bound to infer that Government in abolishing those village forests were goaded by the greed for increased revenue at the cost of the villagers. Of course, I do not want the revival of those forest villages though I wish they could have been done, but which is an impossibility at this stage as they are non-existent now.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Will the hon. member speak a little loudly. We cannot hear him from this side of the House.

**The Hon'ble the SPEAKER:** The hon. member will please come forward to the front bench and speak.

(The hon. member then came forward to the front bench.)

**Srijut JOGESCHANDRA GOHAIN:** My only intention is to bring the matter to the notice of Government and in this connection I beg to suggest that as the villagers have been deprived of a very important and legitimate right, in lieu of that Government should make necessary provision for supply of their daily necessities of domestic use free of royalty.

The next point that I beg to bring to the notice of Government is this:— that under the Assam Land Revenue Manual a cultivator is entitled to get settlement of land up to 50 bighas. But in practice we find that no patta is issued until and unless the land is cleared and occupied. In clearing the land, Sir, it is necessary to fell sometimes even first class trees. As a rule in occupying land for ordinary cultivation and where the land is not above 50 bighas, they are not to pay any royalty. But instances are not rare where we find that the forest officers realise royalty even in such cases. I wish to impress upon Government this point and request that clear instructions are issued on their subordinates in the Forest Department so that they do not harass the raiyats.

Another point to which I would draw the attention of the Government is regarding forced or compulsory labour prevalent in the forest villages. The rule is every forest villager who is a resident in a forest village or who has land in such a village is bound to work for the Department for 10 days in the year. Taking advantage of this rule the forest officers oppress the raiyats in various ways. This forced labour is a form of slavery I should say, and this must be put a stop to (hear! hear!). I would suggest that clear instructions be issued on the above points, and translations of these should also be widely circulated among the villagers, so that the villagers can know all about this.

With these few words I beg to support the motion.

**Srijut BELIRAM DAS:** Mr. Speaker, Sir, I rise to support the motion moved by my hon. friend, and in this connection I would like to point out that I also gave a cut motion to censure the Government for not cancelling the lease of a particular plot of land. I don't like to move that separately. In the last winter session of the Assembly I moved an adjournment motion with regard to the settlement of a particular plot of land at a public place at Kukurmara in the Kamrup district to Mr. Himatsingka, a capitalist. Government gave an assurance that due enquiry would be made and that Government would do the needful. But I am surprised to see that although nearly three months have elapsed Government have not cared to take proper steps for that up till now. This particular plot of land belonged to one Ramnath Bepari of Barpeta, and the Government with the alleged purpose of using that plot of land for public purposes, acquired it by paying compensation to the said Bepari in 1934 probably in the month of June, but after three years this plot of land has been settled with Mr. Himatsingka, and we are surprised to find why this has been done so. I consider it a mean conspiracy on the part of Government to rob Peter to pay Paul. If the Government did not require the land for public purposes any more it should have been settled with the original owner. I hope that the Government will not fail to do justice this time. The then Hon'ble Minister of Forest had gone to the locality and he personally enquired into the matter and I am sure he was able

to gauge the feelings of the people there. He is however no longer in the office and if proper action is not taken in the mean time I am sure there will be a breach of the peace there (*laughter*).

My hon. friend Mr. Gohain brought to the notice of the House the question of forced labour which is prevalent in the forest department. The term "forced labour" though does not appear in the Forest Manual, but people are generally forced to render labour indirectly. Sir, it must be borne in mind that to me it is as much necessary an ingredient for our daily life in the same sense in which 'Bhat' is necessary for our own existence. People cannot do without fuel, and it is for this reason that they have to render forced labour. I hope this Government will follow the examples of other Governments like the Government of Bihar and the Central Provinces, and try to give this little bit of concession to the people of the province whom the Government propose to represent here.

As regards Mela Shikar, I put a number of starred questions on the subject, and replies were given to some, but I was not convinced of the reply given. Moreover I find that about 80 seats were allotted, and only 25 people have been given seats although there were as many as 125 applicants, and although there were more than 150 elephant-owners in the Kamrup district. I would like to know why this anomaly has taken place. Will Government please enquire why some people have got more seats than they are entitled to and some were given no seat at all? Moreover, the Mela Shikar was very badly conducted; through the shortsightedness of the officers in charge of Mela Shikar people have been able to capture very few elephants, as they were permitted to capture elephants, in a very small area where practically elephants could not be found. For this reason most of the malaldars have been losers, and if further time is not allowed they will be totally ruined. So I hope the Government will allow them time till the 31st of March so that they can make up their deficiency.

Then, as to the personnel of the Department, the Department contains many Divisional Forest Officers and Chief Forest Officer. There is no necessity of so many highly paid officials and even the Forest Extra Assistant Commissioners and other Subordinate Officers can very well manage this department without the help of the Divisional Forest Officers and Chief Forest Officer. These highly paid officers eat up the major portion of the forest revenue, whereas the officers who actually do the work, such as forest guards, foresters, deputy rangers and rangers, are starving. Therefore, I would suggest that the number of higher officials should be decreased and the number of these subordinate officers should be increased and also their pay should be increased accordingly.

With these few words I support the motion.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Mr. Speaker, Sir. At the very outset I should like to say that I am not going to support the motion of the hon. mover, I am only speaking to draw the attention of the Hon'ble Minister in charge to the grievances of the people of my constituency. The oppression of the forest officers is a common grievance of us all people, and my hon. friend Maulavi Maqbul Hussain has truly characterised this is a forest *zoolum*. I fully corroborate the statement made by him. We both come from the same subdivision and we both know Sir, where our shoe pinches. In order to support my case I may cite the case of Duara Bazar in the Police Station of Chhataka in the district of Sylhet Bazar. The matter may be small, but it is question of policy. The people are undergoing a great deal of hardship which is very illegal.

Sir, I have got the same mandate from my constituency to ask the Hon'ble Minister in charge for the immediate removal of the present staff and to make enquiries into the matter. Will the Hon'ble Minister in charge be pleased to.....

**The Hon'ble the SPEAKER:** We are discussing the question of local grievances and the hon. member is dilating too much.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Will the Hon'ble Minister in charge be pleased to look into the matter and remove the grievances?

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** With regard to the forest policy, Sir, I do not know if it is the policy of Government to keep the agriculturists helpless so far as their cattle is concerned. Everybody knows that the prosperity of the country of the province depends upon the prosperity of the agriculturists and for their prosperity the prosperity of their cattle is indispensable. I come from an area where the people have more than once impressed upon me the necessity of pressing on the Government about these grievances of theirs. So far as the people living in the neighbourhood of the Raghunandanpur hills which is in the forest range of Jagadispur from time immemorial had been tending their cattle in these places I mean in the hill areas. But unfortunately for the last two decades the Government have been bringing these areas within the forest reserves. This has led to a number of serious riots and it is so unfortunate that in one case a death even took place. A number of cattle is put into the pound every year, because the villagers cannot but leave their cattle within the forest reserve area, as they have no other alternative. I remember that in the last budget session, I drew the attention of the Government to the miseries of these villagers and the Hon'ble the Revenue Minister was also pleased to make a note of it. But I am sorry to find that Government has been very conservative on it and no enquiry has been made. Even if an enquiry was made, I think it must have been made from the very people in charge of the departments who have a vested interest. I do not know what is the policy of Government. I urge upon Government that they should leave a portion of the forest area open for the use of the cattle. This is the most vital problem that awaits solution. Government must first of all regulate their policy so as to allow people living near about these areas to tend their cattle in those areas.

The second serious concern is this. So long they have been getting forest materials from the Raghunandanpur hills which as I said falls within the Jagadispur forest range, they are not getting a good market for the forest materials. They were allowed to cut forest materials at cheaper rates when the market rate has fallen down the royalty has been enhanced. This is rather going to be a very bad thing financially for them. Many of these people have to depend for their maintenance upon the forest material they get from these forests. But now when the markets have fallen, the royalty is rather excessive. These are the miseries for the poor people over there which cannot be lightly left over. These things must be enquired into and their grievances satisfied. If the reports are called for from these very people in charge of the forest, I am afraid that no good can come out of such an enquiry. So my appeal to the Hon'ble Minister would be that these matters should be independently judged by independent people, other than those who are in charge of the forest range who have a vested interest. So far as the grievances I have mentioned are concerned, they are not the grievances of one isolated village or only one or two villages. They are common grievances of thousands and thousands of people who are suffering for want of grazing land for their cattle or for want of their only

means of living, namely, the forest materials which are the only source of livelihood for them. I would urge on Government not to remain satisfied with mere assurances but to see that a proper enquiry is made. Again I should urge that the enquiry should not be left to these very officers in charge of the forest because in that case the result will never be satisfactory. I suggest that these grievances should be left to be enquired into by the Deputy Commissioner. The present Deputy Commissioner is Mr. Marar who was for sometime the Subdivisional Officer at Habiganj and I am sure if the Hon'ble Minister leaves the matter for enquiry by him and direct him that he should go to the locality and make a thorough enquiry, I am sure that not only will the people be benefited but the revenue also would be increased. Because my people are agreeable even to take settlement of certain lands on payment of premium for the area opened out to their cattle.

**The Hon'ble the SPEAKER:** The hon. member has exceeded his time.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Just one minute, Sir. I do not know that in any way Government is going to be benefited by keeping these lands under the supervision of these forest officers. If it is leased out and opened out for the village people for the use of their cattle, not only would Government be earning the gratitude of these poor people who are now suffering very acutely but at the same time that will also be helping the exchequer of the Government. With these words, I take my stand.

**Srijut KRISHNA NATH SARMA:** Sir, I have also a motion in my name regarding the Forest Department, and I shall speak on this. The anxiety of the Forest Department to protect the forest produce even of the drift wood has created universal agitation against the forest laws by our people. The forest laws are harsh in theory and harsher in practice. Fuel timber drifting in the rivers are not allowed to be caught by people living on the riverside sometimes even at the risk of life. People are to pay royalty twice, firstly on the very seizure and secondly when that piece of timber is being utilised for purposes other than burning. Do Government think that these drift wood should be carried away to the sea? That will be the position if this rule is to be strictly followed. People have been deprived of their right to sell fuel and other timber grown in their own lands. A new circular demanding a certificate of origin for selling fuel in the Sibsagar district has caused widespread indignation and resentment. All over the district, protest meetings are being held and people are horror struck and mortified to find this sort of molestation being immediately followed by the so called remission of land revenue. If the Government care to respect public opinion, such a circular must be withdrawn. The time has come when our Government must see to relax the forest laws rendering them more useful to the people and to the cattle population in general. With these few words I beg to support the motion.

**Babu RABINDRA NATH ADITYA:** Sir, I shall mainly discuss about the transit rules. Now, Sir, the definition of forest produce is perhaps more comprehensive than the connotation of God the All-mighty. In the Forest Act it has been defined and in the Forest Manual which I have before me gives an illustrative list as follows:—

“Forest produce includes (a) the following, whether found in or brought from a forest or not, that is to say:—timber, charcoal, catouch, catechu,.....” and “timber” includes trees, when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not.

So it comes to this that a pen or pencil or a drawing room croton are all forest produce. The result is, that in the transit of everything made of timber the law requires that there must be some transit pass or certificate of origin, if it is brought from a private land. Now, to obtain a certificate is a question of time and money and it is a cumbersome procedure. In page 72 of the Forest Manual it is stated that a “certificate of origin in the case of forest produce from private land on an article on which anything is not due to Government must be issued by the owner of such land or is duly authorised by an agent and must bear such signature or stamp of the owner or his registered agent as has been previously registered in the local Divisional Forest Office, and such certificate shall be produced by the holder at the Revenue station specified therein to be dealt with as noted hereafter.” So, in order to get a certificate of origin one must apply to the Divisional Forest Office, which is generally situated in the district headquarters. Then again there will be an enquiry and it requires about one year or two before a man who is lucky enough to get such certificate. Now there are home-made articles which require a quick sale and there are other transactions which require immediate completion, and if in these cases a man has to get a certificate of origin his object is frustrated by the delay. This rule has given a long rope to our forest officers who even molest people for a mere bundle of faggot or the sale of plough in the bazar. Even in the case of very small things the vigilance of the forest officers is not wanting and they will go and persecute the owner if he has not got a certificate of origin. A number of forest prosecutions in the Karimganj subdivision during the last two or three years have been due to the technical defect of not having a certificate of origin. I also know of people who have been prosecuted in places where there are no Government forests at all within twenty or thirty miles. So these rules about transit are very hard and they have been mis-used by the forest officers.

So, Sir, I think this rule regarding transit should be modified so that it may not contemplate the sale or transit of things grown or made in the home. A man may own a mango or jack-fruit tree in his house and may try to dispose of it. Now such disposal will come once or twice in the lifetime of a man. In that case it is not possible for him to run to the district headquarters to get a certificate of origin for selling it. The expense he has to incur in this process will perhaps equal the price of the tree he wants to sell. So, I suggest that this rule regarding the certificate of origin must be modified and the definition of forest produce also must be relaxed. I think particularly this portion which speaks of registration in the Divisional Forest Office should be eliminated. I think if a person gives a certificate of origin stating that it was grown in his private land, the Government officers should take it *prima facie* as correct and give the man a free pass, and if subsequently it is proved that a person has given a false certificate, I think there are sufficient instruments in the hands of the Government to put that man down.

**The Hon'ble the SPEAKER:** The hon. member has exceeded his time.

**Babu RABINDRA NATH ADITYA:** With these words, Sir, I support the motion of my hon. friend, Srijut Kameswar Das.

**Srijut DEBESWAR SARMAH:** On a point of information, Sir. Shall those of us who have given cut motions in the hope of speaking on this matter get a chance to speak?

**The Hon'ble the SPEAKER:** I shall try to give a chance to every one of those who tabled cut motions but I do not know whether I shall be able to give chances to all.



**Mr. JOBANG D. MARAK:** Sir, I want to speak a few words about afforestation and disforestation. In the Garo Hills instead of afforestation the area should be opened for the cultivation of the people in the Forest Department. But the forest authorities are doing contrary-wise; because in the Bagmora Reserve and other places those portions in the reserved areas where there are no valuable timber trees are being used as colonization areas, where the colonists make *jhums* and plant *sal* trees, instead of throwing open those areas for the cultivation by disforestation, and open permanently for cultivation.

As regards afforestation you will see, Sir, the area of afforestation in the Garo Hills is more than 2,000 acres during the year 1937-38. So regarding this afforestation and disforestation in the Garo Hills the Hon'ble Minister should make an enquiry and take needful action.

So far as corruption is concerned I am fully satisfied to express that I quite agree with the view of other hon. members who have spoken. With these few words I express my grievance and bring it to the notice of the Hon'ble Minister in charge for his needful action.

**Srijut DEBESWAR SARMAH:** The forest policy of the Government, Sir, if it has one at all, is difficult to gather, because as yet we have no indication of it. All that we have understood till now is that it is exacting and also erratic—exacting I must say in that it wants to get as much as it can, irrespective of the consideration of the incidence of taxation, and erratic, because it does not take into consideration whether a particular policy adopted would conduce to the ultimate success and welfare of forestry, and for the matter of that the people of Assam. We all agree that Assam has got immense forest resources and that these have to be developed and exploited to the benefit of the people of the province. Up till now we have not seen any new scheme where from this province may gather its revenue. The one, one might cite, I mean the plant for treating in sleepers—and the contracts entered into with the Assam-Bengal and the Eastern Bengal Railways, ended in a hopeless failure due to the inefficiency of supervision. I refer to that operation at Naharkatia. To enable Government to develop forestry and the resources of the forests with a view to bring in as much benefit as possible, expert advice is essentially necessary. But when I talk of expert advice, Sir, my heart shivers to think of the very costly white elephants. I do not suggest them, but I suggest a man with experience and practical knowledge of Indian conditions and circumstances will possibly be able to help the department in developing the resources of our forests. The present officers, I am extremely sorry to say, do not exhibit any talent in the matter. Those at the top appear to be having a complete grasp of the thorough working of the department under them and do not appear to possess a first-class practical experience or knowledge of this affair.

Now, Sir, when forest resources are to be tapped one thing will have to be taken into consideration, and it is this. In the matter of taxing there are three considerations which must be taken into account. Firstly the necessities of the people, secondly the conveniences of the people and thirdly their luxuries. All well-established principles of taxation teach us that luxuries we can tax ruthlessly, conveniences, with due consideration and that necessities cannot be taxed. While this province has got no scheme of development or of obtaining money out of its forest resources, we find, Sir, that it has gone down to the extent of taxing absolute necessities of the poor cultivators. I will hold out one single instance.

As we all possibly know by now, the island of Majuli is annually overflooded. There is practically very little forest produce of any value there, excepting *simul* wood, which was also cut down and sold some time back. The only thing that is there is thatching grass which grows annually. This thatching grass is of course sometimes cut and sold by professional business people, but it is mostly used by the indigenous people in and around Majuli, who in their off harvest season go and cut the thatching grass for the purpose of re-thatching their houses. Our people, Sir, are extremely poor. They themselves go there in their boats, stay there and after cutting this thatching grass, bring boat-loads of it for re-thatching their houses. Now, what has this Government done? This Government has sold out this grass as a Thatch mahal in the island of Majuli, and for what amount, Sir? Hon. members might be surprised to hear that that is only a paltry sum of Rs. 150. For the sum of Rs. 150—I am confident that I will not be far wide the mark when I say that—about twenty to thirty thousand people will suffer. Those cultivators who go to cut grass to re-thatch their own houses has now to pay a tax to the mahaldar to whom the mahal has been leased out for a sum of Rs. 150. May I ask the Government to extend the same humanitarian consideration to 20,000 poor cultivators, which has been extended to another officer of the Forest Department I mean Mr. Rowntree? (*Laughter.*) This will not cost even half as much as has been bestowed upon that worthy officer. I do not so much grudge if a man falling ill is extended some help. But of course, Sir, there is another side of the picture. All the same, when it is done, it is done. If half average pay leave is granted simply for joining office only for four days at Shillong, may I also ask Government to extend a similar consideration to some twenty thousand people in and around Majuli, who after harvest time go and cut this grass only for re-thatching their own humble shelters which in most cases are inferior to the cow-shed or stable of my friend hon. Mr. Hockenhull? (*Laughter.*) I request this Majuli Thatch Mahal be forthwith abolished.

So, Sir, I say that at the time of raising the revenue from the forestry, consideration is to be had that the necessities of the people should not be taxed. The convenience that the people have out of the forests may be taxed with consideration. But luxuries have to be taxed with a view to increase the revenue of the province and resources are to be definitely developed and exploited in economic basis.

**Maulavi JAHANUDDIN AHMED:** Mr. Speaker, Sir, I do not wish to take much time of the House, as I want to speak but a few words. This Forest Department, Sir, is a top-heavy one, and I would like to suggest the names of a few officers who are on the staff of this department. While Assam was yielding the highest income from the forests, these highly paid officers were not there. It was then managed only by the Rangers and Deputy Rangers who were much less paid than the present officers. So I would suggest some reduction in the number of highly paid officers. For instance I should think that the post of the Sylviculturist and the Utilisation Officer are not necessary. And I also think, Sir, that the Goalpara tramway, which is a losing concern, should be handed over to the Railway Department for its management. Another thing I should like to mention here is about the working plan and regeneration of the forests. So far as my information goes, in an acre of land about 20 *sal* trees are nourished and it takes a minimum time of 80 years to be fully grown. If we begin now most probably we will not be able to reap its fruit.

**Srijut DEBESWAR SARMAH** : We cannot follow anything, Sir.

**Maulavi JAHANUDDIN AHMED** : Sir, roughly calculating, these 20 trees will at the end of 80 years yield about Rs.400. Now I would like to draw the attention of the Hon'ble Minister to the fact whether this process of work is a profitable one.

Then I would speak a few words about the Bijni forests and I think it will not be out of place to mention here the state of affairs in the forests of Bijni Court of Ward's Estate, because Government is a trustee of the Bijni forests.

**Mr. BAIDYANATH MOOKERJEE** : On a point of information, Sir. I want to know whether the hon. member means to say that there should not be any regeneration work ?

**Maulavi JAHANUDDIN AHMED** : No, I did not mean that. What I say is that after 80 years we get only Rs.400 and it is not commensurate with the labour involved and money spent. So I request the Hon'ble Minister to investigate into the system of the work.

Sir, we are speaking here of top-heavy administration always. Let me say something about the Chief Forest Officer of the Bijni Court of Ward's Estate. The management under him has not improved the forests there. Rather I would say that he has not been able to make any improvement.

**The Hon'ble the SPEAKER** : The hon. member has reached his time limit.

**Maulavi JAHANUDDIN AHMED** : Sir, I hope you will kindly give me a few minutes more.

Last year we found that there was only one foreign contractor there, but this year from the answer to some of my questions I find that there are four more foreign contractors who have been given contracts under this Bijni Court of Ward's Estate. Thus it will be seen how this Chief Forest Officer of Bijni Estate is turning out local people by giving preferential treatment to the foreigners. When these coupes are sold in auction he declares that only worse trees are to be given to the contractors for the improvement of the forest. But when this officer goes inside the forest screen, they give good trees to the foreign contractors and worse trees to the local contractors. Thus the local people cannot make any profit in the open market when they have to compete with the foreign contractors who are given good trees. My hon. friend Mr. Rup Nath Brahma will realise this. Our people cut the trees themselves whereas the foreigners employ labourers and yet our local people cannot make any profit.

**Mr. BAIDYANATH MOOKERJEE** : We also realise.

**Maulavi JAHANUDDIN AHMED** : But what we find about this forest officer, we find that he has been given increment just to make the top-heavy administration heavier still. Sir, if a reward is to go to a person who knows how to oust the local people by foreigners then I have nothing to say. So I hope the Hon'ble Minister will look into this and try to help the local people in the matter and with these few words I beg to resume my seat.

**Babu KARUNA SINDHU ROY** : Mr. Speaker, Sir: I shall first deal with the system of double payment of royalty. One of the common grievances which are put forward to us when we are in villages is against exorbitant rate of forest royalty and atrocities of the officials of the forest department and one of these forest grievances is the high rate of royalty realised on imported forest produce and trouble. Those are experienced by the villagers during extraction and transit. The village agriculturists of the boro crop area in the Sunamganj subdivision are required to import poorest produce from the Khasi and Jaintia Hills. They are to pay high rate to the officials of the Siems. They are to face various difficulties in bringing

articles from the hills, about which I shall not be allowed to speak before the House, as the members of the Cabinet will jump at and ask for your ruling, Sir, to gag me if I deal with excluded areas. So I shall restrict myself to British territories only. These people are to pay second royalty to forest officers. I object to these double payments.

Now I shall quote the rates from the forest regulation. For every hundred bundles of cane they are to pay Rs.3-2-0 ; for every bundle of thatching grass they are to pay annas 2 ; for every maund of firewood they are to pay annas 3 and for every bundle of reeds (extra not allowed) they have to pay 3 pias. All these articles, the people require very badly for agricultural purposes and for construction of their houses. Now at the first glance these rates look very low, but really they are not so. Even the poorest of the villagers require thousands of bundles of thatching grass and after paying once to the Hills, the second payment becomes a hardship to them.

Then I come to the concession rate. This is termed as home concession import permit at Rs.2-8-0 per month. I should say that these rates have been fixed arbitrarily and this is no concession at all. It is simply impracticable for one person to extract forest produce from the hills. He must require two other companions at least to work on the hills and have the articles glided down the hilly stream to the foot of the hills and thence by a boat to his village, which may be situated many miles away—about 40 to 50 miles. I may inform the House that the cultivators from all the villages lying under the Police Stations of Sunamganj, Taherpur, Dharamposha, Deruni and Sullan go to extract these forest produce. The home consumption permit at Rs.2-8-0 includes the following articles:—firewood 150 maunds, bamboos including Nali and Chiken and Darlu—1,700 in number, canes 5 bundles of 75 pieces, reeds of any kind 20 bundles, 20 bundles Khut 500 in number, etc. These are not sufficient for an agriculturist family of 4 or 5 members. Some of the items are insufficient for poorest villager.

**The Hon'ble the SPEAKER** : The hon. member is exceeding his time.

**Babu KARUNA SINDHU ROY** : For this they have to pay Rs.2-8-0 per permit. Even in these cases they have to make double payments—once to the Siem and again to Government. This double payment should be discontinued.

Now as regards official atrocities I have many experiences, but I have no time to dilate upon that. But I will urge for the amendment of the law.

**The Hon'ble the SPEAKER** : That has been said by many other members.

**Babu KARUNA SINDHU ROY** : To avoid corruption and prevent official atrocities I suggest that their powers should be curtailed. Some of the sections of the Forest Regulation should be amended and the rule-making power should be entrusted to a standing forest Committee elected by this House instead of to the Local Government. By Local Government by this certain officials who make rules at their whims. Most of the sections we mean Assam Forest Regulations, 1891, beginning from 49 and ending in 63 require amendment. Section 60(1) gives unlimited powers to officials :

“ Any Forest Officer or Police Officers may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false or if there is reason to believe that he will abscond.”

This section is always misused, and my hon. friend Maulavi Maqbul Hussain Chaudhuri has already given instances to the House; so I need not say anything further.

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, as I rise to speak on this motion, I quite feel that by a freak of fortune the forest port folio has been entrusted to a deforested gentleman. Sir, I see my hon. friend Maulavi Abdur Rahman has got curious about what I mean by 'deforested'. I would recite two lines of poetry.

**Mr. BAIDYANATH MOOKERJEE:** This is no place for poetry.

**Maulavi MUHAMMAD AMJAD ALI:** So what I want first to point out is this: A custom prevails in the Goalpara district in the vicinity of Garo Hills—(my friend Mr Marak may speak on it)—from time immemorial Garos have been enjoying the custom of getting as much wood as they require for building schools and churches under a customary right. That right has now been denied to them. This is a custom; we all know from time immemorial the Garos were allowed this privilege. But there has been a tendency to deprive them of this custom. I should mention this in this connection and would refer my Hon'ble friend Mr. Chaudhuri, the Minister, that he should take this into account and see if it is possible to recast the law in favour of the Garo people in the Goalpara district in the neighbourhood of Garo Hills.

I want to inculcate upon the Government the question of *san-ban-kar*. That is a lawless thing which is pursued in Goalpara and possibly in some places in the permanently settled portions of the districts of Cachar and Sylhet. To my questions with regard to this point the Hon'ble Revenue Minister has admitted that it has no sanction of law behind it. He says—it is being realised under a custom from time immemorial. Admittedly, Sir, this *san-ban-kar* has no sanction of law behind it. I do not know how in these days of provincial autonomy and in these days of responsible and popular Government, a custom like this, which is against the popular rights of people, can continue. I would urge upon Government to see that of their own initiative this thing goes off.

Here in this connection I would refer to section 95 of the Goalpara Tenancy Act, wherein we find that any tax or *abwab* may be done away with under its provisions. So, Sir, by a circular or by an amending law this has got to be done away with.

Next I come to the forced labour system. In my district, there are big forests such as Kachugaon, Haltugaon, Bijni and Dooars, where we find this system of forced labour. It is but one aspect of slavery. I hope the Government will see that this is done away with. My Hon'ble friend Srijut Rohini Kumar Chaudhuri who is in charge of forests has been always a champion of popular liberty and I think he must have this bit of sense of dignity to see that this sort of labour goes.

**The Hon'ble the SPEAKER:** The hon. member has exceeded his time limit.

**Maulavi MUHAMMAD AMJAD ALI:** Contracts in the Forest Department are engaging the attention of this House. This Government ought to formulate a policy so that the local people, to the exclusion of the foreigners, may get some profit out of it. This is intimately connected with our forest policy, and possibly this Government will take note of this and see that local people even if there be some curtailment of revenue from the Forest Department, may get some contracts to the exclusion of foreigners.

Sir, a friend of mine, Srijut Kameswar Das, has pointed out about the regeneration system. Possibly this is a fact that it would yield greater revenue to our Forest Department.

The leaf manuring system is sure to yield greater profit to the Forest Department. This also might be looked into.

**Maulavi ABDUR RAHMAN:** The two lines of poetry.

**Maulavi MUHAMMAD AMJAD ALI:** The two lines of poetry which I wanted to quote are:

*Kar Dia Curzon Ne jon Mardawki Surat De Khiya*

*Dari Moch Ka Safaya Safa chut isiko Kahto-hay*

**The Hon'ble the SPEAKER:** I want to have the meaning of the two lines, so that we may understand these. The hon. member referred to Lord Curzon.

**Maulavi MUHAMMAD AMJAD ALI:** The meaning is that Lord Curzon, by his own example, has rendered all males into females. You can see the appearances of males, shaven of beard and moustache. This is called "devoid of hair". That is deforestation Sir, my Hon'ble friend, Srijut Rohini Kumar Chaudhuri, who has both his upper and lower lips shaved. People in that age of Lord Curzon were deprived of their manly appearances by shaving clean. That policy to my mind, Sir, is the deforestation policy. The former Forest Minister has long (*beard*) forests but his successor has become deforested. Hence, Sir, we have to urge upon the Government to have recourse to the policy of Regeneration which will bring considerable revenue to the Forest Department.

**Maulavi ABDUR RAHMAN:** Sir, I tabled two other motions in order to raise discussion about the conduct of the Forest Officers as well as the conduct of the Demarcating Officers. As the time allotted to each hon. member is very small I shall try to confine myself only to certain local grievances. My constituency is near the Putijuri Hills. A gentleman of Bahubal Thana has got certain Ilam lands from Government. The demarcation was put forth by certain Amin from Maulvibazar but later on the Forester of Putijuri put the land in such a serious troubled condition that the man had to undergo a good number of prosecution cases. Almost in all cases he and his party were convicted.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** May I know when this prosecuting was started?

**Maulavi ABDUR RAHMAN:** The prosecution was started only in last year. I as a legal practitioner had to appear on behalf of the party and the proper authority was approached with a pleader's notice by which the Deputy Commissioner was threatened that unless the demarcation, put by the Amin of Maulvibazar could be marked out, Government would be liable up to the extent of Rs.6,000. Then, Sir, this matter was referred to the local Ranger but the Officer delayed the matter and the gentleman and his party were undergoing the prosecutions and were convicted. Only a very few persons were acquitted. The number of cases was not less than one dozen. In one case the number of accused persons, as far as I remember, was 24 or 25. After a few months we received order from the Government that the line which was pointed out by the local Forester was a wrong one and the line of demarcation which was put forth by the Ilam Amin of Maulvibazar was a correct one. Then Sir, that gentleman submitted a petition to Government to compensate him for the heavy loss which he sustained towards the payment of fines, but Sir, up till now I think Government has done nothing.

Now I like to deal with Forest Guards. Of course, I have no personal knowledge about the working of the Rangers, and I have nothing to say against the Ranger of my constituency, but as regards the guards we always receive complaint against their conduct. The people are always put to trouble on flimsy ground and the Magistrate without taking any evidence

but depending mainly on the report, generally fine the people. I think, it is not fair on the part of the Magistrate to conduct the matter in this way. The Magistrates are perhaps of opinion that these Forest Officers have no man in the forest to support cases.

**The Hon'ble the SPEAKER:** The hon. member has exceeded his time.

**Maulavi ABDUR RAHMAN:** I will finish it soon Sir. Some Forest Officers at Habiganj were severely condemned by Magistrates. Sir, my hon. friend Maulavi Mabarak Ali has expressed the view that the administration of the Forest Department is so costly that most of the revenue is consumed by the Officers of the Department. In my last budget speech I also tried to convince the House that about 80 per cent. of the income are being consumed by the Officers that are maintained in the department. This province of Assam has a very nice source of income in the Forest Department and if only for the maintenance of the Officers most of the income is being spent then we cannot appreciate it.

Then, Sir, as regards the regulations I should say that it is so old that it has got to be changed. The word 'trespass' has been so nicely defined that the Magistrates get such a free scope that if any person enters the forest reserve only to pass, that man is held liable for trespassing the forest reserve. I can cite many instances. As has been observed by my hon. friend Babu Rabindra Nath Aditya the forest Manual or the Forest Regulations must be changed and I hope the Hon'ble Minister in charge of the Forest Department will look into this matter very seriously. Unless the manual is thoroughly changed, I think, our people cannot expect any relief from the Government.

**The Hon'ble the SPEAKER:** The hon. member has already exceeded his time limit.

**Maulavi ABDUR RAHMAN:** Sir, people living in the foot of the Hills are deprived of pasture lands. This is the crying need of the people now. People living near the Hills have got no land for their cattle.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Sir, we have discussed about it more than two hours.

**The Hon'ble the SPEAKER:** The hon. member should take his seat now. There are other hon. member to speak. At 4 o'clock I will ask the Hon'ble Minister to reply.

**Dr. MAHENDRA NATH SAIKIA:** Sir, my friend Srijut Khorsing Terang has got to say something.

**The Hon'ble the SPEAKER:** The hon. member did not table any motion. The hon. members agreed to have one cut motion to be discussed and so they might get opportunities to speak.

**Dr. MAHENDRA NATH SAIKIA:** Sir, he will only speak a few words.

**The Hon'ble the SPEAKER:** Very well.

**Srijut KHORSING TERANG:** সভাপতি মহোদয়, অনাবাবল ফরেষ্ট ডিপাৰ্টমেণ্টৰ মিনিষ্টাৰ in charge ক দৃষ্টি আকৰ্ষণ আৰু অনুৰোধ কৰি কব খোজোঁ যে মিকিৰ বিলাকৰ গাহ খেতিয়েই প্রধান খেতি কিন্তু আজি কালি লাহৰ দাম মাথোন ৫ টকা হৈছে। আগৰে যেতিয়া ১০০, ১৫০ টকা লাহৰ দাম আছিল তেতিয়া forest ৰয়েলটি আছিল ৮, ১০ টকা। কিন্তু আজিকালি এক গোনৰ দাম ৫ টকাৰ ভিতৰত ১১০ টকা ৰয়েলটি দিব লগিয়া হৈছে। তাকো কিছু ৫০ সেৰে হলে এমোন। মহাজনে কিনোতে ৩০ সেৰে ষোন হয়।

এই ৫ টকাৰ ভিতৰত গৰ্ভৰ্মেণ্টে ৪০ সেৰ হিচাবে মোন ধৰি ১১০ টকা ৰয়েলটি নিয়ে। গতিকে মই ভাবো এইটো forest Department ৰ অক্ষয় হৈছে। গতিকে মই অনুৰোধ কৰো যে Forest Department ৰ ৰয়েলটি ১১০ টকাৰ ঠাইত ১০ অনা কৰিব লাগে। পাৰিশি আৰু কমাৰ লাগে। মিকিৰ গিলুত গৰ্ভৰ্মেণ্টে বহুত ঠাই ফৰেষ্টে বিজাৰ্ড কৰি বাখিছে। তাত কোনো মুনাবন কাঠ নাই। বেত নাই আৰু থাকিলেও কোনো বস্ত আনিবৰ সুবিধা নাই। গতিকে reserve নেৰাখ সেই বস্তক ঠাই খুলি দি খেতি কৰিবলৈ দিলে ভাল হয়। সেই নিমিত্তে মই Hon'ble Minister ক অনুৰোধ কৰো যে সেই বিলাক reserve হেন খুলি দিয়ে।

**Srijut RAJENDRA NATH BARUA:** Mr. Speaker, Sir, I only refer to a local grievance in the Kaziranga mauza of the people in the villages contiguous to the Kaziranga game reserve. Sir, there has been a practice for many years for the Forest Department to issue passes to the villages for grazing their cattle in the game reserve. There are no grazing reserves for about 14 villages nearby, viz., Kandhulimari Agratali, Ahomgaon and others to graze their cattle except in this game reserve. There are also certain villages in the Kaziranga Mawza called Arimora and Charighoria, Difflo Mukh where the practice of issuing passes is still existent. So, I say that this disparity between these 14 villages and the others should be removed as early as possible and the system be made available to the people of the neighbouring 14 villages, or to relinquish a plot of land contiguous to these from the Game Reserve for the purpose of grazing cattle, by the villagers of these 14 villages.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I have no mind to reply on behalf of Government but I want to clear three references that have been made to the financial aspect of the question. Many hon. members—notably my hon. friend Maulavi Abdur Rahman—have mentioned that whatever revenue the Forest Department yields is swallowed up by the officers' salaries. But that is not the fact. Out of the figures in the budget estimate for 1938-39 the forest revenue is Rs.16,79,000, pay of officers is Rs.2,53,750 and the pay of establishment is Rs.4,08,020. These figures will clearly show that the charge that has been levelled by many of the critics is not borne out by facts. My hon. friend Maulavi Mabarak Ali has said that in the year 1928-29 the forest revenue was Rs.40,00,000 which although dropped in the subsequent year to Rs.16,00,000, the expenditure was the same. He is correct. But, Sir, everybody knows that the year 1928-29 was the boom year of the post-war period. The Forest Department was trying to have properly trained officers ready to avail of the rising market and equipped with the knowledge to put back the forests cut down and exploited and to increase the capital resources of the province, viz., the forest products. With that idea the Forest Department recruited many officers at that time. Unfortunately, as every one knows, since 1930-31 the world-wide depression set in and there was no market for our forest produce. We were, therefore, led by the circumstances to the situation we are in. Among the hon. members of the Retrenchment Committee, I find my hon. friends Srijut Debeswar Sarmah and Mr. Mookerjee are here. They know that on this matter we had a very thorough discussion with the Conservator of Forests and his Personal Assistant and we have come to the conclusion that the forest cadre should be reduced to 25. The matter has already been discussed in the Retrenchment Committee. I

have got only to say that Government are trying their level best to adopt the policy of economy and retrenchment and they do not deserve any censure.

**Khan Bahadur Maulavi KERAMAT ALI:** Mr. Speaker, Sir, I will take only two minutes. I want to refer to certain local grievance of the Jorhat town. Sir, I know that from time immemorial the villagers used to bring fuel from their own *patta* land to the town of Jorhat for sale without any restriction. But of late since the present Divisional Officer of Forests has come to Jorhat he was found out a rule to the effect that the villagers shall not be allowed to bring fuel to the Jorhat town without taking a permit from the Forest Office and for such permit they are to pay some fee. So, Sir, the village people have been scared away and the people of the Jorhat town are in great difficulty in getting fuel. I do not know whether there is any rule like that, but even if there is one I hope the Hon'ble Minister will kindly see that the rule is amended so that the villagers are permitted to bring fuel from their own lands for sale without paying anything for it and that the consumers in the town of Jorhat are relieved of their difficulties in getting their fuel. (*Hear! hear!*)

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir, my hon. friend Srijut Debeswar Sarmah was complaining that the maladministration in the Forest Department was due to the fact that there was no thorough man at the head of the department. If by that he means that the present Revenue Minister has no intimate knowledge of the forest affairs, then certainly I plead guilty to the charge.....

(*A voice.*—No, no, that is not meant.)

If he means that the Conservator of Forests and the Deputy Conservators are at fault, then I must join issue with him, because these officers have been in the work for many many years and have been working in the forest from the very beginning of their career.

**Srijut DEBESWAR SARMAH:** They do not know even how many officers there are in their department.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I have very recently taken over this portfolio and I feel very much obliged to the hon. members who have spoken on this motion, because I shall go through their remarks and I am sure they will be of great help to me in the administration of the Forest Department in the near future.

As regards the specific points raised by my hon. friends—Maulavi Dewan Md. Ahab Chaudhury, Maulavi Md. Amjad Ali and Mr. Jobang D. Marak—I shall look into these points most carefully and try to do my best to remove the real grievances. In the course of the debate certain points were raised by my hon. friends on the opposition benches and I would briefly touch upon them now.

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** Sir, the Hon'ble Minister is holding out hopes to the other side only but not to this side. (*Laughter.*)

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** The fact that I have specifically mentioned of the case of the hon. members of the opposition bench should not be taken to mean that I have forgotten the case of other hon. members, (*hear! hear!*) and particularly the hon. member to whom reference was made, *viz.*, Maulavi Abdur Rahman as he has made history in this Legislature and is not likely to be forgotten by anybody. (*Laughter.*)

Firstly, I come to the question of *begar* system, or forced labour in forest villages. Now, it is very easy to abolish at once that system, but the question is whether it will be for the benefit for the villagers themselves, because now they get certain privileges which they value very much, and in return for these privileges the work that they do is not so strenuous as some may think. If these forest villagers want that they should be allowed to continue to get these privileges but at the same time they should not be made to do any forest work at all, I must say that this is a state of things which no Government could agree to. As a *via media* we have passed orders—I think since I have taken over office—reducing the number of labouring days from 10 to 6 and restricting their work within a five mile radius; if they are taken beyond a five mile radius they will be paid certain wages; they will not ordinarily be disturbed during the harvest season and they will not be asked to do any work which is derogatory, such as the building or repairing of latrines. I had the opportunity of studying this question for several years. As a matter of fact I put the case of these people before the Forest Enquiry Committee, and about a year or so ago I put in a petition on behalf of these people to the Government, and I know that these concessions which have been recently given by this Government will go a great way to help the forest labourers.

As regards the question of drift-wood and timber, the rules lay down that no tax is to be levied if it is used for domestic purposes. Drift timber in the Assam Valley Districts is free to all settlement-holders, as defined in the Assam Land Revenue Regulation, and their sub-tenants, who may collect it for their domestic and agricultural and other private purposes, but not for purposes of sale or trade. Drift timber may be collected for sale or trade on a permit obtained from the Forest Department for which payment shall be made at the rate of Rs.6 per annum, or Re.1 per month, at the option of the applicant. These permits are not transferable but will cover the transport and sale by the agent or servant of the permit-holder. This rule, I claim, is perfectly reasonable. There may be abuses, there may be cases of excesses, but I do not think that hon. members can condemn this rule. And if any specific instance of abuse or excess is brought to our notice Government will take action against the offending officer. In view of the action taken from time to time against these forest subordinates hon. members will have to admit that the superior officers of the Department are not at all conniving at their conduct. I would invite the attention of hon. members to page 11 of the Forest Administration Report for the year 1936-37, where they will find that serious action has been taken against the erring forest officers.

Then, as regards firewood, the same rules apply. A settlement holder has a right to take firewood for domestic use, but for sale he has to pay a certain fee.

**Srijut SARVESWAR BARUA:** Is it not illegal on the part of the Government to realise permit fee for fuel and timber which a settlement-holder grows on his own land for which he pays revenue?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I will explain the difficulty of the position. Suppose a man cuts timber from a neighbour's *bari* and takes it without any mark. What is there to show where the timber comes from, whether from his own *bari* or his neighbour's *bari* or the Government forest? So it is a sort of protection for the owners themselves. Unless there is some sort of mark put on it how can one say whether it is taken from private land or Government forest.

**Srijut SARVESWAR BARUA:** The owners will take care of their own timber.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** To protect their interests also it is necessary that there should be some kind of hammer mark. Suppose some forest officer seizes it and says it is from the Government forest, how can you prove that it has been taken from his private land? I am saying all this by way of argument, but the matter will be carefully looked into again, but I may repeat that out, it is for the protection of the owners themselves that this system has been introduced.

As regards thatch, thatch mahals are sold, but my hon. friend Mr. Debeswar Sarmah will be pleased to learn that a settlement holder is free to take as much thatch as he can for his private use free of charge.....

**Srijut DEBESWAR SARMAH:** I may point out that this is not so in the Majuli. I have personal experience of it.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I have satisfied myself on this point (only the day before yesterday), that that is the position—a settlement-holder can take as much thatch as he requires for his private use free of charge, and there is a clause inserted in the lease to enable him to do so.

**Srijut DEBESWAR SARMAH:** From Unclassed State Forests?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Yes.

There is a general complaint against the officers themselves. Of course as to that it is impossible for me to say anything. We can only keep a vigilant watch over them, so that such instances of oppression as are complained against may not occur, and I hope as time goes on such complaints will disappear altogether.

**Srijut DEBESWAR SARMAH:** What about shoulder loads, Sir?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I shall look into the matter.

I have explained the position so far as drift-wood and timber and thatch are concerned.....

**Mr. NABA KUMAR DUTTA:** What about cane mahals, Sir.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I have heard no complaints about cane mahals.

**Mr. NABA KUMAR DUTTA:** The complaints are there.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** As regards the elephant mahals I only desire to inform the House that the Mahals are allotted not by the Forest Department but by the Deputy Commissioner with due regard to the principle that as far as possible the hunki owner and expert shikaries should be given seats. That is the principle to be followed. As regards the particular complaint asking for an extension of time in the Garo Hills, I shall have the matter looked into again. But I would say that the complaint about want of seats in the district of Kamrup is not well founded. There was a scramble for seats in Garo Hills but seats were available also in Nongstoin area. It is now said that those who took at Nongstoin have done much better. But at that time people wanted to take seats in Garo Hills and not in the Nongstoin. But it is well known that elephant catching business is more or less a gambling business.

**Srijut OMEO KUMAR DAS:** Regarding the extension of time will the Hon'ble Minister extend it in Tezpur Mahal also?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I shall examine it also as the matter has been mentioned. I think, Sir, I have disposed of most of the matters that have been mentioned. There is only one thing and that about Kukurmara. I think the hon. member who mentioned about it should have been the last person to complain because it is at his request that my predecessor himself visited the locality. I of course do not know what decision has been recently arrived at on the subject. But I shall try to find out the matter. The whole question is a question of contract. The land may have been settled with Himatsingka and if he has raised a building it may be very difficult to evict him unless the Government is prepared to come to the conclusion that it is a very urgent matter and that Government should risk payment of compensation. That is how the matter stands so far.

Again, Sir, I thank the hon. members who have taken part in this debate and I assure them that every suggestion that has been made to-day will receive the most careful consideration of the Government.

Then the motion of Srijut Kameswar Das that the total provision of Rs. 8,87,300 under Grant No. 4, Major head—10.—Forest, at page 45 of the budget, be reduced by Rs. 100 was put and lost.

The original demand that a sum not exceeding Rs. 8,87,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1939, for the administration of the Forest Department was put and agreed to.

#### Adjournment

The Assembly then adjourned till 11 a.m. on Wednesday, the 2nd March 1938.

Shillong,  
16th April 1938.

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