

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
Saturday, the 19th February 1938

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Erosion of Nakhanda river

Srijut GHANASHYAM DAS asked :

*31. Will Government be pleased to state—

(a) Whether their attention has been drawn to the erosion of the western bank of the Nakhanda river standing as an eastern boundary of the Barpeta town ?

(b) If so, do Government propose to take steps soon to safeguard the town by cutting down the portion covering up nearly a quarter of a mile of the eastern bank just opposite to the town ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

31. (a) & (b)—The hon. member is referred to the answers given to his questions Nos. 731 (a), (b) and (c) during the last session of the Assembly.

Srijut GHANASHYAM DAS : May I have the reference, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Exactly the same questions were asked last session. I have given the reference already.

Srijut GHANASHYAM DAS asked :

*32. Are Government aware that the mouth of the river Nakhanda remains silted up during the winter and as a result the river trade and communication mostly stand to a standstill ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

32.—The hon. member's attention is drawn to the reply given to his question No. 732 during the last session of the Assembly.

It is not understood why the hon. member is repeating the same questions which were answered in the last session and which have formed part of the proceedings of the House.

Re Sherpur-Kazirbazar road and bridge over Barak river

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

*33. (a) Is it a fact that the work of the Sherpur-Kazirbazar road has been stopped by Government ?

(b) If so, why,

(c) When does Government propose to begin the work again ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

33. (a)—No. A portion of the road from the Barak towards Sherpur has been postponed pending the selection of an alignment which shall be both suitable and free from Muhammadan graves.

(b) & (c)—Do not arise.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is it a fact that orders were issued for stopping the work for some time?

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

Babu DAKSHINARANJAN GUPTA CHAUDHURI: May I know the reason why?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The alignment of the road passed over the graves of certain Muhammadan houses. The matter was brought to my notice and I sent the Chief Engineer and the Deputy Commissioner to enquire locally on the spot. Signs of some graves were present. A new site has been obtained and the construction of the road will proceed.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is it not a fact that this site was objected to?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The new alignment has been made with slight deviation.

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked:

*34. (a) Is it a fact that the construction of a bridge over the Barak river at Sarkarbazar which has been half done, has been postponed?

(b) If so, why?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

34. (a) & (b)—The construction of a bridge which was started, but not nearly half completed as suggested by the hon. member, has been postponed on account of local opposition to the site.

Abolition of the Divisional Commissioners' Offices

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked:

*35. Will Government be pleased to state—

(a) Whether the Divisional Commissioners' offices in both the Surma Valley and the Assam Valley have been abolished since 1st January 1938?

(b) If not, why?

*36. (a) Is it a fact that the Hon'ble Chief Minister on behalf of Government gave a solemn assurance that these offices will be abolished from the 1st January 1938?

(b) If so, what action, if any, do Government propose to take to implement the assurance so given?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

35. (a)—No.

(b)—Because the Secretary of State ordered His Excellency to retain the establishment till he comes to a decision on this Government's recommendation to abolish one of the Commissionerships.

36. (a)—Yes, an assurance was given by the Chief Minister that Government would not bring forward any further supplementary demand.

(b)—Government cannot anticipate what action they will take without knowing the decision of the Secretary of State.

Mr. FAKHRUDDIN ALI AHMED: May I know from the Hon'ble Chief Minister whether it is not a fact that he stated on the floor of the House that, in the matter of bringing a supplementary demand for the Commissioners' establishment, he differed from His Excellency the Governor of Assam?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. I refused to bring any supplementary demand covering the period from the 1st January to the 31st of March

Mr. FAKHRUDDIN ALI AHMED: May I know, Sir, whether he still adheres to this position?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have no cause to change my opinion.

Mr. FAKHRUDDIN ALI AHMED: May I know whether he intends to bring a supplementary demand for the Commissioners' establishment along with the next year's budget?

The Hon'ble the SPEAKER: For next year's budget he cannot bring any supplementary demand.

Mr. FAKHRUDDIN ALI AHMED: Whether he also intends to move a demand in the current year's budget?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not going to move any supplementary demand.

Babu KAMINI KUMAR SEN: May I know how without anticipating the decision of the Secretary of State he gave the assurance?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: At that time we did not receive the orders of the Secretary of State.

Babu KAMINI KUMAR SEN: May I know whether the assurance that he is not going to move any supplementary demand concerns the Hon'ble Chief Minister or his Colleagues?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have nothing to add.

Mr. FAKHRUDDIN ALI AHMED: May I know, if the Hon'ble Chief Minister does not intend to move a supplementary demand for Commissioner's, one of his Colleagues will do it in his place?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: A supplementary demand will be placed before the House.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Will Government be guided by the decision of the Secretary of State?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied in 36(b).

Babu DAKSHINARANJAN GUPTA CHAUDHURI: May I know whether the Hon'ble Chief Minister agrees with the Governor that he has a special responsibility as far as the demand is concerned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have nothing further to add.

Srijut DEBESWAR SARMAH: Will the Hon'ble Minister be pleased to state whether there was any discussion on the subject in the Council of Ministry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is the question in order, Sir?

Srijut DEBESWAR SARMAH: I do not ask to know what happened in the discussion, but whether there was any discussion or not?

Mr. NABA KUMAR DATTA: Did the Hon'ble Chief Minister differ from His Excellency the Governor?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied, Sir.

Srijut DEBESWAR SARMAH: Will the Hon'ble Chief Minister please state whether he likes to retain the Commissioners' establishment or not?

The Hon'ble the SPEAKER: That question does not arise. The Hon'ble Chief Minister says that Government cannot anticipate what action they will take without knowing the decision of the Secretary of State.

Srijut DEBESWAR SARMAH: May we know whether Government have made up its mind to submit to a ruling from the Secretary of State in this issue?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have nothing more to add to what I have already said.

Srijut DEBESWAR SARMAH: Sir, I want an answer whether Government have made up its mind to submit to the ruling from the Secretary of State against their wishes.

The Hon'ble the SPEAKER: This question does not arise, when the Hon'ble Chief Minister says that he has nothing to add to what he has already said.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think, Sir, my hon. friend has not seen my reply to question No. 36(b). Beyond this answer I have not a single word more to add to what I have already said.

Srijut DEBESWAR SARMAH: Unfortunately, I had not had the advantage to see the reply, Sir. Will he be good enough to repeat the answer which I could not follow?

The Hon'ble the SPEAKER: The hon. member is putting supplementary question without following the main answer. *(Laughter).*

Srijut DEBESWAR SARMAH: That is not our fault, Sir. In certain matters, the Hon'ble Minister's voice is too low and in some matters it is very loud. *(Loud laughter).* Will the Hon'ble Chief Minister be pleased to repeat his answer?

The Hon'ble the SPEAKER: It is yet premature for the Hon'ble Chief Minister to say anything because without getting the orders of the Secretary of State he cannot say what action Government will take.

Srijut DEBESWAR SARMAH: Sir, it is clearly a constitutional matter. I beg the indulgence of the House to say that there were discussions on the floor of this House that the Commissioners' establishment is to be abolished. With a view to the ultimate abolition of the Commissioners' establishment this amount was voted down.

The Hon'ble the SPEAKER: We all know that.

Srijut DEBESWAR SARMAH: The constitutional issue is that whether the Ministry has made up its mind to submit to the ruling from the Secretary of State or to stick to its own decision. We want to know the policy of Government.

The Hon'ble the SPEAKER: The answer is that the Ministry has not decided anything as yet.

Srijut DEBESWAR SARMAH: May we know when it will be decided by the Ministry?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have nothing to add to the reply which I have already given. *(Laughter.)*

Srijut DEBESWAR SARMAH: Sir, are we to take that he is not courteous enough to repeat what he has already said because we did not hear him.

The Hon'ble the SPEAKER: The Hon'ble Chief Minister cannot be compelled to repeat.

Srijut DEBESWAR SARMAH: Sir, we could not hear him and that is why we are requesting him to repeat his answer.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I have repeated my reply twice and if my hon. friend wants a third repetition I will do it.

Srijut DEBESWAR SARMAH: I shall be obliged.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government cannot anticipate what action they will take without knowing the decision of the Secretary of State.

Maulavi ABDUR RAHMAN: May I know Sir what will be the attitude of our Minister during the presentation of the demand of grant for Commissioners in the next year's budget?

The Hon'ble the SPEAKER: This is a bit hypothetical question.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Are we to take that the position of the Government is this that they have not decided anything either way?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got nothing to add, Sir.

Mr. FAKHRUDDIN ALI AHMED: Sir, can the Hon'ble Chief Minister deny that he and his Colleagues owe their present position to the suffrage of this people?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Does it arise Sir?

Mr. FAKHRUDDIN ALI AHMED: I want a reply to my question and then I will put another question, Sir.

The Hon'ble the SPEAKER: The hon. member should not insist on this, on putting further questions in view of the answer given.

Mr. FAKHRUDDIN ALI AHMED: Are we Sir not entitled to know what Government intend doing with regard to this demand?

The Hon'ble the SPEAKER: What the Hon'ble the Chief Minister says is that Government cannot anticipate what action they will take without knowing the decision of the Secretary of State. Without any order from the Secretary of State they are not in a position to say anything now. What's the use in pursuing the matter further.

Mr. FAKHRUDDIN ALI AHMED: We are not concerned here with the abolition of only one Commissioner or of the two Commissioners. We, as representatives of the people who have sent us to this house, have refused the grant for Commissioners' establishments and as such, we are entitled to know why Government have not given effect to our votes?

The Hon'ble the SPEAKER: Will the Hon'ble Chief Minister say anything?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have nothing further to add to what I have already said.

Srijut DEBESWAR SARMAH: Silence is golden.

Mr. FAKHRUDDIN ALI AHMED: Sir, we want to know what position he and his Colleagues are going to take in such a vital matter.

The Hon'ble the SPEAKER: The Hon'ble Chief Minister has already given his reply.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I want to know Sir, whether there has been any change in the policy of the Government since December last in regard to this matter.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Regarding what matter, Sir?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Regarding the abolition of the Commissioners' establishment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is it concerning the supplementary demand or next year's grant?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: It is regarding the supplementary demand that is going to be put and also next year's demand.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied as regards supplementary demand as well as next year's demand.

Mr. FAKHRUDDIN ALI AHMED: Sir, the Hon'ble Chief Minister gave an assurance to this House that the Commissioners' establishment would be dispensed with, with effect from the 1st of January 1938 and we want to know why he has not acted on the assurance given to us.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied in answer to question No. 35(b)—because the Secretary of State ordered His Excellency to retain the establishment till he comes to a decision on this Government's recommendation to abolish one of the Commissionerships. Government submitted the message to this House and in pursuance of the special responsibility His Excellency the Governor has retained the establishment.

Mr. FAKHRUDDIN ALI AHMED: May I know Sir, whether he owes his position to the Secretary of State or to this House?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I owe my position not to the House, at least not to my friend over there but to my party.

Mr. FAKHRUDDIN ALI AHMED: Sir, is it not a fact that members of his own party refused this grant? (*laughter.*) Can he deny that?

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

The Hon'ble the SPEAKER: This question has been sufficiently discussed.

Confiscation of guns in Maulvibazar

Mr. ARUN KUMAR CHANDA asked:

*37. (a) Is it a fact that the guns of Babu Sudhindra Kumar Das, Akhalia, Sylhet and Babu Dwijendra Mohan Das Gupta of Maulvibazar have been confiscated?

(b) If so, when and why?

(c) Do Government propose to return the guns to their owners and renew their licenses?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

37. (a)—Yes.

(b)—Both in 1933. The reason in Babu Dwijendra Mohan Das Gupta's case was that he had taken active part in unlawful and anti-Government activities, so that it was considered, undesirable to let him remain in possession of a gun. As the papers regarding Babu Sudhindra Kumar Das's case have been destroyed, no information can be given about him?

(c)—Not unless the local officers recommend.

Mr. ARUN KUMAR CHANDA: Did not the confiscation of the gun take place in connection with the last Civil disobedience movement?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: According to my information it was confiscated in 1933. Whether it synchronise with the Civil disobedience movement or not, I cannot say.

Mr. ARUN KUMAR CHANDA: Will the Hon'ble Chief Minister contradict me if I state that the confiscation took place in connection with the Civil disobedience movement?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied that the confiscation took place in 1933. I do not remember whether it was at the time of Civil disobedience movement or not.

Babu RABINDRA NATH ADITYA: Was the gun for the safety of the personal property or for loyalty?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is it a supplementary question, Sir?

The Hon'ble the SPEAKER: I think, the hon. member may omit the word "loyalty" and then it will be a proper question.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I require notice of that question, Sir.

Mr. ARUN KUMAR CHANDA: Will the Hon'ble Chief Minister take it from me that the gun of Babu Dwijendra Mohan Das Gupta was confiscated because he had sympathy for the Civil disobedience movement?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. friend has got a special knowledge of the fact then I will take it as correct.

Mr. ARUN KUMAR CHANDA: Was it a violent or non-violent movement?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Originally it was non-violent but some participators did indulge in violence.

Mr. ARUN KUMAR CHANDA: Were any persons hauled up before the courts for violence?

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

Mr. ARUN KUMAR CHANDA: Is not there in the Cabinet a person who joined the Civil Dis-obedience Movement and was convicted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The movement was then known as Non-Co-operation Movement and not Civil Disobedience Movement.

Babu HARENDRA NARAYAN CHAUDHURI: May I know, Sir, from the Hon'ble Chief Minister why my pistol was confiscated during the Civil Disobedience Movement?

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

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

Re Amount of secret service money

Srijut MAHI CHANDRA BORA asked:

*38. Will the Hon'ble Finance Minister be pleased to state—

(a) The amount of secret service money, if any, allotted for the year 1937-38 and the purpose for which it is meant?

(b) Whether any amount allotted has been spent?

(c) If so, will the Hon'ble Minister be pleased to inform the House about the details of the expenditure?

(d) By whom the money is intended to be spent?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

38. (a)—Rupees 2,000. The purpose is to meet the payment of awards to informers and others in specific cases.

(b)—The total expenditure up to 31st January 1938 was Rs.769-4-0.

(c)—The disclosure of the details would not be in the public interest.

(d)—The Deputy Inspector-General of Police.

Mr. ARUN KUMAR CHANDA: Does this secret service include tampering with our letters, I mean the correspondence of the hon. members of this House?

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

Mr. ARUN KUMAR CHANDA: Under whose supervision are we then, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Within the House, under the supervision of the Hon'ble Speaker. (laughter).

Mr. ARUN KUMAR CHANDA: Outside this House, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Under my hon. friend's own supervision. (laughter).

Srijut DEBESWAR SARMAH: Is the secret service utilised for the purpose of detecting smugglers of opium and illicit excise goods?

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

Srijut DEBESWAR SARMAH: Is there any legal bar, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This is a too small staff for that work.

Srijut DEBESWAR SARMAH: What was the strength of the force previously, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There was no force previously.

Re Settlement of Elephant Mahals

Srijut BELI RAM DAS asked:

*39. Will the Hon'ble Minister in charge of Forest be pleased to state—

(a) When the Garo Hills' Elephant Mahals were opened for Mela Shikar this year?

(b) The names of persons who have been allotted seats this year from Kamrup and Sibsagar Districts?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

39. (a)—From the 1st October 1937.

(b)—A list is laid on the table.

List referred to in reply to starred question No.39(b) by Srijut Beli Ram Das

List of persons granted seats in Mela Shikar, 1937-38, in Garo Hills District:—

FROM KAMRUP AND SIBSAGAR DISTRICTS ONLY

KAMRUP DISTRICT

1. Srijut Hem Chandra Chowdhury, Mauzadar.
2. „ Gajendra Chandra Bora.
3. „ Ram Kanta Das.

4. Srijut Rabindra Ram Datta.
5. „ Debiram Morol.
6. „ Boloram Mudoi.
7. „ Kamalakanta Deka.
8. „ Lakshmi Nath Das, B.L.
9. „ Pratap Chandra Goswami.
10. „ Matiram Mudoi.
11. „ Gopinath Bardoloi, M.A., B.L., M.L.A.
12. „ Taroon Chandra Bardoloi.
13. „ Govindaram Mauzadar.
14. „ Hariprasad Medhi.
15. „ Naranath Sarmah.
16. „ Arabinda Das.
17. „ Bhubaneswar Goswami.
18. „ Kamalakanta Chowdhury.
19. „ Arunoday Das.
20. „ Nabin Chandra Chowdhury.
21. „ Chidananda Goswami.
22. „ Debendra Nath Chowdhury.
23. „ Umakanta Mohajan.
24. „ Mukunda Chandra Chowdhury.
25. „ Bhabadhar Chowdhury.

SIBSAGAR DISTRICT

1. Srijut Mangal Chandra Barua.

***Srijut BELI RAM DAS:** On what basis, seats are allotted in elephant mahals?

***The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** The Deputy Commissioner of the Garo Hills allots seats to owners of *Kunkis* and those who employ *Kunkis* on *Shikar*.

Srijut BELI RAM DAS asked:

40. Will the Hon'ble Minister be pleased to state—
(a) The names of the persons who own *Kunkis* in these two districts?

(b) The number of applicants for these seats?

41. (a) Are Government aware that the seats are ordinarily given to persons owning *Kunkis* and seats were given, previously, to person owning *Kunkis*?

(b) Will Government please state—

(i) Whether there has been any departure in allotting seats this year in these two districts?

(ii) The number of seats allotted to persons owning *Kunkis* and the number of seats allotted to persons who do not possess *Kunkis* this year in the Garo Hills Mahals?

(c) Will Government be pleased to state why seats have been allotted to persons who do not own *Kunkis* in these two districts?

*Speech not corrected by the member.

*42. Will Government be pleased to state who is the authority in allotting seats for Mela Shikar in the Garo Hills' Elephant Mahals?

*43. Will the Hon'ble Minister in charge of the Forest Department please state whether he himself distributed the seats amongst the applicants or it was done by his subordinates this year?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

40. (a)—A list of persons in Kamrup is laid on the table. The information for the Sibsagar district is not available.

List referred to in reply to question No. 40(a) by Srijut Beli Ram Das

Statement showing the names of persons who own Kunkis in Kamrup district

Serial No.	Name of persons who own Kunkis	Mauzas	Number of elephants own
1	Md. Jamir Ali ...	Khata ...	2
2	Srijut Katiram Chaudhury ...	Depheli ...	1
3	" Loknath Chaudhury ...	Pubkacharimohal ...	1
4	" Pitambar Das ...	Rampur ...	2
5	" Krishnaram Das ...	Chaygaonpantan ...	1
6	" Kamalakanta Chaudhury ...	Ditto ...	2
7	" Arunodoi Mahajan ...	Rampur ...	1
8	" Ganeswar Talukdar ...	Tihu ...	1
9	" Kaliram Kachari ...	Paschim-baska ...	1
10	" Chandra Ram Deka ...	Pupbar ...	1
11	" Golap Ram Chaudhury...	Paschim-barigog ...	1
12	" Hormohan Medhi ...	Pubbangsar ...	1
13	" Sarat Chandra Lahkar ...	Paschim-barigog ...	1
14	" Motiram Lalchaud ...	Choyani ...	1
15	" Dandiram Lahkar ...	Paschim-barigog ...	1
16	" Binanda Gaonbura ...	Sonapur ...	1
17	" Ramesh Chandra Chau- dhury.	Paschim-barigog...	2
18	" Bhubaneswar Sarma ...	Dharmapur ...	1
19	" Dinanath Das ...	Dakhinsarubangsar ...	1
20	" Jogendra Chandra Das ...	Rampur ...	1
21	" Ratnakanta Chaudhury...	Tihu ...	1
22	" Lakhikanta Mahanta ...	Pub-bangsar ...	1
23	" Kalpanath Pathak ...	Tihu ...	1
24	" Sadhiram Medhi ...	Pub-bangsar ...	1
25	" Gunaram Gaonbura ...	Patidarrang ...	1
26	Sreemati Induprobha Chau- dhury, wife of Kailash Chandra Chaudhury.	Batasgila ...	1
27	Maulvi Belo Sekh ...	Dharmapur ...	1
28	Srijut Ram Datta Deb Goswami	Rampur ...	1
29	Maulvi Rahmat Ali Syed ...	Dharmapur ...	1
30	Srijut Ghanasyam Talukdar ...	Tihu ...	1
31	" Uday Chandra Chau- dhury.	Pubkacharimohal ...	1
32	" Haiachar Kakati ...	Chaygaonpantan ...	1

Serial No.	Name of persons who own kunkis	Mouzas	Number of elephants own
33	Maulvi Osman Goni Brothers	Gauhati ...	1
34	Srijut Debendra Chandra Chaudhury.	Rampur ...	1
35	" Gopinath Bardoloi ...	Gauhati ...	2
36	Maulvi Md. Sahali ...	Barbangsar ...	1
37	Srijut Madhurar Mahajan and Jogeswar Mahajan.	Pub-bangsar ...	1
38	Sreemati Nanibala Barua, wife of Narendra Barua.	Choyani ...	1
39	Srijut Gajendra Chandra Bora	Dakhinsarubangsar ...	3
40	" Nabin Chandra Bharali...	Pub-bangsar ...	1
41	Srijut Dhandev Goswami ...	Choyani ...	1
42	" Umaram Mahajan ...	Pub-bangsar ...	2
43	" Debeswar Goswami ...	Rampur ...	1
44	" Madhab Deb Goswami...	Ditto ...	1
45	Maulvi Bakar Ali ...	Pokowa ...	1
46	Srijut Jagat Krisna Goswami ...	Khata ...	1
47	" Nitvananda Deb Goswami	Modartola ...	1
48	" Chitramalla Barua ...	Bahjani ...	1
49	" Harkanta Mahajan ...	Pub-bangsar ...	1
50	" Sonapati Sarma ...	Khata ...	1
51	" Bhogram Bora ...	Dharmapur ...	1
52	" Hormohan Chaudhury...	Bekeli ...	1
53	" Narnath Sarma ...	Ramsarani ...	2½
54	" Cheniram Kachari ...	Paschim-baska
55	" Umakanta Goswami ...	Choyani
56	" Kirtinath Chaudhury ...	Pubkacharimohal ...	1
57	" Gajendra Chandra Chaudhury.	Dakhinsarubangsar ...	1
58	" Lalit Ram Mahajan ...	Choyani ...	1
59	" Sonaram Maral ...	Pub-bangsar ...	1
60	" Kamala Kanta Deka ...	Dimoria ...	2
61	" Boloram Mahajan ...	Barduar ...	1
62	" Bhogram Goswami ...	Karara ...	1
63	" Jajna Ram Pathak ...	Dakhinsarubangsar ...	1
64	" Gobindaram Majumdar	Beltola ...	1
65	" Binaram Chaudhury ...	Boko ...	1
66	" Robindra Chandra Chaudhury.	Betna ...	1
67	" Rudranath Chaudhury	Paschim bangsar...	1
68	" Krishna Ram Chamua	Barbangsar ...	2
69	" Jiban Chandra Cha- mua.	Ditto ...	1
70	" Raghunath Sarma ...	Patidarrang ...	1
71	" Debiram Dalai ...	Barduar ...	1
72	" Kamalakanta Sarma ...	Pub-banbhag ...	1
73	" Das Ram Gaonbura ...	Barduar ...	1
74	" Iswar Das Agarwalla...	Khata ...	1
75	" Ram Protap Agarwalla	Ditto ...	1
76	" Jathalal Kanailal ...	Choyani ...	2
77	" Harkanta Goswami ...	Ditto ...	1
78	Mustt. Felani Bibi ...	Hajo ...	1

Serial No.	Name of persons who own kunkis	Mauzas	Number of elephants own
79	Srijut Joyram Dalai ...	Barduar ...	1
80	Mustt. Fulti Modahini ...	Paschim-baska ...	1
81	Srijut Krisnadutta Sarma ...	Paschim-barigog ...	1
82	" Gathiram Kalita ...	Rampur ...	1
83	" Rushinath Chaudhury...	Batasgila ...	1
84	" Debendra Nath Chau- dhury.	Karara ...	½
85	" Rupeswar Deb Goswami	Khata ...	1
86	" Harendra Malla Barua	Batasgila ...	2
87	" Golak Chandra Gos- wami.	Pubbangsar ...	1
88	" Debendrachandra Chau- dhury.	Chaygaonpantan.	1
89	" Gobinda Chandra Chau- dhury.	Dakhinsarubang- sar.	1
90	Mustt. B h a d r e s w a r i Majumdar, wife of Gobindaram.	Beltola ...	1
91	Srijut Boloram Mudai ...	Dimoria ...	2
92	" Mihiram Chamuya ...	Barbangsar ...	1
93	" Purnachandra Goswami	Rampur ...	1
94	" Hariprosad Medhi ...	Choyani ...	1
95	" Mukundaram Talukdar	Ditto ...	1
96	Mustt. Khargeswari wife of Gaurikanta Goswami.	Paschim-barigog ...	½
97	Srijut Fanidhar Chaudhury ...	Pub-barigog ...	1
98	" Gunadhar Chaudhury ...	Choyani ...	1
99	" Mohidhar Das ...	Ditto ...	1
100	Manager, Nagrijuli Tea Estate	Depheli ...	1
101	Srijut Manick Ram Koch ...	Barduar ...	1
102	" Jajnaram Rabha ...	Ditto ...	1
103	" Bhadar Rabha ...	Ditto ...	1
104	" Hemchandra Chaudhury	Dakhinsarubang- sar.	3
105	" Mokunda Chandra Chau- dhury.	Ditto ...	1
106	" Surjyakanta Kalita ...	Ditto ...	1
107	" Baradakumar Barua ...	Ramsarani ...	1
108	" Surendrakanta Lahkar ...	Panduri ...	1
109	" Dukharam Koch ...	Ditto ...	1
110	Mustt. Narseni Bibi, wife of Abbas Ali.	Dharmapur ...	1
111	Srijut Bhubaneswar Goswami ...	Rampur ...	1
112	" Girish Chandra Medhi ...	Ditto ...	½
113	" Chidananda Deb Goswa- mi.	Ditto ...	½
114	" Dhirdutta Chaudhury ...	Purbabanbhag ...	1
115	" Annadakanta Deka ...	Dimoria ...	1
116	" Krishna Ram Mudai ...	Ditto ...	1
117	Maulvi Md. Moniruddin ...	Upparbarbhag ...	1

(b)—124.

41. (a)—Seats are ordinarily given to individual owners or employers of Kunkis.

(b)—(i)—No.

(ii)—The information is not available.

(c)—Does not arise.

42.—The Deputy Commissioner of the Garo Hills.

43.—It was done by the Deputy Commissioner, Garo Hills.

Srijut BELI RAM DAS: Will the Hon'ble Minister be pleased to state as to why some of the applicants were given no seats and some more seats than they are entitled to?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It is very difficult to say that. The Deputy Commissioner carefully considers the case of each applicant and comes to the conclusion that some should be granted seats and others should not.

Srijut BELI RAM DAS: Will the Hon'ble Minister be pleased to let us know whether there were two applicants of the same name—one Debendra Chandra Chaudhury of Rampur and another Debendra Chandra Chaudhury of Chaygaonpantan—and to one of whom seats were given and to the other no seats were given? Is it not an anomaly, Sir?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: There were two men of the same name—Debendra Chandra Chaudhury—both of whom applied for seats and to one of them seats were given and to the other not. There is no question of anomaly.

Tolls on the Kokilamukh-Kamalabari ferry

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

44. Will Government be pleased to state the rates of toll levied on the Kokilamukh-Kamalabari ferry on passengers and motor vehicles?

45. Are Government aware of the hardships caused to the public by the existing rates of tolls levied on the said ferry?

46. Will Government be pleased to bring down the said rates to a reasonably low level?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

	Rs.	a.	p.
44.—(1) Each passenger using chairs, i.e., Upper Class.	...	0	6 0
(2) Each passenger on deck, i.e., Lower Class.	...	0	3 0
(3) Motor Vehicles exceeding 4 tons gross.	...	8	0 0
(4) Motor Vehicles not exceeding 4 tons gross.	...	6	0 0

45.—No.

46.—The prescribed rates cannot be reduced during the currency of the lease of the ferry which is for 15 years from 1st April 1929.

***Srijut DEBESWAR SARMAH:** Do they charge for loading and unloading of the motor cars also?

*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not know.

Srijut DEBESWAR SARMAH: I say, Sir, that they realise some charges for loading and unloading motor cars?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If the hon. member gives me that in writing, I will at once institute an enquiry and stop the illegal practice.

Khan Bahadur Maulavi SAIYIDUR RAHMAN: Will the Hon'ble Minister be pleased to enquire into the matter and reduce the rates?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Many factors have been taken into consideration and the rates have been prescribed for the particular ferry referred to by the hon. member.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Regarding acceptance of tea-parties by Government servants

Mr. ARUN KUMAR CHANDA asked:

43. Will Government please state whether it is permissible for Government servants to accept tea-parties from non-officials.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

43.—Yes, if the tea-parties are of an informal and private character and unconnected with any political movement.

Mr. ARUN KUMAR CHANDA: Are Government aware that a new system of organising tea parties in honour of Government Officers has cropped up namely under the name and style of friends and admirers?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, Government are not aware of that.

Mr. ARUN KUMAR CHANDA: Do Government know that such tea parties are actually organised by non-officials as a means of ingratiating with the powers that be?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In order to check this tendency a rule has been promulgated by Government that Government officers cannot without the previous permission of Government accept such parties.

Mr. ARUN KUMAR CHANDA: Are Government aware that the rule is very often circumvented through this means?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not heard of any such instance. Will the hon. member give me a specific case?

Srijut DEBESWAR SARMAH: When the rule was promulgated, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is only a month or so that the present rule has been promulgated but there was a so a rule previously.

*Speech not corrected by the Member.

Constitution of a Standing Finance Committee

Srijut KAMESWAR DAS asked:

44. Will the Hon'ble Finance Minister please state—

- (a) If there was a Standing Finance Committee of the members of the Assam Legislative Council of pre-autonomy days to advise Government in the matter of framing the budget and re-appropriating savings, if any?
- (b) If so, what is the reason for not having such a Finance Committee in the present Legislative Assembly in spite of demands for the same by several members of the Assembly?
- (c) Do Government propose to constitute at an early date, a Finance Committee consisting of elected members of the House, to advise them on matters financial?
- (d) If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

44. (a)—Yes, a Finance Committee used to be appointed and their main function was to advise on new schemes for inclusion in budget.

(b), (c) and (d)—The question whether a Standing Finance Committee of the pre-autonomy days can survive in provinces after the commencement of Part III of the new Act was duly considered by the Government of India, who were of opinion that a Committee of that kind though not unconstitutional, is out of place under the present constitution, as it is a fair deduction that the new provincial executives, dependent on their party following in the legislatures, would not be willing to anticipate their budget proposals by prior reference of their expenditure schemes to a Standing Committee of the legislature. In instances where consultation with other political groups may seem desirable the new executives are expected to proceed rather by way of party conferences than by reference to Standing Committees. The necessity for a Finance Committee has thus disappeared under the new constitution and this Government does not propose to constitute one.

Srijut KAMESWAR DAS: It has been stated that in instances where consultation with other political groups may seem desirable the new executives are expected to proceed rather by way of party conferences than by reference to Standing Committees. May we know what are the particular instances in contemplation of Government where other political groups will be consulted in this matter?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Speaking off hand, I may say that when Government want to levy a new taxation or when they want to start a major item like compulsory primary education, it is the intention of Government to consult with the different political groups of the House.

Srijut KAMESWAR DAS: Will Government be pleased to state how the members of the political group will be selected for such consultation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Ministry will seek the advice of the hon. Leaders of the different groups and either the Leader himself or some of his nominee it is hoped will attend that conference.

Re Jute duty for the development of Agricultural Industry**Srijut LAKSHESVAR BOROOAH** asked :

45. Do Government propose to earmark and spend a portion of the 11 lacs of the Jute Duty for the development of Agricultural Industry in Assam *viz.*, establishing Jute and Sugar Mills, etc. (direct on the Industry) ?

46. (a) Do Government receive any amount from the Central Government from the Excise Duty on Sugar and Matches on the basis of consumption in the Province ?

(b) If so, what amount was derived during 1936 for Sugar and Match (to be shewn separately) ?

(c) If not, do Government propose to move the Central Government for a share of these duties ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied.

45.—No. The assignment has been granted for the general financial needs of the province under section 140 (2) of the Government of India Act, 1935, read with paragraph 8 of the Government of India (Distribution of Revenues) Order, 1936, and earmarking is not allowed.

Srijut LAKSHESVAR BOROOAH: Will the Hon'ble Premier be pleased to state whether any province in India received a grant from the excise duty on sugar and matches ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No province in India gets it.

Srijut LAKSHESVAR BOROOAH: Do Government realise that some Assam jute passes as Bengal jute and as such the province is being deprived of its legitimate share of the duty ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes. Government is aware of the fact.

Srijut LAKSHESVAR BOROOAH: Will Government watch the export of jute with vigilance in order to stop this ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The difficulty is only as regards places near the boundary of Bengal. We have heard that jute from places near the Mymensingh border is generally transported over to Bengal and passed off as Sarisabari jute because in the market Sarisabari jute has got a good name and gets a good price. The Government is trying to stop such exports across the boundary.

Srijut LAKSHESVAR BOROOAH: Have there been any cases of detection ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This has only recently been discovered, and we hope to put a stop to it soon.

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

46. (a)—No.

(b)—Does not arise.

(c)—The hon. member is referred to section 140 (1) of the Government of India Act, 1935.

Re Petroleum and Kerosene Oil duty**Srijut JOGESCHANDRA GOHAIN** asked :

47. Will Government please state—

(a) The steps taken by Government to give effect to the resolution passed in the December session of the Assembly, regarding petroleum and kerosene oil duty ?

(b) What is the decision of the Government of India on the point ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

47. (a) and (b)—The proceedings of the Legislative Assembly dealing with the resolution have only recently been received in the Secretariat. They are now being forwarded to the Government of India with a suitable covering letter. Hon'ble Minister, Finance, had an opportunity of discussing the matter with the Finance Member and Secretary of the Government of India while attending the recent conference of Finance Ministers in Delhi but he is not optimistic about the result.

Thesis by Dr. Banikanta Kakati entitled "The Assamese Language—its formation and development"

Srijut OMEO KUMAR DAS asked :

48. Are Government aware of a thesis by Dr. Banikanta Kakati entitled "The Assamese Language—its formation and development" ?

49. Will Government be pleased to state what steps Government have taken for its publication and the remuneration of Dr. B. Kakati ?

The Hon'ble Maulavi MUNAWWARALI replied :

48.—Yes.

49.—Government have received an advance copy of the application from Dr. Kakati and is awaiting the receipt of the original through the Director of Public Instruction.

Srijut OMEO KUMAR DAS: Will Government be pleased to state whether they would undertake to publish Dr. Kakati's thesis ?

The Hon'ble Maulavi MUNAWWARALI: The suggestion will be considered.

Mr. NABA KUMAR DUTTA: May I know when it will be considered ?

The Hon'ble Maulavi MUNAWWARALI: As soon as possible after the session.

Srijut OMEO KUMAR DAS asked :

50. Will Government be pleased to state whether remuneration to previous workers in the field of research was awarded ?

51. If the reply is in the affirmative, will Government be pleased to state the names of those who were thus awarded ?

52. Will Government be pleased to state whether the writers of the Monographs on the Hill Tribes received both remuneration and the costs of publication ?

The Hon'ble Maulavi MUNAWWARALI replied :

50.—Yes.

51.—The names are :—

1. Srijut Dibakar Goswami.
2. " Sonaram Chaudhuri.
3. Late Hem Chandra Goswami.
4. " Rai Sahib Golap Chandra Barua.
5. Srijut Tarini Charan Bhattacharjee.
6. Rai Bahadur S. K. Bhuyan.
7. Professor Uma Kanta Goswami.
8. Dr. M. I. Borah.

52.—Yes, in case of non-officials only. In case of officials costs of publication only are borne by Government.

Srijut OMEO KUMAR DAS: The reply to my question 52 is " Yes, in case of non-officials only ". But remunerations were given to Srijut Dibakar Goswami, Rai Bahadur S. K. Bhuyan, and Srijut Sonaram Chaudhuri; who are all officials. How do Government reconcile the anomaly?

The Hon'ble Maulavi MUNAWWARALI: I will examine the question and let the hon. member know how the anomaly can be reconciled.

Srijut LAKSHESVAR BOROOAH: May I know if any remuneration was granted to Dr. Kakati?

The Hon'ble Maulavi MUNAWWARALI: No remuneration was granted to Dr. Kakati.

Mr. NABA KUMAR DUTTA: May I know the reason why?

The Hon'ble Maulavi MUNAWWARALI: Because it was for this thesis that he got his doctorate.

Details re grant of Rs. 10,000 for Agricultural demonstrations

Babu LALIT MOHAN KAR asked :

53. Will Government be pleased to state—
- (a) Whether the details regarding the grant of Rs. 10,000 for Agricultural demonstrations have been worked out?
 - (b) If so, what are they?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

53. (a)—Yes.

(b)—They are as follows :—

Allotment for Surma Valley—Rs. 3,500

1. Demonstration of a power sugarcane crusher with a crude oil engine—

	Rs.
Crusher	900
Engine	400
Extra	260
1 Driver	100 (4 months)
1 Demonstrator	80 (ditto)
Travelling allowance	40
	1,780

	Rs.
2. Introduction of Macglashan furnaces (50)	250
3. Control of <i>pan</i> disease—	
1 Mycological Assistant... ..	320 (4 months)
Travelling allowance	200
Spraying materials	60
1 Demonstrator	80
Travelling allowance	40
2 Sprayers	300
4. Distribution of sugarcane setts on return system (100,000)	400
Demonstrator for 2 months (pay and travelling allowance)	60
	3,490
	(Say 3,500)

Allotment for Lower Assam Valley—Rs. 2,250

	Rs.
1. Demonstration of a sugarcane Power Crusher with <i>gur</i> -boiling pans, etc.	1,750
2. Introduction of Macglashan furnaces (20)	100
3. Distribution of 100,000 sugarcane setts on return system	400
	2,250

Allotment for Upper Assam Valley—Rs. 2,250

	Rs.
1. Extension of pineapple cultivation	500
2. Introduction of Macglashan furnaces (50)	250
One Demonstrator	80 (4 months)
Travelling allowance	40 (ditto)
3. Improvement of existing private nurseries	250
4. Assistance to educated youths already settled on land	300
5. Three model <i>baris</i> on the land reserved at Jhanji	830
	2,250

Damage to crops by flood in village Karera and other villages in South Sylhet

Babu LALIT MOHAN KAR asked :

54. (a) Are Government aware that there has been failure of crops for the last 10 years in village Karera and other neighbouring villages within the Kulaura thana in the South Sylhet subdivision owing to the devastation caused by flood water every year?

(b) If the reply to question 54(a) is in the affirmative, will Government please state whether they have considered the possibility of a *bundh* erected at an expense of about Rs. 600 protecting the said area from such devastation?

(c) If the reply to 54 (b) is in the affirmative do Government propose to take immediate steps to have such a *bundh* erected?

(d) If the reply to questions 54(a) and 54(b) or any one of them is in the negative, do Government propose to make an enquiry into the matter immediately.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

54. (a)—Government are aware that floods occur from time to time in Sylhet district, but have no particular information about damages caused to crops in the localities mentioned.

(b) & (c)—Do not arise.

(d)—Government are not prepared to commit themselves to any programme involving the erection of bunds. Such bunds are generally a source of false security and in time cause increased damage to the lands they are supposed to protect. The hon. member's attention is invited to the report on floods in the Nowgong District, 1935, a copy of which is in the Assembly Library, where the subject of floods and bunds is exhaustively discussed.

Babu KARUNA SINDHU ROY: Was there any petition from the people of the locality in September?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not remember to have received any, but I shall make a further enquiry if it is the desire of the hon. member.

Mr. ARUN KUMAR CHANDA: (d) Is it not a part of the Government's elementary duty to protect people from floods?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The position has been very clearly explained. Government are not prepared to commit themselves to any programme involving the erection of bunds, because it proves a source of unexpected danger at times.

Mr. ARUN KUMAR CHANDA: Is there any ground for holding that a bund at this spot will be a source of future danger?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That depends upon expert opinion.

Mr. ARUN KUMAR CHANDA: Has expert opinion been obtained or is it being obtained?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: So far as this particular locality is concerned, no such opinion has been obtained.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: May I ask if any experiment has been made in the district of Sylhet.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not remember if any experiment was made recently in the district of Sylhet, but experience in other districts, particularly in Nowgong, would make no one anxious to make bunds.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: Is the geographical position of Nowgong identical with that of Sylhet?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am perfectly aware of the difference in the two districts.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: Then why should there not be an experiment, particularly in view of the fact that in the neighbouring subdivision Mr. N. M. Khan, i.c.s., Subdivisional Officer, Brahmanbari made an experiment and thereby saved thousands and thousands of bighas of land from flood and inundation.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It may be that a bund in one place has been successful and in another place it has proved disastrous, but in this particular instance I shall have an enquiry made.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: I want to know how the Hon'ble Minister could say without making an enquiry that it will be unsuccessful?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I did not say that no experiment was made. I only said that I did not remember of any experiment having been made recently.

Babu RABINDRA NATH ADITYA: Have Government done anything on the Flood Enquiry Committee's report of 1929?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: No, Sir, nothing has been done up till now.

Babu RABINDRA NATH ADITYA: I am referring to the report of the Flood Enquiry Committee of 1929. And I want to know if Government have done anything to implement those recommendations?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: No, Sir. Nothing has been done so far as I know.

Babu RABINDRA NATH ADITYA: Then what was the utility of that Committee, Sir?
(No answer.)

Babu LALIT MOHAN KAR asked :

55. Will Government be pleased to state whether they propose to enquire into the causes of floods in the districts of Sylhet and Cachar, and to take steps to remove them?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :
55.—The hon. member is referred to the reply given to question 1442 asked by Maulavi Abdul Aziz in the Budget session of 1937.

Re overflooded villages under the Kulaura Police Station

Babu LALIT MOHAN KAR asked :

56. Are Government aware that the villages Salon, Gandargad, Tezpur, Khandkarergaon, Miarpara, Monraj, Dantepur, etc., under the Kulaura Police Station are overflooded every year by the river Manu damaging the entire crop?

57. Are Government aware that the flood can be prevented by a bund from the west of the railway bridge over Manu river to Katakhal (running parallel to the northern side of the river)?

58. (a) Are Government aware that there was an outlet for the water of those villages to the north-east of the Singrauli *bil* and that the same has been blocked at present?

(b) If so, do Government propose to make efforts to open it?

59. Do Government propose to ascertain the total cost for the construction of a bund and for opening the outlet as aforesaid?

60. Will Government be pleased to state the names of the landlords of these villages?

61. (a) Have Government any information as to whether the landlords have granted the tenants any remission of rent on the ground of destruction of crops by recurring floods?

(b) If not, do Government propose to request them to do so?

62. Do Government propose to exert their influence so that the landlords may do their duty in this respect and render adequate pecuniary help for the construction of a bund and the excavation of the said outlet?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

56-59.—Government have no information but have since requested the Public Works Department to make necessary inquiries.

60.—Government have no information and the matter is not considered one of public interest.

61. (a)—No.

(b)—Government are not authorised to interfere to this extent between landlord and tenant.

62.—Government have no power to act as proposed.

Thesis by Dr. Bani Kanta Kakati entitled "Origin and Development of Assamese Language"

Mr. NABA KUMAR DUTTA asked :

63. Will Government be pleased to state if any remuneration has been awarded to Dr. Bani Kanta Kakati for writing a thesis about the Origin and Development of Assamese language from Sanskritic periods to modern times and its relation to Bengali, Austic, Tibeto-Burman, Aryan and other modern languages ?

The Hon'ble Maulavi MUNAWWARALI replied :

63.—No.

Mr. NABA KUMAR DUTTA : May I know why no remuneration was granted to Dr. Bani Kanta Kakati ?

The Hon'ble Maulavi MUNAWWARALI : I have already replied to that question in connection with questions Nos. 48, 49 and so on. I have said that for that thesis he has received the doctorate.

Mr. NABA KUMAR DUTTA asked :

64. (a) Is it a fact that remunerations were awarded to Dr. M. Islam Borah, Professor U. K. Goswami for their historical researches and contributions to Assamese literatures ?

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

65. Will Government be pleased to state—

(a) If any amount has been already granted to Dr. Kakati for publication of the thesis ?

(b) If not, do Government propose to do so ?

66. Are Government aware that a sum of Rs. 4,000 only may cover the cost of remuneration for the author and publication of the thesis ?

The Hon'ble Maulavi MUNAWWARALI replied :

64. (a)—Yes.

(b)—Rupees 1,600.

65. (a)—No.

(b)—The matter will be considered.

66.—Yes, as reported by Dr. Kakati.

Prevention of corruptions in Courts

Mr. NABA KUMAR DUTTA asked :

67. With reference to the cut motion passed on the 20th August 1937 in the last Budget Session of the Assembly, will Government be pleased to state what actions are being taken to prevent corruptions in Courts ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

67.—Government have recently issued a circular in this behalf, a copy of which is laid on the library table.

Maulavi ABDUR RAHMAN : May I know whether Government can deny that corruptions in courts are still not prevailing ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Government does not deny that statement.

Maulavi ABDUR RAHMAN : Do Government admit that by the issue of a circular this practice would be discontinued ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : All that the Government can do is to insist and emphasise on their own officers to exercise greater vigilance and supervision in courts. For a real solution of this, it is necessary that we should have the co-operation of the lawyers, the public and the bench (*Hear! hear!*).

Maulavi ABDUR RAHMAN : May I know whether a circular was issued by the District Judge of Mymensingh regarding this matter ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I am not aware of that.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Is it not a fact that some of the lawyers give tips to the officers ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : That may or may not be.

Srijut MAHI CHANDRA BORA : Are Government prepared to form vigilance Committees in different places ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I do not think it is necessary, Sir.

Srijut MAHI CHANDRA BORA : Then what is the necessity of seeking co-operation from the public ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : To eradicate this evil, Sir.

Establishment of a Technical School by the Nowgong Local Board

Srijut MAHI CHANDRA BORA asked :

68. Are Government aware that the Nowgong Local Board of late have started a Technical School out of its own fund in the Town ?

69. Is it a fact that the Director of Industries has already visited the School and is of opinion that it has bright prospects in future ?

70. (a) Has the Hon'ble Minister for Agriculture and Industries received a letter from the Chairman, Nowgong Local Board, requesting him to help the Board with a non-recurring grant for the purchase of tools, plants and materials ?

(b) If so, does the Hon'ble Minister in charge propose to help the Board with a substantial non-recurring grant for the purpose ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

68.—Yes.

69.—The reply to the first part of the question is in the affirmative. As regards the second part, no such opinion can be traced in his inspection note.

70. (a)—Yes.

(b)—The matter is under the consideration of Government.

Srijut PURNA CHANDRA SARMA: Will the Hon'ble Minister also consider the desirability of giving recurring grant to this institution?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The question will be considered if an application is made for that.

Srijut MAHI CHANDRA BORA: May we know when this consideration will materialise?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: In the usual course.

Srijut MAHI CHANDRA BORA: What does he mean by usual course?

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

Srijut PURNA CHANDRA SARMA: Will the Hon'ble Minister please repeat his answer?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I said that is obvious (*laughter*).

Babu HARENDRA NARAYAN CHAUDHURI: Is it in the official sense or the dictionary sense that he uses the term "usual course", Sir?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: In the common sense, Sir. (*Loud laughter*).

Location of Goalpara Steamer Ghat

Srijut JOGENDRA CHANDRA NATH asked :

71.(a) Are Government aware that the Steamer Ghat of Goalpara has been shifted to a place which is about 3 miles off from the town, thereby causing great inconvenience to the public?

(b) If so, do Government propose to ask the authorities concerned, to select a suitable place near the town for the mooring Ghat?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

71.(a)—Government accept the hon. member's statement as correct.

(b)—No useful purpose would be served by such action as the Steamer Company will always keep the Ghat at the most convenient suitable spot in their own interest as well as to that of the general public.

Principle of giving the indigenous contractors the settlement of Forest Coupes

Srijut JOGENDRA CHANDRA NATH asked :

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

(a) How Government propose to give effect to the principle of giving preference to the indigenous contractors in the matter of giving forest coupes which are sold by auction?

(b) Whether most of the coupes are taken by outsiders as an outcome of keen competition?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

72.(a)—Government give preference to the indigenous people in all cases provided that in doing so they have not to sacrifice Government revenue which they should legitimately get. They also make small coupes suitable to the purses of indigenous contractors, who generally cannot invest large sums in trade.

(b)—The majority of coupes in Assam are not given after auction or tender to outsiders.

Srijut BELI RAM DAS: In reply to 72 (a) the answer given is "Government give preference to indigenous people in all cases provided that in doing so they have not to sacrifice Government revenue which they should legitimately get." I want to know what is meant by "which they should legitimately get."

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It is perfectly clear, I think, Sir. Government does not want to sacrifice revenue merely for the sake of giving preference that is to say they are not going to give certain forest produce for a price which means nothing or next to nothing.

Srijut BELI RAM DAS: Then shall I take it that 'legitimate' means the highest bid offered for the particular coupe or coupes?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Not necessarily, Sir.

Srijut BELI RAM DAS: Is not the policy of Government to give settlement of forest coupes to the highest bidder?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Not always; Government is not bound to accept the highest bid.

Re Steamer Ghat at Dalgoma

Srijut JOGENDRA CHANDRA NATH asked :

73.(a) Are Government aware that the public concerned has been put into great inconvenience as a result of the closing of the Steamer Ghat at Dalgoma?

(b) If so, do Government propose to ask the authorities concerned to re-open the said Ghat at an early date?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

73.(a)—Government accept the statement that the closing of the Steamer Ghat has caused some inconvenience.

(b)—A copy of the question and reply is being sent to the Joint Agents with a request that they will reconsider the question of opening the Ghat once more.

Resettlement of Keane Bridge

Maulavi ABDUL BARI CHAUDHURY asked :

74. Will Government be pleased to state—

(a) The amount at which the Keane Bridge, over the river Surma, was settled with the present lessee last year?

(b) The amount received by Government on account of this lease up till now?

(c) Whether it is a fact that Government is allowing a substantial remission to the present lessee over the original amount?

75. If the answer to question 74(c) is in the affirmative, will Government be pleased to state the reasons for such remission and the amount of such remission?

76. Will Government be pleased to state—
 (a) Whether it is a fact that the Keane Bridge is going to be resettled this year for a period of three years?
 (b) If so, will Government please state the reasons for changing the annual settlement by the proposed settlement for three years?
77. Will Government please state whether Government propose to take into consideration the cases of the Local bidders?
78. Will Government be pleased to state when they propose to make the Bridge toll-free.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

- 74.(a)—Rupees 27,200.
 (b)—Rupees 21,400 till 1st January 1938.
 (c)—No.
- 75.—Does not arise.
- 76.(a)—No.
 (b)—Does not arise.
- 77.—Bids of Local people will receive full consideration.
- 78.—When and if all other tolls over bridges or ferries are abolished.

Posting of one Assistant Engineer in his own district over 10 years

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked:

79. Will Government please state whether it is a fact that one of the Assistant Engineers has been kept in his own native district in the Khasi and Jaintia Hills Division from one subdivision to another, for a period of over 10 years?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

- 79.—No.

Re resolutions passed by All-India Harijan Sevak Sangha

Srijut RAMANATH DAS asked:

80. Will Government be pleased to state—
 (a) Whether they have received a copy of the resolutions passed by the Executive Committee of the All-India Harijan Sevak Sangha which met on the 30th and 31st October 1937?
 (b) If so, will Government be pleased to state what they propose to do for the resolutions numbers (c) and (d)?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

80. (a)—Yes, only recently.
 (b)—The matter is awaiting consideration.

Srijut RAMANATH DAS: May I know how long the matter will await consideration of Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I received the report of the Sangha after I returned from Delhi only the other day. Since then I have been busy preparing for this budget session and I have not been able to take the recommendation of the Sangha into consideration. After this session is over, I expect to have some leisure and I will consider the matter.

Re road between Habiganj and Baniyachong

Maulavi DEWAN ALI RAJA asked:

81. Has the attention of the Hon'ble Minister in charge of Communication been drawn to the occasional notes of the *Statesman* of the 31st January wherein sanction of schemes amounting to 25 lakhs of rupees has been mentioned for roads in Assam?

82. Will Government please state whether Government propose to take over the road from Habiganj to Baniyachong as provincial one?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

81.—The Hon'ble Minister has seen the article in question.

82.—No, as the road was not recommended either by Habiganj Local Board or Deputy Commissioner for inclusion in the new road programme.

Khan Bahadur KERAMAT ALI: As regards this road may I take it that the inclusion of this will be considered if a representation is received from the people of the locality or from the local board?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: When the hon. member who just now put the supplementary question was absent, I have stated that such recommendations and suggestions will be considered when a fresh Road Board programme is taken up by Government.

Khan Bahadur Maulavi KERAMAT ALI: Is it a fact that a grant of Rs.40 lakhs has been made by the India Government for the next Road Board schemes?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. My hon. friend is thirteen times more optimistic. We have got only three lakhs.

Maulavi ABDUR RAHMAN: May I know whether Government admits the importance of this, road as this is the only road to connect the northern part of the subdivision?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will accept the hon. member's statement. Curiously enough although the Road Board has been functioning for the last ten years neither the Deputy Commissioner nor the Habiganj Local Board recommended this road for improvement.

Maulavi ABDUR RAHMAN: May I know whether Government cared to invite the opinion about this road?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. General recommendations were asked for.

Maulavi ABDUR RAHMAN: If the local body recommends, may I know if the Government will take it up in the list of the Road Board schemes?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already replied in answer to my hon. friend Khan Bahadur Maulavi Keramat Ali that it will be considered in the next programme if local officers recommend. The current programme has already been accepted by the Central Advisory Board.

Financial position of the Commercial Carrying Company Limited

Srijut GAURI KANTA TALUKDAR asked :

83. Does the Hon'ble Chief Minister propose to appoint a small Committee to go into the accounts, and to examine the financial position of the Commercial Carrying Company Limited from its inception and to ascertain what should be the proper and fair terms that may be offered to the said Company or to any other party for carrying on Motor Transport for mails, passengers and goods on the Gauhati-Shillong Road on the expiry of the contract with the Commercial Carrying Company Limited ?

84. If so, do Government propose to ask the proposed Committee to prepare a scheme with a view to help Government to consider the feasibility of the Assam Government taking up the said Motor Transport Service themselves ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

83.—There is no such proposal.

84.—Does not arise.

Srijut GAURI KANTA TALUKDAR : Do Government recognise the desirability of reconsidering the question whether it is in the interests of Government to run the Motor Transport Service themselves ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Government have not come to any decision as yet. The matter is already receiving the attention of Government and they have asked the Company for certain information such as the number of passengers and goods traffic carried for the last five years and the average rates levied. It is only after these informations have been received, Government will be in a position to decide on the matter.

Srijut GAURI KANTA TALUKDAR : Will it not be better to appoint a small Committee and see whether in view of the financial condition of the province it would not be paying for Government if they take over the running of the service ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I do not see how a small Committee will help us in this matter. After all, Government shall have to go by the audited accounts of the company and they are submitting each year the balance sheets to Government.

Srijut DEBESWAR SARMAH : Seeing the importance of this road as being the only means of communication from the Headquarters of Government to the Assam Valley, will Government be prepared to consider the taking up of the management of the communication ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I understand that the hon. member's suggestion is that this Government should start their own transport service on this road. As I have already stated, we are waiting for the figures we have called for and then the suggestion will be considered in due course.

Srijut GAURI KANTA TALUKDAR : In view of the fact that the term of the present contract is coming to a close very soon, should not Government take early steps to decide what they should do next ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir. I have said that the matter has already been taken in hand. All that is necessary to be done is being done so as to arrive at a decision in proper time.

Srijut GAURI KANTA TALUKDAR : When do Government expect to finish the enquiry ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already stated, Sir, very clearly. We hope to come to a decision by the end of June or July next.

Srijut GOPINATH BARDOLOI : Is it recognised by Government that the share-holders of the Company draw a fairly decent dividend for the shares they subscribe ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : On the other hand there is a complaint that although the Company is making quite a big profit, the share-holders are not getting more than 6 or 8 per cent.

Srijut GOPINATH BARDOLOI : So, in view of the fact that there is a big profit, will it not be profitable if the State takes over the business ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already stated that these suggestions will be taken into consideration in due course.

Srijut PURNA CHANDRA SARMA : Is it a fact that 6 months' notice is required to terminate the lease ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No. The lease is for a fixed period and the present lease will expire at the end of this calendar year.

Re Hail Haor in South Sylhet Subdivision

Maulavi NAZIRUDDIN AHMED asked :

85. Will Government be pleased to state—

(a) Whether any enquiry was made by the Deputy Commissioner, Sylhet, on the assurance given by the Hon'ble Chief Minister in reply to unstarred question No.84 regarding the Hail-Haor in South Sylhet subdivision asked by Babu Lalit Mohan Kar during the last Budget Session of the Assembly ?

(b) If so, what is the report of the Deputy Commissioner, Sylhet ? and

(c) What Government propose to do now in the matter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

85. (a)—Yes. Reports were called for and submitted by the Executive Engineer and a Sub-Deputy Collector.

(b)—The report of the Executive Engineer indicates that the position in connection with the drainage of the Haor by the Gopla river is normal and that no change appears to have taken place for many years past. A copy of the report was sent to Babu Lalit Mohan Kar.

The Sub-Deputy Collector who reported on the matter considered that some improvement might be effected by deepening the Gopla near Barcherra but that any action would require a further careful investigation by an expert.

(c)—Government regret that they cannot take any action which would have any lasting effect in draining the Haor. Yearly dredging of the river would only lower the level of the water in the Haor by a few feet for a few months each cold weather and the cost of purchasing and maintaining dredgers would be out of all proportion to the benefit, if any, which would occur.

Maulavi NAZIRUDDIN AHMED : May I know if an investigation will be made by an expert at an early date ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I cannot say that an investigation will be made at an early date because all the data shall have to be collected during the rainy season.

Protection of the road between Sukleswarghat and Bhorolumukh

Srijut BELI RAM DAS asked :

86. Are Government aware that the Steamer Companies plying on the Brahmaputra use Fansibazar bank of the Brahmaputra, for mooring their steam boats and maintain some flats there ?

87. Are Government aware that the bank of the river from the Sukleswar Ghat to Bhorolumukh is being washed away on the road itself and was threatened in many places ?

88. Will Government please state what steps, if any, Government have taken to prevent the road and the wealthiest portions of the town being washed away ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

86.—Yes.

87.—In past years serious periodic erosion had occurred. During the last two years there has been practically no erosion.

88.—Government have erected some landing ghats and protective spurs and have in the past dealt with local erosion by means of sand berms and boulder pitching. These works were for the protection of Government property.

Srijut BELI RAM DAS : In reply to my question it is said that these works were for the protection of Government property. May I know from the Hon'ble Minister whether it is not the duty of the Government to protect private properties also ?

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

Erosions on the Strand road

Mr. KEDARMAL BRAHMIN asked :

89. Will the Hon'ble Minister please state—

(a) Whether there were many erosions previously on the Strand road of Gauhat from Sukleswar ghat to Bhorolumukh ?

(b) Whether there are any Government offices, residential buildings and Mills on this road ?

(c) If the answers to question 89(a) and (b) are in the affirmative will Government please state what steps they propose to take to save the town and the public buildings ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

89. (a)—Periodic erosion has taken place along this stretch of road for many years past. The erosion is severe in those years when the Brahmaputra main current "sets in" at this point.

(b)—Yes.

(c)—Government will, as in the past, continue to spend small sums in protecting Government property. Should however the Brahmaputra make a definite turn in towards the left bank at this spot Government would not be in a position to undertake the elaborate and costly protection works necessary to counteract the destructive force of the current.

Governor's assent to the Assam Municipal (Removal of Ineligibility) Amendment Bill, 1937

The Hon'ble the SPEAKER : Order, order. I am to announce information has been received from the Secretary to His Excellency the Governor of Assam that, under provisions of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bill which was passed by both Chambers of the Assam Legislature during the October session, 1937 of the Council and the December session, 1937 of the Assembly.

"The Assam Municipal (Removal of Female Ineligibility) Amendment Bill, 1937".

Statement by Maulavi Md. Ali Haidar Khan re his resignation of office as Minister.

Maulavi Md. ALI HAIDAR KHAN : May I make a statement, Sir ?

The Hon'ble the SPEAKER : That promised statement ? Yes.

Maulavi Md. ALI HAIDAR KHAN : Mr. Speaker, Sir. We have been asked to make a statement of the circumstances which led to the reshuffling of the Ministry, so far as we are concerned.

At the outset it may be pointed out that our Ministerial Party was a Coalition Party composed of the Hon'ble Sir Muhammad's party of about half a dozen, the Hon'ble Srijut Rohini Kumar Chaudhuri's party, the Hon'ble Rev. Nichols-Roy's party and the Surma Valley United Muslim party, the largest single group next to the Congress party. The Hon'ble Sir Muhammad was the leader of his own party but all the other parties agreed to work under him as Chief Minister. In fact without the co-operation of the United Muslim Party the formation of a Cabinet was not considered to be possible. In March last the United Muslim Party at a meeting at Sylhet decided to work under the Hon'ble Sir Muhammad as Chief Minister. That helped him as a deciding factor to come and try the formation of a Ministry. As a mark of acknowledgment, he went all the way to Kulaura to meet the party assembled there and then took two of us from the party as his colleagues in the Cabinet.

The small party group of the Muslim League was never popular with this party. It was looked upon with suspicion as one under individual control. It kept aloof. In response to an appeal for Muslim solidarity, most of the members of the United Muslim Party, though in several cases reluctantly, joined in a party ; while a few still stuck to the United Muslim Party. Towards the close of the last session the Hon'ble Sir Muhammad informed us of a requisition for the reshuffling of the Ministry, to replace two of us selected originally from the United Muslim Party. It was signed chiefly by the members of the United Muslim party of the Muslim League with two exceptions and by those of the original bulk of the original United Muslim Party, also with two exceptions. They regarded as sinister, and rejoined the United Muslim Party. At a formal meeting of the United Muslim Party a resolution was unanimously passed strongly protesting against any proposal. This was duly forwarded to the Hon'ble Chief Minister. It was a protest against reshuffling and not a revolt against his Chiefship. This was a great resentment prevailed and Muslim solidarity was endangered. Some of the signatories, including two from the Assam Valley, withdrew their signatures and a few

other regretted that they had ever signed. The Hon'ble Chief Minister, on the 19th December last, met the United Muslim Party and assured the members assembled that his own party had signed without his knowledge and that if any proposal for reshuffling ever came up he would instruct his party to keep neutral. He also gave out that he would write to all the Muslim members asking their opinion on the question of reshuffling. But, as it became clear that very little support for reshuffling was expected he tendered his resignation leading to the automatic dissolution of the Cabinet and arranged to be called upon to reform the Cabinet with two of us replaced most arbitrarily and against the strong protest of our party referred to already and without consulting the Muslim members as originally contemplated, and in spite of the resentment already created.

Khan Bahadur Maulavi KERAMAT ALI: On a point of order, Sir. On the first day of the sitting of this House in this session a point was raised by Hon'ble Mr. Abdul Matin Chaudhuri as to whether party matters are to be allowed to be discussed on the floor of this House. And if I remember aright it was agreed that this should not be done. Now my hon. friend there is discussing party matters.

The Hon'ble the SPEAKER: The statement which has been made by the Hon'ble the Chief Minister on that day referred to party questions and therefore the hon. member making the statement will be within his right to say what he has got to say, in reply.

Maulavi Md. ALI HAIDAR KHAN: And in spite of the resentment already created.....

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: On a point of order, Sir, Under rule 86(1) a member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation. May I know if the hon. member who is making the statement did resign his Ministership?

The Hon'ble the SPEAKER: Yes; when the Hon'ble Chief Minister resigned, the whole Ministry is considered to have resigned.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I would draw attention to the proviso to rule 86—

“Provided that a Minister shall be entitled, after the member has made his statement, to make a statement pertinent thereto.”

The Hon'ble the SPEAKER: He was one of the Ministers who resigned.

The Hon'ble Maulavi MUNAWWARALI: It seems to me that the spirit of this section is Ministers resigning individually and not the Ministry resigning.

The Hon'ble the SPEAKER: I do not think so.

Maulavi Md. ALI HAIDAR KHAN: And in spite of the resentment already created. We have made a statement of facts briefly as they are and do not desire to proceed farther in order to avoid unpleasantness.

Maulavi ABDUR RAHMAN: May I know from the outgoing Minister the names of the 12 Assembly members who withdrew.

The Hon'ble the SPEAKER: When he has chosen not to give out the names, it will not be desirable to ask him to mention the names.

Maulavi ABDUR RAHMAN: I want to know from the Hon'ble Chief Minister.....

The Hon'ble the SPEAKER: There cannot be any debate on this statement. (Hear! hear! from the European Group.)

THE SYLHET TOWN TENANCY BILL, 1937

Clause 6

The Hon'ble the SPEAKER: We have finished all the clauses of the Bill from clause 7 downwards. Now we shall begin with clause 6 of the Bill.

Order, order. There are really two amendments to this clause. The amendments standing in the name of Maulavi Mabarak Ali and Babu Rabindra Nath Aditya are the same.

Babu RABINDRA NATH ADITYA: I beg, Sir, to move that in sub-clause (c) of clause 6 for the words 'expiry of the term of the lease' the words 'termination of the tenancy' be substituted. I wish to substitute the term 'expiry of the term of the lease' by the words 'termination of the tenancy' in order to make the point of time when the tenancy ceases clear. Under the Transfer of Property Act, a tenant may continue to hold over as tenant even after the expiry of the lease. So it is not proper to consider a tenancy to be at an end simply on the expiry of the term of lease. Until the tenancy is terminated according to the procedure of law, I think it is fair that the tenant should not be deprived of his status. With these words, I commend my motion to the House for acceptance.

The Hon'ble the SPEAKER: The motion moved is "that in sub-clause (c) of clause (6) for the words 'expiry of the term of the lease' the words 'termination of the tenancy' be substituted."

Any hon. member who wishes to speak will please speak on this amendment.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have no objection to the particular amendment which has now been moved.

The Hon'ble the SPEAKER: The motion is that in sub-clause (c) of clause 6 for the words 'expiry of the term of the lease' the words 'termination of the tenancy' be substituted.

The motion was agreed to.

The Hon'ble the SPEAKER: The next amendment* is in the name of Maulavi Abdur Rahman. The amendment has been tabled on the assumption that the cause which has been omitted would remain there, but now that the amendment has been carried, does the hon. Maulavi Abdur Rahman wish to move his amendment?

Maulavi ABDUR RAHMAN: I am not going to move the amendment.

The Hon'ble the SPEAKER: The question is that clause 6 as amended do form part of the Bill.

The motion was agreed to.

Clause 5

The Hon'ble the SPEAKER: There are practically two amendments before the House to clause 5 of the Bill. The amendments tabled in the names of Maulavi Abdur Rahman, Babu Rabindra Nath Aditya and Maulavi Babu Kamini Kumar Sen. There is another amendment in the name of Babu Kamini Kumar Sen. I think this amendment may be taken up first.

* That in sub-clause (c) of clause 6 in the last line the "full stop" after the word "lease" be omitted and the words "till the Tenancy is terminated by a decree of a competent court" be added thereafter.

Babu KARUNA SINDHU ROY: The notice of amendments are to be sent three clear days before they are taken up. These amendments were sent on the 15th, that is after the time. So I say, that these amendments are not in order.

Babu KAMINI KUMAR SEN: I admit, Sir, that through an oversight it was not sent three clear days before. But notices of these amendments were sent last session and hon. members had ample notice of them. I think you, Sir, have a right to allow these amendments and I hope you will kindly allow these amendments to be taken up. Notices were given long ago.

The Hon'ble the SPEAKER: The amendments that were tabled during the last session cannot be taken up to-day because under rule 18(1) of the Assembly Rules all pending notices would lapse with the prorogation of the session. Now of course this amendment was not given notice of in proper time but having regard to the fact that the same amendments were tabled at the last session, the members may be considered to have got sufficient notice, and I would allow the amendment to be considered. All amendments which were tabled last time and are tabled now, although not in proper time will be allowed to be considered by the House.

Babu KAMINI KUMAR SEN: I beg, Sir, to move that "exception (a)" of the proviso to clause 5 be omitted.

By this proviso which has been proposed to be added to this clause by the Committee, the temporarily-settled land within the municipal area of Sylhet is intended to be excluded from the operation of this Act. Sir, when even the sub-tenants have been given the right of occupancy, I do not see any justification why the poor tenants who are residents of the temporarily-settled area should be deprived of these benefits that are being given by this Act. I don't think, Sir, there will be any anomaly if this Act is applied in the case of the residents of the temporarily-settled area. Of course, an objection was raised in the Select Committee that occasional change in the Government revenue would make it difficult to include the temporarily-settled areas within the operation of this Act but I don't think, Sir, there will be any insurmountable difficulty in conferring these rights to these poor tenants. From the objects and reasons of the Bill, it is clear that the Act is meant to be applied to all the tenants of the Sylhet town and so I hope it will only be fair if we include the tenants of the temporarily-settled area within the operation of this Act. With these words, Sir, I commend my amendment for the acceptance of the House.

The Hon'ble the SPEAKER: The motion moved is that "exception (a)" of the proviso to clause 5 be omitted.

Mr. F. W. HOCKENHULL: Sir, in the Select Committee, this matter was discussed. We made it perfectly clear that very special concessions were being given to Sylhet town itself and this formed the subject of a good deal of argument, and the ultimate conclusion remained that these temporarily-settled areas should be excluded. This was our unanimous recommendation.

Srijut GOPINATH BARDOLOI: Sir, we think that the recommendation of the Select Committee should remain. We do not want to create a second tenant or under-tenant in such temporarily-settled areas. The area of such temporarily-settled land in Sylhet is really very small and I do not think there will be any hardship on any large number of persons.

*Speech not corrected by the member.

The Hon'ble the SPEAKER: Will the Hon'ble Minister in-charge say something?

***The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** No, Sir, I have nothing to say, except that it was the unanimous decision of the Select Committee.

Babu KAMINI KUMAR SEN: May I say something on a point of personal explanation, Sir? When this proviso was made in the Select Committee, it was also decided that sub-tenants would not be given right of occupancy conferred by this Act but subsequently sub-tenants were also given that right. I said in the Select Committee that when the sub-tenants are also being given that right, why should not the tenants in the temporarily-settled area be given that right. So I do not think that it was the unanimous decision of the Select Committee.

The Hon'ble the SPEAKER: The motion is that "exception (a)" of the proviso to clause 5 be omitted. The motion was lost.

The Hon'ble the SPEAKER: Now I will take up the amendments standing in the name of Maulavi Abdur Rahman and Maulavi Mabarak Ali and Babu Rabinranath Aditya.

Maulavi ABDUR RAHMAN: Sir, I am not going to move my amendment. My hon. friend Maulavi Mabarak Ali will move the amendment.

The Hon'ble the SPEAKER: Very well Maulavi Mabarak Ali may move his amendment.

Maulavi MABARAK ALI: I beg, Sir, to move that in the 'exception (a)' to the proviso to clause 5 after the word 'settled' the word 'Government' be added.

The object of moving my amendment is that the word 'temporarily-settled land' is a vague term. It does not indicate which land it means—whether Government land or private land. So in order to clear the term I want to add 'temporary Government settled land'. This is a most harmless motion and I hope the House will accept it.

The Hon'ble the SPEAKER: The motion moved is that in 'exception (a)' to the proviso to clause 5 after the word 'settled' the word 'Government' be added.

Is any hon. member going to speak on this?
(No hon. member rose to speak.)

The Hon'ble the SPEAKER: The motion is that in "exception (a)" to the proviso to clause 5 after the word 'settled' the word 'Government' be added.

The motion was agreed to.

The Hon'ble the SPEAKER: Then there is an amendment standing in the name of Babu Kamini Kumar Sen. He may move his amendment.

Babu KAMINI KUMAR SEN: I beg, Sir, to move that the following be added as new "Exceptions" to the proviso to clause 5:—

"(d) Trade sites at Bandarbazir, Kazirbazir and similar other Bazar sites as may from time to time be declared to be 'Trade Sites' by Gazette notification by the Government.

(e) Waqf and Debttar lands."

*Speech not corrected by the member.

†That in "Exception (a)" word "Government" be added, to the proviso to clause 5 after the word "settled" the

The Hon'ble the SPEAKER: The hon. member will only move his amendment regarding trade sites. The amendment regarding *Waqf* and *debuttar* land would be taken up separately.

Babu KAMINI KUMAR SEN: Trade sites are situated on either side of the Bandarbazār on which houses are built for the purpose of carrying on shop business. Other sites situated elsewhere may from time to time be declared as 'trade sites' by Gazette notification by the Government. With the boom in trade the price rises and the price falls with a fall in trade. The demand for sites rises and falls accordingly. The rates of rent also follow the same course. There can therefore be no fixity in the rate of rents as in the case of agricultural lands. It is the proprietor's right to dispose of his lands by contract on reasonable rents that has invited people to lay out their hard earned money in the land which they have purchased at enormous prices in the hope of profiting by the development of the town which has lately been going on with the construction of the Surma Bridge and the motor road between Sylhet and Shillong. If now all of a sudden the poor proprietors are deprived of that right—a time honoured right—which they have been exercising since the rule of the Great Mughals they will be put to serious loss which will benefit only the prosperous traders. Sir, in trade sites occupancy right has never been given in any place of India. In these sites there are some risks to the landholder. The rental value of a site rises according to the improvement in trade as well as according to the attractiveness of the site. If the trade improves or the site becomes more attractive, sometimes the price of a holding in a trade site increases by 200 per cent. or more than that. But if the site suddenly becomes unattractive, the rental value as well as the price of the holding fall automatically. So in the time of a boom the landholder can get a value more than the ordinary residential holding. But the landholders have the risk of losing their income if the site becomes unattractive. But, if this legislation is applied in their case, the only persons who will be benefitted are the traders and businessmen who, I think, are strong enough to protect themselves. Some of them are financially more solvent than the landholders themselves. I do not think, Sir, there is any need for a special legislation to protect their interest at the cost of the landholders. So, Sir, I think this exception should be accepted by the House.

The Hon'ble the SPEAKER: The motion before the House is that the following be added as a new "Exception" to the proviso to clause 5:—

"(d) Trade sites at Bandarbazār, Kazirbazār and similar other bazar sites as may from time to time be declared to be Trade Sites by Gazette notification by the Government."

Babu HARENDRA NARAYAN CHAUDHURI: I make an apology when I say that I cannot compliment the farsightedness of the hon. member from Karimganj who has tabled this amendment. At least I did not expect this from an experienced and seasoned parliamentarian like him. By this amendment he wants to exclude trade sites from the operation of the Bill. He wants that trade sites at Bandarbazār, Kazirbazār and similar other bazar sites should from time to time be declared to be "Trade Sites" by Gazette notification by the Government. Now, Sir, he wants to place the entire matter in the hands of Government. That is, trade sites should be declared by Gazette notification by the Minister concerned. I am not ready to give this 'corte blanche' to our Minister. Our past experience does not warrant such confidence in our Ministers. Our past experience shows, Sir, that it may not be safe to leave it in the hands of the Minister. If we give this long rope to the Minister, this unlimited power in his hands, the result may be disastrous. I will not be a bit surprised, Sir, to find in one fine morning that my quarter of Chauhatta—one of the best residential quarters of

the town of Sylhet had been declared a trade site by a single stroke of the pen by the Minister in charge. So, I am afraid, we cannot accept his views. My second point is that people engaged in trade should have special protection. Because they have invested and staked their all as capital in business. They must have a fixity of tenure so that their trade, the dislocation of which may ultimately result in the utter ruin of their family, may not be disturbed. So it is all the more necessary that 'trade sites' should come within the purview of the Bill. Another point is this. The town of Sylhet is full of bazars and there are as many as six bazars. So, if all these bazars are excluded, at least twelve annas portion of the town will be excluded from the operation of the Bill. Hence, I oppose the amendment of my hon. friend.

Mr. ARUN KUMAR CHANDA: Sir, I rise to oppose very emphatically the amendment of my hon. friend. It is not surprising, Sir, on his part to come up with an amendment like this when the House labouring on this Bill for several days, has been well acquainted with a determined scheme to wreck it. I may mention to the House at the outset that this amendment is particularly vague and indefinable. I do not state what a trade site really is. In our towns it is well known that the line of demarcation between what may be called a trade site and a residential site is very thin indeed. It is not unknown to the hon. members of this House that in street-corners of residential quarters in our towns, there are pan shops and bircation may raise a petty old pan shop to the dignity of a trade site! So, I submit that it is dangerous to countenance in the Bill what is proposed in the amendment. I very much fear that it will introduce a very repugnant element into the Bill. Besides, it is noticeable that this aspect of the matter was not considered at all in the Select Committee. So, I think it would be introducing a very dangerous and repugnant element into the body of the Bill and it should by all means be resisted.

Then, Sir, as mentioned by my hon. friend Mr. Chaudhuri, there are more than half a dozen bazars in the town of Sylhet. I have been supplied with figures to show that the rent of lands for shop sites there at present ranges from Rs.200 to as much as Rs.8,000 per *kear*.

The Hon'ble the SPEAKER: (Smiling) May I know what is *kear*? position, (Laughter) as I do not really know what exactly the area is. It is, however, well known to the parties concerned. (Laughter).

Mr. F. W. HUCKENHULL: We should like to know what it is. (Laughter).

Mr. ARUN KUMAR CHANDA: Sir, I did not anticipate any cross-examination here. So, I submit, Sir, that really no case has been made out for the introduction of this new element at this stage. As the term is undefined and vague, Government may also be put in a difficult position and it may be that unpleasant situations will be created through this illusive character of the amendment. Therefore, I very emphatically oppose this amendment. ***Maulavi ASHRAFUDDIN MD. CHAUDHURY:** Mr. Speaker, Sir, I beg to support Mr. Sen's amendment about excluding trade sites from the operation of the Act. My reasons are threefold: firstly, the balance of convenience and inconvenience in case of removal of a shop-house and that of family quarters is not the same. Secondly, the scope of investment on a shop-house from that of a residential house is different: in a shop-house of possibly 8 by 10 cubits there is no such room, whereas in a residential house where a man has lived for a number of years with his family, planted some trees to his liking, improved the site and invested his life's earnings, it is not so.

*Speech not corrected by the member.

Thirdly, a market is situated always in a central place, but it is not always the case with residential quarters. People live in many places, improve a marshy place and erect a residential quarter. Whereas on pay-days of the market we are going to regulate the income of the landholders, we have no power to fix upon the tenant to stay and continue his business and pay according to the terms of the *kabuliyat* ever after the extinction of the importance of the trade site.

Sir I know there are many poor landholders who are comparatively poor and helpless and their main source of income is derived from the trade site lands. I shall appeal to the hon. members of the House to consider the question dispassionately and exclude trade sites.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, the matter has already been discussed in the House, and it seems that there is a disagreement even between the hon. members coming from the same district, and the Government will therefore leave the matter entirely to the decision of the House.

The Hon'ble the SPEAKER: The question before the House is:—
“That the following be added as a new “exception” to the proviso to clause 5:—

“(d) Trade sites at Bandarbazar, Kazirbazar and similar other bazar sites as may from time to time be declared to be ‘Trade Sites’ by Gazette notification by the Government”. The motion was pressed to a division with the following result:—

AYES—14

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|---------------------------------------|------------------------------------|
| 1. Babu Kamini Kumar Sen. | 8. Mr. W. Fleming. |
| 2. Mr. Naba Kumar Dutta. | 9. Mr. B. I. Barry. |
| 3. Maulavi Ashrafuddin Md. Chaudhury. | 10. Mr. F. W. Hockenull. |
| 4. Col. A. B. Beddow. | 11. Mr. D. B. H. Moore. |
| 5. Mr. A. F. Bendal. | 12. Mr. R. A. Palmer. |
| 6. Mr. J. R. Clayton. | 13. Srijut Bideshi Pan Tanti. |
| 7. Mr. W. R. Faull. | 14. Srijut Binode Kumar J. Sarwan. |

NOES—53

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| 1. Mr. Arun Kumar Chanda. | 18. Babu Karuna Sindu Roy. |
| 2. Babu Balaram Sircar. | 19. Mr. Kedarmal Brahmin. |
| 3. Srijut Beliram Das | 20. Srijut Krishna Nath Sarmah. |
| 4. Srijut Bhuban Chandra Gogoi. | 21. Babu Rabindra Nath Aditya. |
| 5. Babu Bipin Behari Das. | 22. Srijut Lakshesvar Borooah. |
| 6. Srijut Bipin Chandra Medhi. | 23. Babu Lalit Mohan Kar. |
| 7. Babu Dakshina Ranjan Gupta Chaudhuri. | 24. Srijut Mahadev Sarma. |
| 8. Srijut Debeswar Sarmah. | 25. Srijut Mahi Chandra Bora. |
| 9. Srijut Ghanashyam Das. | 26. Srijut Omeo Kumar Das. |
| 10. Srijut Gaurikanta Talukdar. | 27. Srijut Paramananda Das. |
| 11. Srijut Gopinath Bardoloi. | 28. Srijut Purna Chandra Sarma. |
| 12. Babu Harendra Narayan Chaudhuri. | 29. Srijut Rajani Kanta Barooah. |
| 13. Srijut Jādav Prasad Chaliha. | 30. Srijut Rajendra Nath Barua. |
| 14. Srijut Jogendra Chandra Nath. | 31. Srijut Sankar Chandra Barua. |
| 15. Srijut Jogeschandra Gohain. | 32. Srijut Sarveswar Barua. |
| 16. Babu Kalachand Roy. | 33. Babu Shibendra Chandra Biswas. |
| 17. Srijut Kameswar Das. | 34. Srijut Siddhi Nath Sarma. |
| | 35. Maulavi Abdul Aziz. |

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| 36. Maulavi Abdul Bari Chaudhury. | 44. Maulavi Mabarak Ali. |
| 37. Maulavi Abdur Rahman. | 45. Khan Sahib Maulavi Mudabir Hussain Chaudhuri. |
| 38. Maulavi Md. Abdus Salam. | 46. Khan Bahadur Maulavi Mufizur Rahman. |
| 39. Maulavi Dewan Muhammad Ahbab Chaudhury. | 47. Maulavi Muzarraf Ali Laskar. |
| 40. Maulavi Muhammad Amjad Ali. | 48. Maulavi Namwar Ali Bharbhuiya. |
| 41. Khan Bahadur Dewan Eklimur Roza Chaudhury. | 49. Maulavi Naziruddin Ahmed. |
| 42. Mr. Fakhruddin Ali Ahmed. | 50. Mr. Benjamin Ch. Momin. |
| 43. Maulavi Muhammad Maqbul Hussain Chaudhury. | 51. Mr. Jobang D. Marak. |
| | 52. Srijut Rabi Chandra Kachari. |
| | 53. Srijut Rupnath Brahma. |

The Ayes being 14 and the Noes 53, the motion was lost.

Babu KAMINI KUMAR SEN: I do not like to move the other part of my amendment*. (*Loud Lougher* from the Planting and Ministerial Blocks).

The Hon'ble the SPEAKER: Then I put the clause. There are no other amendments to this clause 5. The hon. members should consult their list and see whether I am correct or not.

The question is that clause 5 as amended do form part of the Bill. The motion was agreed to.

Clause 4

The Hon'ble the SPEAKER: There is no amendment to this clause. I think. The question is that clause 4 of the Bill do form part of the Bill. The motion was agreed to.

Clause 3

The Hon'ble the SPEAKER: Then comes clause 3. There is an amendment standing in the name of Babu Kamini Kumar Sen.

Babu KAMINI KUMAR SEN: Sir, I beg to move that for the words “retrospectively from the 1st of April 1937” the words “at once” be substituted.

My intention for moving this amendment is to do away with the retrospective effect that sought to be given by this legislation. It is admitted on all hands that to give retrospective effect is bad in law, dangerous in practice and creates a very bad precedent for the future. Unless on extraordinary circumstances retrospective effect should not be given in any legislation. But here, Sir, excepting some vague allegation we have not anything definite to say that there is any extraordinary circumstances. We have been told that some ejection suits have been filed after the Bill has been introduced but we are yet to know what is the number of those suits that have been filed and what are the circumstances under which they have been instituted. Besides that the Bill was introduced in August 1937, but by this clause it is intended to give retrospective effect from 1st April 1937. So to give retrospective effect to this Act from 1st April when there was no talk of this legislation is really inequitable. With these words Sir, I beg to commend the amendment for the acceptance of the House.

*That the following be added as a new “Exception” to the proviso to clause 5—
(e) *Waqf and Debttar lands*

The Hon'ble the SPEAKER: The motion moved is that for the words "retrospectively from the 1st of April 1937" the words "at once" be substituted.

Maulavi ABDUR RAHMAN: Sir, I beg to oppose the motion of my hon. friend Mr. Sen. He has said that nothing extraordinary has happened uptill now so as to warrant the necessity of giving retrospective effect to the clauses of the Bill. So far as we know the move for introducing such a Bill was taken since about a year and with the scent of the movement of this Bill we are told that the Mirasdars have filed a number of suits for ejectment. My hon. friend has said that the Bill, actually took its appearance in the last session, but I should say that even before that while there was a move for introduction of this Bill for the protection of the tenants, the Mirasdars have brought ejectment cases, some of which are still pending. In support of my argument I may say that the Select Committee which consisted of responsible members of the House including the Hon'ble Revenue Minister have recommended that the Bill shall come into force retrospectively from 1st of April 1938. With these words I beg to oppose the amendment.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: I think I shall have to oppose the amendment that has been tabled by my hon. friend Mr. Sen. The very object of the Bill is defeated if retrospective effect is not given to it. The sponsor of the Bill got its origin from the finding of the Munsiff of Sylhet. The learned Munsiff has admitted that within a very short time he has to pass ejectment orders in many cases which caused great hardship to the tenants. He has to do so under the law and he has no other alternative although he was convinced that it caused great hardship to the poor tenants who have been living on the land for a number of years and who have made much improvement on it.

Sir, I have already said enough last time when I was proposing the Bill to go to a Select Committee. What I mean to say now is that probably a large number of notices have been served on these people and a number of cases have been pending. The number of cases, I understand, will not be less than 50 or 60 and the notices served will be more than 200. So, as it has secured the consent of the majority of members who were in the Select Committee and as I know of the conditions of the Sylhet town where I am living for the last 16 years, we should not support the amendment of my hon. friend Mr. Sen. He can take it from me that if retrospective effect is not given the very object of the Bill will be frustrated.

Adjournment

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

After adjournment

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

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The hon. members of this House must have noticed that the clause which is now sought to be amended was not accepted by the Select Committee unanimsly and that there was a difference of opinion. I myself, Sir, have recorded a note of dissent, and on principle Government is opposed to any provision which gives retrospective effect to a legislation of this kind. But, Sir, it has been pointed out that if this Bill is not given retrospective effect, all the benefit which is going to accrue from the provisions of this Bill will have been lost. And, therefore, the position of Government is that although it is a dangerous principle, it will be guided entirely by the wishes of this House.

The Hon'ble the SPEAKER: The motion is that for the words 'retrospectively from the 1st of April 1937' the words 'at once' be substituted. The motion was lost.

The Hon'ble the SPEAKER: The question is that clause 3 do for a part of the Bill.

The motion was agreed to.

Clause 2

The Hon'ble the SPEAKER: In clause No. 2 there are some amendments. Practically there are two amendments. The two amendments are practically the same. Is it not so?

(After a pause)

The Hon'ble the SPEAKER: With regard to the two amendments standing in the names of Maulavi Abdur Rahman* and Maulavi Abdul Aziz†, I have some doubt whether these amendments are in order or not. Will any hon. member say anything about that?

Maulavi ABDUR RAHMAN: Of course I anticipated that the hon. members would be entertaining some doubt as to the assent, that is required by His Excellency. But in the original Bill this clause was mentioned. There it is provided that the Provincial Government may by previous notification published in the *Assam Gazette* extend its operation to any other towns of the province of Assam. This portion was included in the original Bill and the necessary assent of His Excellency was obtained thereon. Now, Sir, this portion as to the extension of the Bill to other towns seems to me to be a little vague, and it will take some time to extend the operation of this Bill, if it be passed, to any other town. As to the towns of the province as a whole, I find Sir, that, besides the Sylhet district, this sort of legislation may not be at all necessary for the municipal areas of the province. So my intention was to make it fully confined to the district of Sylhet, and with this idea I moved it. I think His Excellency may not have any objection to give his assent to the amendment if properly moved.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I submit, Sir, that this amendment cannot be moved without the previous sanction of His Excellency. The hon. member who has just spoken, says that His Excellency will have no objection to giving sanction to an amendment of this kind. The question is not whether His Excellency can sanction; but the question is whether His Excellency had any opportunity of considering whether previous sanction could be given or not. I submit that this amendment is out of order. In fact, in the amendment that is sought to be moved, previous sanction is necessary. For instance in the case of amendment which was moved by Babu Kamini Kumar Sen, the matter went up to His Excellency as regards the exclusion of bazar sites. In this case, although in the original Bill there was a provision, this may not be extended to other municipal areas. There is no specific mention of any particular district. It is one thing to allow it to apply to one town and it is another thing to have it extended to other towns of the district. So I submit that without previous sanction this amendment cannot be moved.

*That in clause 2 for the words "town of Sylhet" the words "towns in the district of Sylhet" be substituted.

†That in clause 2 for the word "town" the word "towns" be substituted.

Babu KAMINI KUMAR SEN: I submit that there was a clause in the original Bill that it can be extended to other towns in the province of Assam. Municipal areas in the towns of Sylhet are included in the province of Assam. When there is already a clause included in the original Bill which empowered the Government to extend the Act to other Municipal areas in the Province and as His Excellency assented to its introduction, I think that no further assent will be necessary for making an amendment for application of this Act to the Municipal area in the district of Sylhet. It is covered by that clause. So I think, no further assent is necessary in this case.

Ruling of the Hon'ble Speaker declaring certain amendments to the Sylhet Town Tenancy Bill as out of order

The Hon'ble the SPEAKER: With regard to the amendments standing in the names of Maulavi Abdur Rahman and Maulavi Abdul Aziz which are really the same, I am disposed to hold that these two amendments are really out of order. In the statements of objects and reasons, we find that provisions in the Bill have been designed to cover the peculiar conditions prevailing in the town of Sylhet. It is not known to this House whether the same conditions prevail in other towns within the district of Sylhet. So the House will have no opportunity to consider whether it would be proper to extend the provision of this Bill to other towns. In this view the amendment is really outside the scope of the Bill. It has been said that the original clause in the Bill is to the effect that Government shall have the right to extend the provision of this Act by notification to other towns in the province of Assam. Therefore the amendment should be considered to be in order. Here the Hon'ble House will take note of this difference that discretions to apply the provision of this Act were sought to be left to the Government when the original clause was drafted and that the intention was that Government would really examine the case of each town and would consider whether the provisions of the Bill should be made applicable to other towns but that the amendment now tabled takes away that discretion, with the result that if the present amendment be passed then its provision *ipso facto* and forthwith would be applicable to other towns. So, having regard to this fact, I think, the previous sanction of His Excellency the Governor was necessary. In this view, I hold that these two amendments are out of order.

Maulavi ABDUR RAHMAN: On a point of information Sir. During the last session of the Assembly similar motions were moved. May we know Sir, how are we to obtain the sanction of His Excellency the Governor if we are to make any amendment to certain Bills?

The Hon'ble the SPEAKER: The hon. member will please see section 293 sub-section 3 and also rules in that behalf in the Assembly Rules which says that if the Speaker thinks that previous sanction of His Excellency the Governor is necessary, then he is to refer the Bill or amendment as the case may be to the Governor. There is also sub-rule 2 under rule 7 which says that if such objection is raised on the ground that the previous assent of His Excellency was not obtained then the Speaker has to stay his hands. Having regard to the imperative provision of sub-rule 2 of rule 7 of the Governor's Rule, I shall have to stay my hands. But as I have held that the amendments outside the scope of the Bill and as the House would not desire that the Bill should not be proceeded with further, I rule out the amendments without making any reference to the Governor.

Then I would ask Babu Dakshina Ranjan Gupta Chaudhuri to move his amendment. I do not think that his amendment will be out of order.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, I beg leave to move that in clause 2 the 'full stop' after the word 'Sylhet' be substituted by a 'comma' and the following proviso be added thereafter:—

'Provided that the Provincial Government may, by previous notification published in the *Assam Gazette*, extend the operation of this Act to any other municipal areas in the district of Sylhet.'

Sir, at the outset I beg to suggest that the principle of extension was assented to by His Excellency the Governor and it formed part of the original Bill before it came amended by the Select Committee. The Select Committee thought it fit to leave the clause on the ground that conditions are rather peculiar. I for myself find it quite difficult to understand what are these peculiar conditions. It may be Sir, that when we go to apply the principles of this Act to all municipal areas of the province of Assam the question of peculiarity may arise because all the towns are not permanently-settled areas but so far as the towns within the district of Sylhet are concerned, all the towns are mainly permanently-settled areas. Under the circumstances so far as the land system is concerned there is no difference with regard to the town of Sylhet and other Subdivisional towns of the district. There is another additional ground.

Mr. F. W. HOCKENHULL: On a point of information Sir. Is the hon. mover moving the amendment for the towns of Sylhet or Assam? What was the original Bill?

The Hon'ble the SPEAKER: The original Bill was for the towns of Assam but the amendment is for the towns of Sylhet.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: The town of Sylhet is an old town whereas other towns in the district of Sylhet are of recent origin and they have been established after the establishment of British-rule in India. Now that the towns have been established and the people who have been living there from generation to generation have been deprived of the rights of rural tenants. They are going to be driven away at short notices and even no compensation is allowed to them. There is no limit to the enhancement of rent. Sir, the trouble which the people of the town of Sylhet suffer from, causes also the people of other towns of the district to suffer. It is because of this fact that I submit that the benefit of this Act should be extended to the other towns of the district of Sylhet. As we have decided that it should not at once be applicable to these towns, I leave it to the discretion of the Government to extend it to other towns and to have the original clause as it was in the Bill by little amendment incorporated in the Bill which is coming to day. With these words I beg to take my seat.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, may I submit that this is also open to the same objection?

The Hon'ble the SPEAKER: The motion moved is that in clause 2 the 'full stop' after the word 'Sylhet' be substituted by a 'comma' and the following proviso be added thereafter:—

'Provided that the Provincial Government may, by previous notification published in the *Assam Gazette*, extend the operation of this Act to any other municipal areas in the district of Sylhet.'

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I submit, Sir, that previous sanction is essential even for this amendment. The original Bill laid down that it extends to the whole of the area. "It extends to the whole area comprised within the municipal limits of the town of Sylhet,

provided that the Local Government may, by previous notification published in the local Gazette, extend the operation of this Act to any other municipal areas in the Province of Assam."

Here, Sir, the hon. mover wants by his amendment to restrict its extension to a particular district only. So, there is an essential difference in the object aimed at by the original clause and the clause which is now sought to be inserted. When His Excellency gave his sanction, the position was that the Bill shall be in operation in the town of Sylhet and it may be extended to other municipal areas in the province. No distinction was made in favour of the town of Sylhet alone. Replying to the argument of the hon. member who has just spoken that as the whole of the Sylhet district is a permanently-settled area, there should be no objection to its extension to the whole of the district, may I ask what he says about Goalpara? It is also a permanently-settled district. The original framer of the Bill put the town of Sylhet in one category and other towns in another category and no attempt was made to distinguish between the town of Sylhet and other towns. Therefore, when he speaks of a particular town in a particular district, it is a departure from the original condition and as such fresh sanction of His Excellency is necessary.

The Hon'ble the SPEAKER: When calling upon Mr. Gupta Chaudhury I said that this amendment would be quite in order. The previous sanction that was obtained from His Excellency stands good in my view so far as this amendment is concerned. In the original Bill all the municipal towns in the province of Assam were in contemplation. Here, in this amendment only the municipal towns of the district of Sylhet are selected for extension of the provision. So, in my opinion in this amendment the hon. mover is asking for less than what was originally intended to be asked for in the original Bill. The municipal towns of the district of Sylhet are certainly included among the municipal towns of the province of Assam. So, the assent previously obtained will hold good so far as this amendment is concerned and I also hold that it is not necessary to obtain another assent from His Excellency.

Rai Bahadur PROMODE CHANDRA DUTT: May I point out, Sir, that the previous sanction must be express. There is no doubt that His Excellency did give his sanction to the amendment as moved. Because His Excellency gave sanction to the greater, you cannot infer that he sanctioned the lesser also. This would be a matter of inference.

The Hon'ble the SPEAKER: Certainly it was an express order given to all the clauses in the Bill. But as I have held that the greater includes the lesser, the order is express even in relation to the case of this amendment. It is merely an enabling clause and Government may or may not enforce it. The discretion is left to Government. Therefore, I hold that the previous sanction holds good so far as this amendment is concerned.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, I rise to oppose the amendment. The conditions of the towns of Sylhet were entirely different from the conditions prevailing in the other towns for there is an area of land which is entirely rent free, and for that reason there has been agitation for some years among the public of the town of Sylhet—an agitation for a legislation of this kind. As a matter of fact, in 1936 or towards the end of 1935 a Bill was sent to the Assam Legislative Council but as the Governor-General then did not give his assent to the Bill, it could not be moved. So, it is clear that so far as the town of Sylhet is concerned agitation has been going on for some time and there is indeed well-founded necessity for a legislation of this kind so far as the Sylhet town is concerned. But nothing has been said to-day on the floor of the

House nor has any case been made out for the extension of the legislation to the other towns in the district of Sylhet. The original clause gives, of course, an enabling power to extend to other towns but there is no absolute necessity to exercise that power and extend the clause to other towns of Sylhet district. If it is given to the towns in the district of Sylhet, it may as well be urged in favour of other towns of the province. What I mean to say that no special case has been made out to distinguish the towns in Sylhet district from other towns of Assam. As a matter of fact, no such power is necessary for other towns, such as, Gauhati, Goalpara. So, Sir, I think the House will agree in the absence of materials that no enabling power is necessary for the subdivisional towns of the district of Sylhet. This is an extraordinary piece of legislation as it gives occupancy rights to the town land and nowhere in India this right has been conceded. Therefore, Sir, we ought to be very careful in arming the Government with the power of extension to any particular town without recourse to legislation. As far as I can see, there has been no necessity for its extension to any other towns than Sylhet. If it is extended to the subdivisional towns in Sylhet district, very soon other towns will come forward for such legislation.

The Hon'ble the SPEAKER: If the original clause is kept in tact in the Bill by the Select Committee, would it not be within the right of a member to move an amendment that for the "The municipal towns of Assam" "The municipal towns of Sylhet district" should be substituted?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: So far as that question is concerned, Sir, you have already decided that no previous sanction is necessary so far as the amendment is concerned but what I say is this that in the absence of any special circumstances which would justify the arming of the Government with the power to extend this Bill to any other town than the town of Sylhet I would appeal to this House not to run too fast with a legislation of this kind, which, as I say, is an extraordinary one, being the only one of its kind in the whole country—or in the whole of India. I would therefore ask the House to reject this amendment. (Mr. F. W. Hockenull:—Hear! hear!)

The following motion of Babu Dakshinaranjan Gupta Chaudhuri was then put and a division taken with the following result:
That in clause 2 the "full stop" after the word "Sylhet" be substituted by a "comma" and the following proviso be added thereafter:—
"Provided that the Provincial Government may, by previous notification published in the Assam Gazette, extend the operation of this Act to any other municipal areas in the district of Sylhet."

Ayes—34

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| 1. Kumar Ajit Narayan Dev. | 12. Srijut Jogendra Chandra Nath. |
| 2. Srijut Beliram Das | 13. Srijut Jageschandra Gohain. |
| 3. Srijut Bhuban Chandra Gogoi. | 14. Babu Kamini Kumar Sen. |
| 4. Babu Bipin Behari Das. | 15. Srijut Krishna Nath Sarma. |
| 5. Srijut Bipin Chandra Medhi. | 16. Babu Rabindra Nath Aditya. |
| 6. Babu Dakshinaranjan Gupta Chaudhuri. | 17. Babu Lalit Mohan Kar. |
| 7. Srijut Debeswar Sarmah. | 18. Srijut Mahadev Sarma. |
| 8. Srijut Ghanashyam Das. | 19. Srijut Omeo Kumar Das. |
| 9. Srijut Gaurikanta Talukdar. | 20. Srijut Paramananda Das. |
| 10. Srijut Haladhar Bhuyan. | 21. Rai Bahadur Promode Chandra Dutt. |
| 11. Srijut Jadav Prosad Chaliha. | |

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| 22. Srijut Rajani Kanta Borooah. | 30. Maulavi Ashraf Uddin Md. Chaudhuri. |
| 23. Srijut Rajendra Nath Barua. | |
| 24. Srijut Sankar Chandra Barua. | 31. Khan Bahadur Dewan Eklimur Roza Chaudhuri. |
| 25. Babu Shibendra Chandra Biswas. | 32. Mr. Fakhruddin Ali Ahmed. |
| 26. Srijut Siddhi Nath Sarma. | 33. Maulavi Mabarak Ali. |
| 27. Maulavi Abdul Aziz. | 34. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. |
| 28. Maulavi Md. Ali Haidar Khan. | |
| 29. Maulavi Abdur Rahman. | |

Noes—34.

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| 1. The Hon'ble Maulavi Munawwar Ali. | 16. Khan Bahadur Maulavi Mufizur Rahman. |
| 2. The Hon'ble Rev. J. J. M. Nichols Roy. | 17. Maulavi Muzarrof Ali Laskar. |
| 3. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 18. Maulavi Namwar Ali Barbhuiya. |
| 4. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 19. Maulavi Sheikh Osman Ali Sadagar. |
| 5. The Hon'ble Babu Akshay Kumar Das. | 20. Khan Bahadur Maulavi Sayidur Rahman. |
| 6. Srijut Jogendra Narayan Mandal. | 21. Col. A. B. Beddow. |
| 7. Babu Kalachand Roy. | 22. Mr. A. F. Bendall. |
| 8. Srijut Purandar Sarma. | 23. Mr. J. R. Clayton. |
| 9. Khan Bahadur Hazi Abdul Majid Chaudhuri. | 24. Mr. W. R. Faull. |
| 10. Maulavi Dewan Muhammad Ahbab Choudhury. | 25. Mr. W. Fleming. |
| 11. Maulavi Dewan Ali Raja. | 26. Mr. B. I. Barry. |
| 12. Maulavi Muhammad Amjad Ali. | 27. Mr. F. W. Hockenull. |
| 13. Maulavi Badaruddin Ahmed. | 28. Mr. D. B. H. Moore. |
| 14. Khan Bahadur Maulavi Keramat Ali. | 29. Mr. R. A. Palmer. |
| 15. Maulavi Mahmud Maqbul Hussain Choudhury. | 30. Srijut Bideshi Pan Tanti. |
| | 31. Srijut Binode Kumar J. Sarwan. |
| | 32. Rev. L. Gatphoh. |
| | 33. Mr. C. Goldsmith. |
| | 34. Mr. Jobang D. Marak. |

The Hon'ble the SPEAKER: Order, order. The result of the division is, Ayes—34 and Noes—34.

Following the well known principle that the *status quo* should be maintained, I cast my vote in favour of the Noes.

The motion was therefore lost.

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

The motion was agreed to.

Clause 1

The Hon'ble the SPEAKER: Then comes clause 1. There are 4 amendments.* Three are the same and No. (2) really stands barred out by the ruling I have given in connection with the amendments of Maulavi Abdur Rahman and Abdul Aziz to clause 2. So I ask Babu Rabindra Nath Aditya to move the next amendment standing in his name.

Maulavi MABARAK ALI: I do not wish to move my amendment.

Maulavi ABDUR RAHMAN: I am also not going to move it.

Babu RABINDRA NATH ADITYA: As these are the same amendments I do not wish to move my amendment.

The Hon'ble the SPEAKER: Then there are no amendments. The question is that clause 1 of the Bill do form part of the Bill. The motion was agreed to.

Title and Preamble

The Hon'ble the SPEAKER: Then having regard to the fact that clause 1 of the Bill has been passed and also by the ruling that I have given with regard to the two amendments of Maulavi Abdur Rahman and Maulavi Abdul Aziz, to clause 2 of the Bill, all the amendments† to the Title and Preamble of the Bill are barred out. So the Title and Preamble of the Bill without any amendments should stand part of the Bill. Some amendments wanted to introduce the word "Towns" and the other amendments wanted to delete the word "Land". Now having regard to the fact that clause 1 of the Bill stands as it is, the amendments which wanted to delete the word "Land" and introduce the word "Towns" cannot come up at all. So the question is that the Title and Preamble of the Bill do form part of the Bill.

The motion was agreed to.

CLAUSE 1

* (i) Maulavi Abdul Aziz to move:—

That for the words "Sylhet Town Land Tenancy Act, 1937" the words "Sylhet Towns Tenancy Act, 1937" be substituted.

(ii) Babu Rabindra Nath Aditya to move:—

That the word "Land" be omitted.

(iii) Maulavi Mabarak Ali to move:—

That the word "Land" be omitted.

(iv) Maulavi Abdur Rahman to move:—

That the word "Land" be omitted.

TITLE

† 1. (i) Maulavi Abdul Aziz to move:—

That for the word "Town" the word "Towns" be substituted and that the word "Land" be omitted.

(ii) Babu Rabindra Nath Aditya to move:—

That the word "Land" be omitted.

(iii) Maulavi Mabarak Ali to move:—

That the word "Land" be omitted.

(iv) Maulavi Abdur Rahman to move:—

That the word "Land" be omitted.

Explanation above the Preamble.
Maulavi Abdul Aziz to move:—

2. That for the word "town" the word "towns" be substituted.

PREAMBLE

3. (i) Maulavi Abdur Rahman to move:—
That for the words "town of Sylhet" the words "towns in the district of Sylhet" be substituted.

(ii) Maulavi Abdul Aziz to move:—

That for the word "town" the word "towns" be substituted.

Motion for passing the Sylhet Town Tenancy Bill, 1937

Babu KARUNA SINDHU ROY: Sir, I beg to move that the Sylhet Town Tenancy Bill, 1937, as amended, be passed. There has been a great deal of discussion over the various clauses of the Bill and I am thankful to the hon. members of this House for their support. This Bill is meant for regulating the relations of landlord and tenant in Sylhet. It is not to confer any right on tenants which is not enjoyed by them under Government in temporarily-settled areas. Sir, under section 8 of the Assam Land and Revenue Regulations a permanent, heritable and transferable right of use and occupation of the land is acquired by tenants who hold land for ten years under Government in temporarily-settled areas. This Bill is giving a similar right to the tenants in the town of Sylhet. Sir, as has been set forth in the objects and reasons of the Bill there is also a special reason why the State should come forward to protect the rights and privileges of the people residing in the town. The previous Government thought it their duty to grant special privileges to people occupying lands in the town of Sylhet. Never was it assessed with any revenue for those ancient Government for land used to be occupied mostly by officials of those ancient Government for their residential purposes. Sir, it is for the purposes of the State that towns are created and it is for the purposes of the State again that they are developed to attract people of multifarious occupations to come and live in the towns.

Sir, the town of Sylhet has grown what it is now by the money and labour of its residents who have flocked there from different quarters during the last half a century. And the present day occupants want only the most elementary and legitimate rights of a fixity of tenure and a limit to the rate of enhancement of rent in lieu of what they have done for the improvement of the town. Sir, there is no extravagant demand in this Bill and special care has been taken to see that the landlords are not deprived of their legitimate rights. The rents of the landlords are quite secure by the provisions of the Bill and they have been given landlord's fee and right of pre-emption to which they are not entitled under the present law.

As is natural under the existing circumstances the improvement of the town is being hampered to a great extent because the residents do not find much enthusiasm to spend their hard earned money on a land over which they have no right. The town is growing in population every year though it is not improving correspondingly. The Sylhet Municipality is dragging a miserable life for want of funds and improvement of the town will naturally be followed by the improvement of the Municipality.

Sir, times are rapidly changing. The air of this old conservative land of ours is already resonant with cries of the havenots against the haves and it will be judicious to go forward and meet the demands at least halfway. My landlord friends will see that by conceding the little demands that are made in this Bill, they will be all the more gainer morally and materially. The welfare of the tenants will mean the welfare of the landlords, and I hope the House will adopt the Bill without any opposition.

The Hon'ble the SPEAKER: The motion is that the Sylhet Town Tenancy Bill, 1937, as amended, be passed.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, I wish to make a few remarks on this motion. We are, within a space of about six months, going to pass a legislation which is unique as I have said before. This Bill has been discussed twice before, namely, in the month of August as well as in December and we have discussed it again to-day. We had also the occasion to go through it in details in the Select Committee. I feel convinced, Sir, that there is necessity for a legislation of this kind so far as

the town of Sylhet is concerned and I congratulate the House on its decision to exclude other towns from its operation. But I have sort of a regret that we have not been able to pass this legislation in that spirit of compromise which ought to pervade any legislation which determines the relations between the landlord and tenant. We had come to such arrangements in the Select Committee, but unfortunately some of those compromises and understanding which we have had in the Select Committee were turned down by this House. I of course wish this piece of legislation all success; at the same time I cannot help feeling that if certain provisions of this Bill had been omitted, probably the passage of the Bill in the Upper House would have been much easier than what it might be. With these words I say on behalf of the Government that we do not oppose the passing of this Bill.

The Hon'ble the SPEAKER: The question is that the Sylhet Town Tenancy Bill, 1937, as amended, be passed.
The motion was agreed to.

The Assam Municipal (Amendment) Bill, 1937, by Srijut Rajendra Nath Barua

The Hon'ble the SPEAKER: Then we are to resume the debate on the motion of Srijut Rajendra Nath Barua that the Assam Municipal (Amendment) Bill, 1937, be referred to a Select Committee.

Mr. F. W. HOCKENHULL: Mr. Speaker, Sir, we have already expressed our views on the motion for referring this Bill to a Select Committee. As Mr. Barry has stated, we are opposing the Bill because of its obnoxious features. We do not like it; but we have expressed our views very fully. My object in rising this afternoon is not on that score. I rise to a point of privilege. Whether it is a point of order or a point of privilege, I leave it to you, Sir, to judge for yourself. May I refer to the speech of the Hon'ble Minister at page 135, Part VI of the Assam Gazette, dated the 12th January 1938? It reads as follows: "I said in my speech yesterday that I was going to deal with the principles of the Bill. I refer to the fact that once the Bill has been referred to a Select Committee, the House is committed to its principles". My reason in speaking on this question, is that I take exception to that dictum. I think that when a Bill is passed to a Select Committee, that when once a Bill is passed to a Select Committee, the Select Committee is powerless to introduce any new principle, but that the House is committed to anything, I beg most humbly to disagree. When a Bill is presented to the House it is formally accepted, and only on rare occasions is there any opposition to its being introduced. Most hon. members of the House are innocent of the implications of any Bill. Some of us would like to have it referred for public opinion. If that is so, it is carried and we elicit public opinion before we proceed any farther with it, and we take advantage of these opinions in shaping the Bill. The next stage is sending it to a Select Committee. The House may still not feel disposed to turn down the Bill. But surely sending it to a Select Committee is only a shaping process, whereby, with the suggested amendments, it may be more presentable and more acceptable to the House as a whole. Take the Bill that we have just dealt with. It went to the Select Committee, and the Select Committee changed its appearance very materially. What has happened when it comes back to this House? The House has not been bound by the findings of the Select Committee, and the House alone is competent to say in what form it shall be placed on the Statute Book. For this reason, I raise this point of privilege this afternoon, and I should very much like to receive

your ruling. To fortify this contention, I hold that the third reading of a Bill is again an opportunity for further improvement from the condition it emerged from the second reading. If at the end of that period the House feels that it does not like the complexion in the Bill, it still has the power not to pass it and turn it down.

I consider, Sir, that the statement made here in this speech tends to limit the power of the House, and I think that we on this side of the House no less than any one else are anxious that the privilege of the House should not be curtailed.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, we, on this side of the House, entirely agree with the views expressed by hon. Mr. Hockenull that it is within the power and competence of this House to lay down the principle for the guidance of the Select Committee not only at this stage, but also at a later stage. The Hon'ble Minister for Local Self-Government, when opposing the reference of this Bill to Select Committee, referred to a case where the Select Committee without any direction from the House had introduced a new principle; but here, Sir, the question is different. This Bill was referred for eliciting public opinion, and, if the Hon'ble Minister and the members of the House will consider, very carefully, all the views that have been expressed by the public, they will find that practically almost all the leading people have stood against the principle of nomination. What they have strongly expressed is that in place of nomination, reservation should be made to safeguard the interest of the minority. It is also the desire of our party that the rights of minority should be protected. If we send this Bill to the Select Committee, the matter will and can be taken into consideration. We are not opposed to give adequate safeguards to the recognised minorities. I now request every member of this House to consider this matter carefully and to understand that we are concerned here to do away with the principle of nomination. The Commissioners of the two Valleys have expressed their views that the principle of nomination is not an adequate weapon and means to safeguard the interests of the minorities. Sir, the experience of the last few months justifies our belief that this system of nomination is a system of patronage. It is not a system which gives adequate guarantee to the minority, and it will be open to the House, if after referring the Bill to the Select Committee the interests of the minorities are not safeguarded, to throw out the Bill. Therefore, Sir, we on this side of the House entirely agree with Mr. Hockenull that it was unfortunate for the Hon'ble Minister for Local Self-Government to introduce a discussion which has no meaning here and to say that the Select Committee is not competent to introduce the principle of safeguarding the interests of the minorities. I think practically every member of this House has expressed the views that the interests of the minorities should be safeguarded. We have no objection to it, and I state here definitely that the hon. mover of the Bill will have no objection if the question of safeguarding the interests of the minorities is introduced and considered from the Select Committee.

Khan Bahadur Maulavi KERAMAT ALI: On a point of information, Sir. May I know whether the Congress Party will agree to separate electorate being introduced?

Mr. FAKHRUDDIN ALI AHMED: We are not concerned here with the question of separate or joint electorate. We are concerned here with the question of doing away with the principle of nomination. We are prepared to give adequate safeguards to minorities by other ways than of nominations. Experienced officers of the Government have expressed their views that the principle of nomination does not safeguard the interests of the mino-

rities; it only gives a patronage to a few people. If the Khan Bahadur and the Muhammadan community want to get more seats in the local bodies we shall have no objection to it and this matter can be thoroughly gone into the Select Committee. I am conscious of the fact that the interests of the Khan Bahadur will suffer. He has been used to getting into local bodies by this back door method and he knows that once that system is done away with, he will have no chance of getting a benefit of this system of patronage.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: Sir, I want to know from the hon. member whether Khan Bahadur Maulavi Keramat Ali has entered the legislature by the back door.

Mr. FAKHRUDDIN ALI AHMED: So far as the entry to this House is concerned, the Government of India Act, 1935 has done away with the system of nomination, but I would ask the hon. member who is so anxious to ask this question, to remember how the hon. Khan Bahadur became a member of the Municipality?

Khan Bahadur Maulavi KERAMAT ALI: May I inform the hon. member that I have been returned to the Jorhat Local Board, unopposed, (claps).

Mr. FAKHRUDDIN ALI AHMED: I suppose the hon. member has forgotten that he was nominated to the Jorhat Municipality.

Khan Bahadur Maulavi KERAMAT ALI: I may also inform the hon. member that Congress men helped me in my election as Chairman of the Jorhat Municipality.

Mr. FAKHRUDDIN ALI AHMED: (Laughter.) We are very glad to hear that, Sir. Congress men make no distinction of section, caste, creed and community when they get a meritorious person coming forward for a position of responsibility (hear, hear).

Then in this Bill there is a provision for excluding certain Government servants from standing as candidate for the local bodies. About this provision also, an objection has been raised by my hon. friend Mr. Hockenull and his group. This matter can be thoroughly discussed in the Select Committee and, should there be any further objection, it can be again fully discussed in this House. At this stage there is no necessity of rejecting the Bill. I therefore strongly request the hon. members to consider this matter seriously and refer the Bill to Select Committee.

Maulavi JAHANUDDIN AHMED: May I know from the hon. member whether he has got the sanction of his constituency behind him for the support of this Bill?

Mr. FAKHRUDDIN ALI AHMED: What is it, Sir? (Laughter.) I have the entire sympathy and sanction of my constituency.

Srijut BELIRAM DAS: I think the hon. member has got no sanction of his constituency (laughter).

Maulavi ASHRAFUDDIN MD. CHAUDHURI: How does the hon. member know that he has no sanction of his constituency behind him?

The Hon'ble the SPEAKER: I have got to say something, Sir. How does the hon. member know that he has no sanction of his constituency behind him?

Srijut DEBESWAR SARMAH: I think the hon. member spoke on the last occasion.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: He had no opportunity to speak from his new place (laughter).

Maulavi ASHRAFUDDIN MD. CHAUDHURI: He may discuss about the opinions that have been submitted before the House.

Issue is whether it should go to the Select Committee.

The Hon'ble the SPEAKER: The debate is going on from the last session. Any hon. member who had spoken on the last occasion should not be allowed to speak again.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: He has spoken on the motion for circulation.

The Hon'ble the SPEAKER: As far as I remember he has not spoken on the motion. However the hon. member may go on.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: Mr. Speaker, Sir, apart from any other consideration, I would request the Hon'ble House to be very cautious and not to be incessantly demanding for the formation of the Select Committee in view of the financial condition of our province. (*Laughter*). Apart from this I would also request the hon. members of this House to consider what is the good of demanding for Select Committee as just now we have seen the fate of the report of the Select Committee. The House has rather, I should say, shown scanty courtesy to the report of the Select Committee (*hear hear*). So far as the present Bill is concerned, the House has divided on principle and as such it is no good to press for a Select Committee. The major portion of the House is in favour of retention of nomination in view of the fact that it has not yet been finally decided whether there should be separate electorate or joint electorate on the basis of communal representation. These are the grounds on which I request the hon. members not to press for it.

Maulavi MD. AMJAD ALI: Mr. Speaker, Sir, I am afraid, I should oppose the Bill being referred to the Select Committee on principle. This is the considered opinion of myself as well as of my party. I am afraid, the system of joint electorate has been opposed by the Muslim League. I am not prepared to go so far because in the municipal bodies, there is system of joint electorate already. A reference has been made by my hon. friend Mr. Fakhruddin Ali Ahmed on certain Government officials and some leaders of public opinion who are in favour of abolition of nomination. I would here Sir, point out some gentlemen who are no less leaders of public opinion and who have expressed their opinion in favour of retention of nomination. The remark of Mr. C. A. Humphrey, the Deputy Commissioner of Khasi and Jaintia Hills at page 5 is as follows:—

Babu KAMINI KUMAR SEN: Is Mr. Humphrey also a leader of public opinion?

Maulavi MD. AMJAD ALI: He comes within the category of high officials of experience. I quote his remarks—"it is not understood by me why nomination by a democratic Government to Municipalities should be objected to. It provides a convenient method of allowing minorities to be represented. If nomination is done away with, some form of proportional representation would appear to be desirable. In Shillong no one apparently wishes to debar clerks from seeking election". At page 32 Mr. Dhar the Subdivisional Officer of Sibsagar says—

Srijut BELIRAM DAS: On a point of information, Sir. Is the hon. member a nominated member?

Maulavi MD. AMJAD ALI: Yes, Sir, in the interest of efficiency Sir?

Srijut DEBESWAR SARMAH: Beg your pardon, Sir. (*laughter*).

Maulavi MD. AMJAD ALI: He said "Personally, I would leave the door open and the matter to the discretion of the Local Government in those Municipal Boards, in which some communities have no chance through election. In other Municipal Boards, where all have equal chance, the proposed amendment is certainly desirable".

On page 40 Mr. Mitra, the Deputy Commissioner of Darrang, says:—"I do not think it is desirable at the present stage of development of Assam to do away with nomination of members by Government. Minority communities like Marwaris, Indian Christians, domiciled Bengalis in some Towns, Mahommedans in others, have large vested interests; but they cannot elect a representative to a Municipal body. In their case nomination by Government a member from one of these communities corrects the defects of the elective system."

On page 42 the President, Nowgong Bar Association, who is admittedly a leader of public opinion, says:—"The principles underlying the Government of India Act, 1935, having been invoked in support of the proposed amendment, but for want of the same principles in the Assam Municipal Act, 1923, and this amending Bill, the proposed amendment is not at all supportable."

On page 43, Mr. Gunning, Deputy Commissioner of Lakhimpur, says:—"With reference to your letter No. 10593-619-L.A. of the 19th August 1937, I have the honour to say that I disagree *in toto* with all the provisions of the Assam Municipal (Amendment) Bill, 1937. It is typical of the hasty and ill-considered legislation which is a feature of the proceedings of most of the provincial legislative bodies throughout India at present."

On page 54, Sreejut Hariprasad Khaund, Member, Municipal Board, Jorhat, says:—"I now beg to opine that the Bill is not at all a necessity sufficiently suited to serve the best interests of the Board. To introduce a Bill now as presented by the Member-in-charge will be detriment to the best interests of the rate-payers of the Board. I do not at all agree with the opinion given by the sub-committee."

With these words, I feel I should say that the Bill be not referred to the Select Committee.

Mr. J. R. CLAYTON: Mr. Speaker, Sir, I would like to oppose this Bill being referred to the Select Committee. My hon. friend Mr. Fakhruddin Ali Ahmed has said that many of opinions are against nomination but that most opinions are in favour of some sort of representation for the minority communities. He has also said that 'his matter of representation of minorities can be arranged by the Select Committee. In this I think he is not right. The Select Committee cannot go outside the scope of the Bill as it is already drawn up and as there is no provision in this Bill for the representation of minorities the Select Committee cannot now introduce such a provision on its own initiative.

The Bill also proposes to make alterations in the manner of control of municipal affairs and as this Group do not approve of these proposed alterations, on these grounds also we oppose this Bill being carried to a Select Committee.

Khan Bah dur Maulavi KERAMAT ALI: Sir, I oppose the motion for submitting this Bill to the Select Committee. In this Bill nomination is the most important amendment. There is no doubt that in these days, nomination is not favoured by any body. But, Sir, we all know that the question of joint electorate or separate electorate has not yet been settled amongst ourselves. It is an All-India question and is engaging the attention of All-India leaders. So long as this question is not settled, perhaps the Muhammadans will not agree to nomination being abolished altogether. I would, therefore, appeal to my hon. friend who has brought in this Bill to wait till the leaders of different communities come to a decision on this important matter. Sir, I put a very simple question to my hon. friend Mr. Fakhruddin as to whether his party would agree to separate electorate being

introduced in this Bill. Sir, instead of receiving a straight reply to my question there come some invectives. (*Laughter.*) Sir, I am used to such things. I know how junior pleaders in the Bar attack their opponents when they do not find any reply to give to the arguments advanced against them. Sir, I am certain, therefore, that because Mr. Fakhruddin has no reply to my question, he has some abuses just to throw upon me. When reasons fail, abuses are there. I am sure, Sir, that Mr. Fakhruddin had not the sanction of his constituency to do away with or to advocate for the abolition of nomination.

***Srijut DEBESWAR SARMAH:** Has the Khan Bahadur sanction from his constituency to vote against when 50 per cent. of the members have voted for it?

Khan Bahadur Maulavi KERAMAT ALI: Sir, only a fortnight ago I had the occasion to go round my constituency in connection with my Local Board election and they were so satisfied with my conduct that they helped me in coming to the Local Board unopposed. (*Hear, hear.*) That very fact that my people have sent me to the Local Board unopposed, show that they are satisfied with what I have been doing in this Assembly. Sir, I am of opinion that as long as the question of joint or separate electorate is not settled among the different communities in India, the Muhammadans at least should not agree to nomination being abolished.

Mr. KAMINI KUMAR SEN: Mr. Speaker, Sir. I rise to support the motion. It appears that there has been some undue fuss is being made over the question of nominations. Even the Government accepts that it is not a desirable state of things. In the Legislative Assembly, the system of nomination has already been done away with. Only the other day when the Hon'ble Minister-in-Charge of Local Self-Government introduced a Bill for the postponement of the Local Board elections, we were told in the very first line of his statement that it had been decided by Government to do away with nominations. If they did like this in the case of the Legislative Assembly and the Local Boards, I do not see any reason why they should have nominations in the case of Municipalities.

Another question which has been raised by some hon. members is that no substitute for this system has been suggested in the Bill that has been drafted, but I think that the Select Committee has ample power to suggest a substitute, or if the Hon'ble House makes some suggestion, the Select Committee can embody it in its report. I would refer you to Rule 57. The Rule reads thus:—

“After the presentation of the final report of a Select Committee on a Bill the member-in-charge may move—

- (i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days, and such objection shall prevail unless the Speaker, in exercise of his discretion, allows the report to be taken into consideration; or
- (ii) that the Bill be recommitted, either
 - (a) without limitation, or
 - (b) with respect to particular clauses or amendments only, or
 - (c) with instructions to the Select Committee to make some particular or additional provision in the Bill.”

* Speech not corrected by the member.

I would draw your particular attention to sub-clause (c) “with instructions to the select committee to make some particular or additional provision in the Bill”. I think if the House decides to abolish nomination and makes a recommendation to this effect, the Select Committee will be quite entitled there should be no difficulty in referring the Bill to a Select Committee.

***The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Mr. Speaker, Sir. With reference to the point raised, may I point out from the decisions of the Chair in the Legislative Assembly that it is only when a motion that a Bill be referred to a Select Committee is passed by a majority of the House, the Select Committee is committed to the principles of the Bill. If you will turn to Ruling 101, you will see—“A motion was made to refer a Bill to Select Committee to which a member moved an amendment to refer it to a joint committee to which a member moved an enquiring if the principle of the Bill could be discussed after the amendment had been disposed of, the President ruled:—“the Assembly can discuss the principle of the Bill on either motion. I may observe that, whether Sir B. N. Mitra's motion, or Mr. Wilson's motion is carried, in either case the House will stand committed to the principle of the measure, once either of these motions is carried, but the two motions before the House now leave the principle under discussion.....”

The Hon'ble the SPEAKER: Will the Hon'ble Minister please repeat the few lines quoted?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: “A motion was made to refer a Bill to select committee to which a member moved an amendment to refer it to a joint committee of both Houses: and members enquiring if the principle of the Bill could be discussed after the amendment had been disposed of.....etc.” Then in Ruling 102 the President ruled that “Referring the Bill to a Select Committee does commit the House to the principle, but I should not care to say what precisely is the principle of this Bill.”

With regard to a motion to circulate the Bill for eliciting public opinion that does not commit the House to the principle of the Bill. There is discussion is generally confined to the principle of the Bill. There the required from the public. If you turn to Ruling 86, you will find it is stated there that “the House should not be considered to be committed to the principle of a Bill if it had merely adopted a motion for its circulation.”

The Hon'ble the SPEAKER: Why has the Hon'ble Minister raised all these points here?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Because if we accept this motion for referring the Bill to a Select Committee, we shall be understood to have accepted all the principles underlying the Bill.

The Hon'ble the SPEAKER: But what is the difficulty?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I was only referring to this because those members who are opposed to this amendment will object to the reference of the Bill to Select Committee.

The Hon'ble the SPEAKER: If the motion is carried, the House is not committed to the manner in which the object is to be achieved. The Bill makes certain provisions with the object of doing away with the principle of nomination. Select Committee will only examine these provisions. **The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Mr. Speaker, Sir, I wish to say a few words on this point.

The Hon'ble the SPEAKER: I think I have a right of reply, but at this point I wish to speak a few words by way of explanation.....

The Hon'ble the SPEAKER: If the Hon'ble Minister has already spoken, he cannot be allowed to speak again.

*Speech not corrected.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Then I can wait and make a reply in my final speech.

Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, I rise to oppose the motion to refer the Bill to a Select Committee.

Sir, some of the hon. members said that we have abolished nomination in Local Boards and the Assembly and therefore we should not have nomination in the Municipality but the conditions under which the members of the Legislative Assembly and the Local Boards are elected are not the same as those of Municipality. In Local Boards, we have got separate electorates, so also in the Legislative Assembly, but in Municipalities we have got joint electorates. So it is natural that the interests of the minority communities will suffer at the hands of the majority communities. So, unless there is sufficient provision in the rules for safeguarding the interest of the minority communities at the present state of things, we cannot support the abolition of nomination and must oppose the referring of the Bill to the Select Committee.

Sir, I would like to say a few words about what Mr. Fakhruddin Ahmed said. He said that he has got sympathy and sanction of his constituency to support this Bill, but, Sir, I find from the report that not a single member of his constituency has said a word about it in the Report. So I say that he has got no sanction whatsoever behind him in supporting this Bill.

With these few words, I oppose the Bill being sent to Select Committee.

Srijut RAJENDRA NATH BARUA: Mr. Speaker, Sir, I heard with rapt attention to all the arguments for and against this Bill. But at the outset, before I go to reply, I beg to add a few names to the Select Committee.

The Hon'ble the SPEAKER: The list is already full.

Srijut RAJENDRA NATH BARUA: As it is not fully representative, I beg leave to add a few more names. They are—(1) Babu Bipin Behari Das, (2) Maulavi Abdur Rahman, (3) Khan Bahadur Maulavi Mahmud Ali and (4) Khan Bahadur Haji Abdul Majid Chaudhury.

(The member made a pause after giving out the names.)

The Hon'ble the SPEAKER: The hon. member has suggested the names. He may finish his speech.

Srijut RAJENDRA NATH BARUA: Very well, Sir. It has been said that we are in a new era of provincial autonomy and as such we have a full representative House consisting of elected representatives of the people. Our local bodies, as a matter of fact, are a part and parcel of the provincial autonomy and as such it stands to reason that nominations to these bodies, must go. I may tell you at this stage, that since the inception of this Bill here, within these ten months almost all the provinces have sponsored Bills to the same effect of doing away with nominations. Every body will agree that nominations are bad in principle. It is also evident from the nominations made by the Hon'ble Minister that in several cases even over-represented communities have been given nominations. I can cite a few instances from the nominations made in the last general election in the Municipal Boards. I would refer to Goalpara where the percentage of Muhammadan population is 37.9.

Maulavi JAHANUDDIN AHMED: What about Dhubri?

Srijut RAJENDRA NATH BARUA: Please wait a bit, I am talking about Goalpara now. As I was mentioning the percentage of Muhammadan population was 37.9 and the percentage of success was 40. There too, I understand, a Muhammadan gentleman was nominated. So also.....

Maulavi MUHAMMAD AMJAD ALI: Wrongly quoted, Sir, I challenge that.

Srijut RAJENDRA NATH BARUA: I have got the figures as given by your Cabinet. I am quoting from statistics. Now, I can quote another instance from Sibsagar. There we find the percentage of Muhammadan population to be 30 and the percentage of success at the last election was 33.3 and there too, a Muhammadan gentleman has been nominated. I can quote various instances of this nature.

Maulavi JAHANUDDIN AHMED: Will the hon. member quote the figures for Dhubri?

Srijut RAJENDRA NATH BARUA: I am not concerned with Dhubri.

Maulavi JAHANUDDIN AHMED: May I know from the hon. member, Sir, what is the number for Dhubri?

The Hon'ble the SPEAKER: The hon. member should be allowed to go on in his own way.

Srijut RAJENDRA NATH BARUA: May I proceed, Sir?

The Hon'ble the SPEAKER: Yes, the hon. member may proceed without minding the interruptions.

Srijut RAJENDRA NATH BARUA: There are, Sir, many instances where we find that over-represented communities have found place in the Municipalities.

Khan Bahadur Maulavi KERAMAT ALI: Which community please?

Srijut RAJENDRA NATH BARUA: Almost all communities. I beg to submit that the principle of nominations invariably falls to the ground on close examination. It has been said by many of my hon. colleagues here that it has become only a question of bestowal of Ministerial patronage and it is apparently so. I find some corroboration of this also in the remarks of certain high officials like Mr. Walker, Mr. Cantlie, Commissioners of the two Valleys and Mr. S. Goswami, Deputy Commissioner of Sibsagar. I will just read a few extracts from the opinion given by those high officials.

The Hon'ble the SPEAKER: I want to point out one thing. Objection to the Bill has been raised on the ground that the question of joint and separate electorate should be settled first and then the question of nomination should come in. Is there any scope in the Bill to make any provision for the purpose of giving effect to the principle of the Bill by making any provision for the solution of the question of joint and separate electorate?

Srijut RAJENDRA NATH BARUA: The main question in the Bill is that the total number of members shall be elected. But the question of separate and joint electorate is a matter of detail.

The Hon'ble the SPEAKER: That is the difficulty that is being spoken of by the other side.

Maulavi AHSRAFUDDIN MD. CHAUDHURY: With reference to that, Sir, I want to know whether there is provision for separate election in the Bill?

Srijut RAJENDRA NATH BARUA: The question of separate and joint electorate has been made much of. But the present Municipal Act only take my friends one step backward and it will be only a retrograde step if they are introducing separate electorates. But that is a matter I leave to the Select Committee. The present question is a question of policy.

The Hon'ble the SPEAKER: I am asking whether there is any scope in the Bill to deal with that question.

(Cries of no, no, from the side of the Ministerialists.)

Maulavi ASHRAFUDDIN MD. CHAUDHURY: I have got no reply as yet of my question, Sir.

Srijut RAJENDRA NATH BARUA: I was just referring to the remarks of Mr. Walker. He says: "It is quite true that logically and in theory it is much better to have all the members of a municipal body elected by the municipal voters. It is wrong in principle to have any members nominated by an outside agency".

Again, Sir, he says: "Sometimes these suggestions have been accepted, sometimes they have not."

Then he says: "I am inclined to agree with the promoters of the Bill that the direct interference of the Deputy Commissioners and Subdivisional Officers in municipal matters might with advantage be restricted. I think it might be made a rule that District Officers do not inspect municipal offices or records unless specifically called upon to do so by the Commissioner".

Khan Bahadur Maulavi KERAMAT ALI: That nomination is bad is admitted by everybody. But the point is whether any alternative has been provided in the Bill.

Srijut RAJENDRA NATH BARUA: So, Sir, Mr. Walker in short says that nominations should go and he also says that the control from above should be loosened. These are the two main points that he has touched.

Coming now to Mr. Cantlie's remarks, Sir, I beg to quote—he says:—

"The nominations of the last ten years have not, in many instances, followed this principle. A formidable attack in the Assembly is certain, in which examples will be quoted. To this attack, a defence can be found only in the plea that nominations are made also for obtaining distinguished persons not available for the community by election. But some nominations have been made which cannot be defended even on this plea. If they are to be retained, a section of the Municipal Act should be drafted directing that nominations should be made to secure representation of minorities".

Mr. Cantlie says that if nominations are to be retained, a new section ought to find place in the Municipal Act. Further he says:—

"A certain criticism from Congress members is that no Congress man has for years been nominated with the result that a majority party of Congress elected members may be turned into a minority. In any case the nomination of non-party men in a town divided into two parties is almost impossible".

Sir, in a town it is always difficult to find non-party men. I suggest that these nominations are absolutely out of date and should be replaced by election from the municipal voters. Sir, the Government is also committed to this principle. We find the draft rules published recently for local board elections will bear me out that Government is also opposed to the principle of nominations.

Then coming to the remarks of Mr. S. Goswami, Deputy Commissioner, Sibsagar, we find that he also wants to eliminate Government nominations. He says:—

"The outcry against nomination of members as envisaged in clause 2 of the Bill, is universal, and is not without justification in the present times. But if nomination is done away with, provision should be made for representation of the minority communities by reservation of seats in proportion to their numerical strength and interest in the Municipality".

It appears that he actually agrees to do away with nominations but wants only reservation of seats for the minority communities. Sir, to this principle we exactly agree: we agree to the principle of election of minority communities by providing reservation of seats for them. The only question is that nominations should go as we know that nominations do no good and the principle of representation of under-represented or unrepresented communities is not followed in practice. So, Sir, taking all these views into consideration, I think, this Bill is quite up to the mark and it is a Bill which suits the present day requirements, and as such I strongly recommend that the Bill should be referred to a Select Committee.

Dr. MAHENDRA NATH SAIKIA: Now we find that there is no provision for the representation of minority communities in the Bill. Before it is decided to send the Bill to the Select Committee, we want to know whether provision will be made by the Select Committee to secure the representation of the minority communities.

Srijut RAJENDRA NATH BARUA: Yes, Sir, that is our intention.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, as to the question of principle it has been stated again and again that the Select Committee cannot change the principle of the Bill and that is the reason why it has been stated in the old Assam Legislative Council as well as in the Indian Legislative Assembly that once the Bill has been referred to the Select Committee, the House is committed to the principle of the Bill. That means the Select Committee cannot change the principle of the Bill. The Select Committee goes with the order from the House that it can deal only with those principles that are contained in the Bill and it cannot go further—neither it can add nor it can change.

The Hon'ble the SPEAKER: Does the Hon'ble Minister suggest that the Select Committee cannot make any additions or alterations?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It cannot change the principle of the Bill—that was the ruling of the President of the old Legislative Council. We have the experience of that kind and I referred to that experience when I made that speech which is recorded at page 135 of the proceedings published in the *Assam Gazette* of January 12, 1938. That is in my last speech on this point I referred to this incident. I was myself a member of that Committee and I very well remember that my hon. Colleague Mr. Chaudhuri was one who introduced the Bill. We did not like some of the provision of the Bill and so we changed and amended certain sections of the Act. When the Bill came before the House, the President ruled out that the Select Committee had gone out of its way and the Bill was recommitted to the Select Committee. Then we had to remain within the scope of the Bill and deal only with the sections that were in the Bill. So the idea is that when the Select Committee goes with the sanction of this House, it goes to deal with the principles that are contained in the Bill. It cannot add any new principle nor can it change any principle of the Bill without coming before the House. That was, Sir, the ruling of the President of the old Council.

Now let us come to the principle of the Bill itself. It has been suggested that there is power in the Select Committee to introduce reservation of seats with joint electorates or separate electorate. I say, Sir, that is a new principle: it is not in the scope of the Bill. Therefore the Select Committee cannot deal with that point. The principle of joint electorate with reservation of seats is a different principle from separate electorate with from purely joint electorates. Therefore if we go to the Select Committee and in the Select Committee we introduce the principle of separate electorate or joint electorate with reservation of seats, we introduce a new principle. The position is that the Select Committee cannot do that.

Now, Sir, the question is this—the very big question which we have not decided whether we should introduce communal electorates in the municipalities or whether we should have our municipalities as they are now. Many of the hon. members have said that to introduce communal electorates is to go backward. If that be the case, then to say that communal electorate can be incorporated by the Select Committee, is going against their own ideas and principle.

Sir, we all dislike nomination (*hear, hear*) but it is a fact that in the present circumstances we have to go slowly and take the middle ground. The middle course is nomination. We have not yet decided the point regarding joint electorate or separate electorate. If we go to the Select Committee, we shall be only quarrelling there and spending our time and the money of the country and come back to this House without any decision at all.

I have said that the majority of opinions are against this Bill. It is said that officials spoke against nomination, but it must be noticed that they also said that there must be something to replace nomination; and that is by the representation of the minorities. But there is no scope in the Bill for that. I have also said in my speech that there are 79 opinions against the Bill (question). The hon. member may challenge my statement but let the hon. mover read the opinions on the Bill given by the people from his home, namely, Golaghat and he will find that he is not blessed by them. When a gentleman is not blessed in his home, I am sorry to say, he may not be blessed by this House.

I think, Sir, I have discussed this principle long enough, but there are other points in the Bill which I think hon. members did not discuss at all, and that is the principle of disqualifying some of the rate payers who have had the franchise, (*A voice—namely?*), namely, Mauzadars, Government pleaders and Government officers. (Khan Bahadur Keramat Ali—and Congress volunteers.)

There is one thing which I want to impress upon hon. members, and that is that nomination means also to protect the interests of the Government in the municipality. Government is also a rate payer in the municipalities. It is in a minority there, and the Government therefore has a right to be represented in those local bodies. They pay large sums of money—a large amount of the revenue of some municipalities, I think, comes from the Government buildings. Therefore if Government nominate any body who does not fall within the class of minorities; they nominate for their own interests so that their interests may be protected.

I think, I have spoken enough; but I want to speak about one point before I sit down. The last speech of my hon. friend, Srijut Purna Chandra Sarma was very strong against communal representation. He was against the very principle of communal representation and this very thing it is the duty of the Congress to oppose. Therefore if the Select Committee is composed of a majority of Congressmen what will be the result? They will be against this principle of communal representation; they won't agree to bring in any separate representation of minorities. Therefore it is futile to send this Bill to the Select Committee as the Select Committee also, in the way in which it is proposed to be constituted, will be simply one-sided. The reasons why Government is opposing this Bill are very clear. There is no use in sending this Bill to the Select Committee. I hope the House will agree that we should not waste time and money.

The Hon'ble the SPEAKER: There are two parts in the motion. The first part is really the main part. It proposes that the Bill be referred

to a Select Committee. The second part is concerned with the names of hon. members who are to be on the Committee. I shall put the first part first.

The question is that the Assam Municipal (Amendment) Bill, 1937, be referred to a Select Committee.

The motion was pressed to a division with the following result:—

AYES—43

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| 1. Kumar Ajit Narayan Dev. | 24. Srijut Mahadev Sarma. |
| 2. Mr. Arun Kumar Chanda. | 25. Srijut Mahi Chandra Bora. |
| 3. Srijut Beliram Das. | 26. Srijut Omco Kumar Das. |
| 4. Srijut Bhuban Chandra Gogoi | 27. Srijut Paramananda Das. |
| 5. Babu Bipin Behari Das. | 28. Rai Bahadur Promode Chandra Dutt. |
| 6. Srijut Bipin Chandra Medhi. | 29. Srijut Purna Chandra Sarma. |
| 7. Babu Dakshinaranjan Gupta Chaudhuri. | 30. Srijut Rajani Kanta Barooah. |
| 8. Srijut Debeswar Sarma. | 31. Srijut Rajendra Nath Barua. |
| 9. Srijut Ghanashyam Das. | 32. Srijut Sankar Chandra Barua. |
| 10. Srijut Gauri Kanta Talukdar. | 33. Srijut Sarvesvar Barua. |
| 11. Srijut Gopinath Bardoloi. | 34. Babu Shibendra Chandra Biswas. |
| 12. Srijut Haladhar Bhuyan. | 35. Srijut Siddhi Nath Sarma. |
| 13. Babu Harendra Narayan Chaudhuri. | 36. Khan Bahadur Hazi Abdul Majid Chaudhury. |
| 14. Srijut Jadav Prosad Chaliha. | 37. Maulavi Md. Ali Haidar Khan. |
| 15. Srijut Jogendra Chandra Nath. | 38. Maulavi Abdur Rahman. |
| 16. Srijut Jageshchandra Gohain. | 39. Maulavi Md. Abdus Salam. |
| 17. Srijut Kameswar Das. | 40. Mr. Fakhruddin Ali Ahmed. |
| 18. Babu Kamini Kumar Sen. | 41. Khan Bahadur Maulavi Mahmud Ali. |
| 19. Babu Karuna Sindhu Roy. | 42. Maulavi Mabarak Ali. |
| 20. Srijut Krishna Nath Sarma. | 43. Khan Sahib Maulavi Mudabir Hussain Chaudhuri. |
| 21. Babu Rabindra Nath Aditya. | |
| 22. Srijut Lakshesvar Borooah. | |
| 23. Babu Lalit Mohon Kar. | |

NOES—51

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| 1. The Hon'ble Maulavi Munawwar Ali. | 11. Mr. Naba Kumar Dutta. |
| 2. The Hon'ble Rev. J. J. M. Nichols-Roy. | 12. Srijut Purandar Sarma. |
| 3. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 13. Maulavi Abdul Bari Chaudhury. |
| 4. The Hon'ble Maulavi Abdul Matin Chaudhury. | 14. Maulavi Dewan Muhammad Ahab Chaudhury. |
| 5. The Hon'ble Babu Akshay Kumar Das. | 15. Maulavi Muhammad Amiruddin. |
| 6. Babu Balaram Sircar. | 16. Maulavi Muhammad Amjad Ali. |
| 7. Srijut Jogendra Narayan Mandal. | 17. Maulavi Ashraf Uddin Md. Chaudhury. |
| 8. Babu Kalachand Roy. | 18. Maulavi Badaruddin Ahmed. |
| 9. Mr. Kedarmal Brahmin. | 19. Maulavi Ghyasuddin Ahmed. |
| 10. Dr. Mahendra Nath Saikia. | 20. Maulavi Jahanuddin Ahmed. |
| | 21. Khan Bahadur Maulavi Keramat Ali. |

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| 22. Maulavi Muhammad Maqbul Hussain Chaudhury. | 35. Mr. B. I. Barry. |
| 23. Maulavi Matior Rahman Mia. | 36. Mr. F. W. Hockenhull. |
| 24. Khan Bahadur Maulavi Mufizur Rahman. | 37. Mr. D. B. H. Moore. |
| 25. Maulavi Muzarrof Ali Laskar. | 38. Mr. R. A. Palmer. |
| 26. Maulavi Namwar Ali Barbhuiya. | 39. Miss Mavis Dunn. |
| 27. Maulavi Naziruddin Ahmed. | 40. Mr. Benjamin Ch. Momin. |
| 28. Maulavi Sheikh Osman Ali Sadagar. | 41. Srijut Bhairab Chandra Das. |
| 29. Khan Bahadur Maulavi Sayidur Rahman. | 42. Srijut Bideshi Pan Tanti. |
| 30. Col. A. B. Beddow. | 43. Srijut Binode Kumar J. Sarwan. |
| 31. Mr. A. F. Bendall. | 44. Srijut Dhirsingh Deuri. |
| 32. Mr. J. R. Clayton. | 45. Rev. L. Gatphoh. |
| 33. Mr. W. R. Faull. | 46. Mr. C. Goldsmith. |
| 34. Mr. W. Fleming. | 47. Mr. Jobang D. Marak. |
| | 48. Srijut Karka Dalay Miri. |
| | 49. Srijut Khorsing Terang. |
| | 50. Srijut Rabi Chandra Kachari. |
| | 51. Srijut Rupnath Brahma. |

The Ayes being 43 and the Noes 51 the motion was lost.

Adjournment

The Assembly then adjourned till 11 a.m. on Monday, the 21st February, 1938.