

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 in the Assembly Chamber, Shillong, at 11 a. m. on Tuesday, the 22nd February 1938.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Amount sanctioned for Model Villages

Srijut MAHI CHANDRA BORA asked :

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

- (a) Whether the amount sanctioned in the last Budget for model villages have been spent or allotted ?
- (b) If so, how, when, and where the amount has been allotted ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

64. (a)—No amount was sanctioned in the current year's budget for model villages.

(b)—Does not arise.

Total number of stenographers in Government service

Srijut GAURI KANTA TALUKDAR asked :

*65. Will the Hon'ble Chief Minister be pleased to state—

- (a) The total number of Stenographers in the service of the Government ?
- (b) The number and designation of Government officers to whom Stenographers or Clerks with knowledge of Stenography have been attached ?
- (c) The scale of pay of such Stenographers ?

*66. Do Government propose to do away with this practice of employing Stenographers as far as possible and to appoint capable typists in their places where it is absolutely necessary to do so ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

65. (a)—Thirty-four.

(b) & (c)—A statement is laid on the table.

Statement referred to in reply to starred question No.65 (b) and (c)
put by Srijut Gauri Kanta Talukdar

Statement showing the designation of Government Officers to whom stenographers
or clerks with knowledge of stenography have been allowed

Designation of Government officers to whom stenographers have been allowed	No. of steno- graphers	Scales of pay Rs.
1. His Excellency the Governor of Assam.	1	400—10—450.
2. Hon'ble Ministers of Government (6)	6	250—10—400 (old). 200—10—340 (new).
3. Chief Secretary to Government	1	150—10—300 (old). 150—5—200—10—250 (new).
4. Other Secretarys to Government (excluding Public Works Department).	1	100—5—225 (old). 100—5—200 (new).
5. Hon'ble Speaker	1	} 150—10—250.
6. Hon'ble President	1	
7. Secretary to Government (Public Works Department).	1	100—5—225 (old). 100—5—200 (new).
8. Heads of Departments—		
(i) Excise Commissioner, (ii) Director of Land Records, (iii) Inspector-General of Police, (iv) Director of Public Instruction, (v) Inspector-General of Civil Hospitals, (vi) Director of Public Health, (vii) Director of Agriculture and (viii) Director of Industries (one stenographer for each).	8	100—5—200 (old). 100—5—180 (new).
9. Commissioners of Divisions (one stenographer for each).	2	125—5—225 (old). 100—5—180 (new).

Designation of Government officers to whom stenographers have been allowed	No. of steno- graphers	Scales of pay Rs.
10. Deputy Commissioners of Sylhet, Goalpara, Kamrup, Darrang, Sibsagar and Lakhimpur (one stenographer for each).	6	100—5—175 (old). 100—5—140 (new).
11. District Judge, Sylhet	2	100—5—175 (old). 100—5—150 (new).
12. District Judge, Assam Valley Districts.	1	100—5—175 (old). 100—5—150 (new).
13. Special Superintendent of Police (C. I. D.)	1	170—8—250 (old). 150—5—250 (new).
14. Superintendent of Police, Sylhet	1	100—8—140 (old). 100—5—125 (new).
15. Superintending Engineer	1	100—5—225 (old). 100—5—200 (new).
16. One Lower Division Assistant of the Civil Secretariat doing shorthand work of Deputy Secretary and other officers when necessary.	...	Draws special pay of Rs.50 per mensem.
17. Two clerks in the offices of the Inspectors of Schools doing shorthand work (one in each office).	...	Draw special pay of Rs.30 per mensem each.
18. One clerk in the office of the Chief Inspector of Factories.	...	Draws special pay of Rs.60 per mensem.

66.—No. Stenographers are allowed to officers with a view to quick and speedy despatch of Government work which ordinary typists are not capable of doing.

Srijut GAURI KANTA TALUKDAR : Will the Hon'ble Minister enlighten us whether it is a fact that some of the Stenographers had the good fortune of getting not more than three or four dictations in a year?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir, I am not aware of it. On the other hand our information is that these stenographers are very often used by the officers.

Srijut GAURI KANTA TALUKDAR : Will the Hon'ble Minister be pleased to enquire as to the accuracy of the statement I have made?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Unless the hon. member will give a specific instance from his personal knowledge, I do not see any reason to enquire.

Srijut GAURI KANTA TALUKDAR : Does the Hon'ble Minister think that it is possible for me to go to the different offices and get the information myself?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : If he has not done so, how can the hon. member say that these stenographers are getting only three or four dictations a year?

Srijut GAURI KANTA TALUKDAR : I have got the information that some of the stenographers are getting very few dictations in a year. Will not Government be justified in making an enquiry and satisfy themselves and remove our suspicion?

The Hon'ble the SPEAKER : That question has been replied to already.

Inclusion of Barpathar and Sarupathar Mauzas under the Golaghat Local Board

Srijut RAJENDRA NATH BARUA asked :

*67. (a) Do Government propose to bring the Barpathar and Sarupathar Mauzas under the Golaghat Local Board?

(b) If not, why not?

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

67. (a)—This depends upon the decision that may be taken upon the question of bringing these *mauzas* under the ordinary criminal law and procedure, which the hon. member enquired about on the 15th February at this session.

(b)—The hon. member may rest assured that no delay will occur in including these *mauzas* within the local board constituencies when this becomes legal under the Act.

Srijut RAJENDRA NATH BARUA : May I enquire whether these two *mauzas* were under the Local Board ill about 1930?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I am not aware of that. But these are now under the partially excluded areas.

Srijut RAJENDRA NATH BARUA : The question is that the *mauzas* were included under the Local Board, but since the colonisation scheme came in, these are not within the Local Board. My question is, even if they are included in the partially excluded area, whether there is any difficulty or any law which will prevent their being brought under the Local Board as before?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : The reply to question 67(a), Sir, makes the point clear. There are difficulties about bringing the ordinary law and procedure in these areas.

Srijut RAJENDRA NATH BARUA : May I enquire under what law and under what section thereof?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I cannot say that now.

Srijut RAJENDRA NATH BARUA : May I know what is the basis of the Hon'ble Minister saying that they cannot be brought under the Local Board as they are in the partially excluded areas?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : That is the position, Sir. The matter is now under the consideration of Government, namely, whether these should be brought under the ordinary criminal law.

Srijut DEBESWAR SARMAH : As far as I can follow the reply of the Hon'ble Minister, he said there are difficulties in bringing these two *mauzas* under the ordinary civil and criminal law. But were they not before under the Golaghat Local Board?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : They are not under the Local Board at present. They will be brought under the Local Board as soon as we find that there is no legal difficulty about it.

Srijut DABESWAR SARMAH : It has been said by the hon. member that they were continuing under the Local Board till they were brought under the Development Board.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I do not know, Sir, whether they were under the Local Board. They might have been. I take the statement of the hon. member as correct. But they are not now so since the operation of the present Government of India Act.

Srijut DEBESWAR SARMAH : Will the Hon'ble Minister be pleased to enquire about this matter, namely, why they were excluded and when they were taken over?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I shall take the hon. member's statement as a fact. But there are difficulties in bringing these *mauzas* now under the Local Board until the ordinary laws have been made operative and this question is now under the consideration of Government.

Srijut RAJENDRA NATH BARUA : Our question is what special difficulty is there?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : This is not in my department, namely, the consideration of the question of bringing these *mauzas* under the criminal law and procedure.

Srijut DEBESWAR SARMAH : Will the Hon'ble Minister be pleased to enquire into this matter and let us hear within this session the result thereof so that we may take necessary steps in the matter?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : I will look into it. We are considering the question.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Selection of sites for Model Villages

Srijut JOGESH CHANDRA GOHAIN asked :

110. Will Government please state—

- (a) Whether Government have selected sites for Model Villages ?
 (b) If so, will Government please name the places selected, Sub-division by Subdivision ?
 (c) When the works in these villages will be started ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

110. (a)—No.
 (b)—Does not arise.
 (c)—As soon as the villages have been finally approved by Government.

Srijut PURNA CHANDRA SARMA : Have any villages been particularly selected by Government ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : Not finally.**Srijut PURNA CHANDRA SARMA** : Has any number been specially recommended by the local officers ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : Some have been recommended I understand.**Srijut PURNA CHANDRA SARMA** : What is the total number of villages so recommended in the whole province ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : I cannot reply off-hand, Sir.**Srijut DEBESWAR SARMAH** : Has any site been selected in the Jorhat subdivision ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : I think it has not been finally decided.**Srijut DEBESWAR SARMAH** : Will the Hon'ble Minister remember that the Jorhat subdivision also does exist and is also to be included ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : I shall certainly remember.

No-rent campaign in Sylhet

Babu KARUNA SINDHU ROY asked :111. (a) Has the attention of the Revenue Minister been drawn to the news published in the *Janasakti* dated 28th Paush (12th January, 1938) about the allegations against the peasant workers of the District, made to him by certain Zamindars ?

(b) If so, will the Hon'ble Minister please state—

- (i) if the fact stated therein is correct ?
 (ii) The names of the Zamindars who have made such allegations ?

(iii) The names of the peasant workers who have asked the tenants to stop payment of rents ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

111.—It is a fact that on the 10th of January last when the Hon'ble Revenue Minister was receiving visitors at Sylhet some gentlemen complained that their tenants were refusing to pay rent and had been instigated not to pay rent. He is unable, however, to remember the names of either the persons giving this information or the persons against whom the complaint was made. With regard to the truth or otherwise of the allegation the Deputy Commissioner has been asked to enquire and report.

Babu KARUNA SINDHU ROY : Does not the Hon'ble Minister remember a single one of those who visited him at Sylhet ?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : That is the reply, Sir.**Babu KARUNA SINDHU ROY** : Did a number of peasants visit the Hon'ble Minister when he was there ?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : There was a large number of people, but there was only one man who represented at least to be a socialist or something like that.**Babu KARUNA SINDHU ROY** : What did he tell the Hon'ble Minister ?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : Does the hon. member want to know all that he told me ?**Babu KARUNA SINDHU ROY** : Did he tell that the peasants had decided not to pay any rent ?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : No, certainly he did not make any such confession.

Number of unemployed youths in each district

Srijut LAKSHESVAR BOROOAH asked :

112. Will Government please state whether Government have ascertained the number of unemployed youths in each district ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

112.—No.

Srijut LAKSHESVAR BOROOAH : Will the Hon'ble Minister be pleased to state whether he proposes to get the number of unemployed youths now ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : The answer is in the negative.**Mr. BAIDYANATH MOOKERJEE** : What about the register which was promised during the last session ?**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Yes, I promised that and I want to start a register as soon as the results of the next examinations are out.**Srijut PURNA CHANDRA SARMA** : Is it a fact that the unemployed youths of many districts of Assam have applied to the District Officers for land ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : I think there have been some such cases.**Srijut LAKSHESVAR BOROOAH** : May I know when they would be considered ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : In due course.**Srijut PURNA CHANDRA SARMA** : Do Government propose to take any action on those petitions of unemployed youths ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : I think the District Officers will consider those petitions in due course.**Srijut PURNA CHANDRA SARMA** : Will any instruction be issued to the District Officers regarding that ?**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : It is a part of their duty and I do not think any fresh instruction is necessary.**Mr. BAIDYANATH MOOKERJEE** : Is not "in due course" a vague answer ? Sir, we want a straight and fair answer.**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** : I cannot give any definite date.**Srijut LAKSHESVAR BOROOAH** asked :

113. Does the Hon'ble Minister propose to establish a nucleus to an agricultural colony in each Subdivision ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

113.—The point raised will be considered.

Grant of relief to Mauzadars in the shape of amount deducted from Land sale cases

Srijut LAKSHESVAR BOROOAH asked :

114. Are Government aware that the Mauzadars are not allowed to deduct the amount involved in land sale and attachment of moveables out of the entire demand payable by them to Government at the time of paying final *kists* ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

114.—Government accept the statement of the hon. member.

Srijut LAKSHESVAR BOROOAH: Will the Hon'ble Revenue Minister be pleased to state whether the Mauzadars' Association of 1935 held at Dibrugarh under his presidency passed a resolution like that ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not remember that. Any number of resolutions might have been passed in different meetings over which I presided, but the main question is whether the present Government have information of that or not.

Srijut LAKSHESVAR BOROOAH: Will the Hon'ble Minister be pleased to enquire whether there is a demand from this Association to give relief to the Mauzadars in this respect ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If the hon. member is interested in this matter and persuades the Mauzadars' Association to send an application or a copy of the resolution under registered cover, I think, we shall get it in due course and take it into consideration.

Srijut LAKSHESVAR BOROOAH asked :

115. Will Government please state—

(a) Whether Government received any resolution from the Mauzadars' Association, praying Government to deduct the amount so involved from the total demand payable to Government ?

(b) If so, will the Hon'ble Minister for Revenue be pleased to state if he proposes to give any relief to the Mauzadars in this respect specially at this time of continued economic depression ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

115. (a)—No such resolution could be traced in the Secretariat.

(b)—The hon. member is referred to the reply given to starred question No. 78 asked by Srijut Jogesh Chandra Gohain at the Budget Session of 1937.

Recovery of a grant from the Torun Samity of Dibrugarh

Srijut LAKSHESVAR BOROOAH asked :

116. Is it a fact that the Dibrugarh Municipal Board, at a meeting sanctioned Rs. 250 to "Torun Samity", Dibrugarh ?

117. Is the Hon'ble Minister aware that the grant received by the Secretary, Torun Samity, was recovered from the Members of the Board ?

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

116.—Yes.

117.—The amount was surcharged on certain members by the Examiner of Local Accounts. Government have no information whether it has yet been recovered, but have enquired.

Srijut LAKSHESVAR BOROOAH: May I know from the Hon'ble Minister for Local Self-Government under what circumstances the amount was surcharged on the members ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The matter happened in 1933-34. It was in the audit note of the year 1933-34. I think it was on account of the fact that the Municipality gave this amount contrary to rules. They had no authority to give it without the previous sanction of the Local Government.

Srijut LAKSHESVAR BOROOAH: Is it a fact that under the Municipal Act, the Municipality had full authority to grant money for this purpose ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: According to the rule, I think, the Municipality could not make such grant without the previous sanction of the Local Government.

Srijut LAKSHESVAR BOROOAH: Does the Hon'ble Minister mean to say that the Municipality has no power to grant money for libraries ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That was the opinion of the Commissioner, I think, and he did not allow the amount to be given. The Commissioner has the power I think, under the rules not to allow the board to give that amount.

Srijut LAKSHESVAR BOROOAH: Can the Commissioner override the provisions of the Municipal Act ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No, the Commissioner cannot do that.

Srijut KRISHNA NATH SARMAH: Is Government powerless to issue instructions to the Commissioner not to interfere in the matter ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This is not in the power of the Government. The amount has been surcharged by the Examiner of Local Accounts according to the rules of the Local Funds Account.

Srijut RAJENDRA NATH BARUA: Do the Local Government consider this as wrong on the part of the Audit Department to surcharge this amount ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: As I said already, Local Government has no power in the matter. The officer has done that according to the power given to him and we cannot interfere.

Srijut LAKSHESVAR BOROOAH asked :

118. Is it a fact that the said grant was recovered on the report of the officiating Examiner of Accounts ?

119. Will the Hon'ble Minister be pleased to state whether the allegations that (i) the Torun Samity, has no free Reading Room, (ii) that it is a political body, (iii) some of the members were convicted for participating in objectionable political activity are true ?

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

118.—Yes.

119. (i), (ii) and (iii)—No appeal lay in this case against the surcharge to Government, who have therefore made no ruling on these points.

Srijut DEBESWAR SARMAH: I was seeking an information from the Hon'ble Minister for Local Self-Government, Sir. May I repeat this ?

The Hon'ble the SPEAKER: What is that information ?

Srijut DEBESWAR SARMAH: The information that I was seeking is in connection with question Nos. 116, 117, 118 and 119. I was going to ask, if you permit, if in view of such instances, the Hon'ble Minister for Local Government does not admit that arbitrary powers of the Commissioner should be curtailed.....

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

Srijut DEBESWAR SARMAH: I will make it short if you permit, Sir.

The Hon'ble the SPEAKER: No permission is necessary.

Srijut DEBESWAR SARMAH: Sir, in answer to the questions it was said that the amount was surcharged on certain members who voted for it. Municipal Boards and Local Boards are under Government. When it was passed by a majority...

The Hon'ble the SPEAKER: The question is going to be an argumentative one.

Srijut DEBESWAR SARMAH: Very well, Sir. Does not the Hon'ble Minister think that it is necessary that the power of the Commissioner should be minimised so that such interference may not happen?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: May I reply, Sir?

The Hon'ble the SPEAKER: The Hon'ble Minister may attempt a reply.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This matter happened during the previous Government. I am afraid, I have not examined the matter very fully because this matter had happened in the past Government. I do not know that the Commissioner has done anything contrary to rules. I am convinced of it.

Royalty on petroleum

Srijut LAKSHESVAR BOROOAH asked:

120. With reference to the reply to question No.1026(a) of the last budget Session of the Assembly, will the Hon'ble the Chief Minister be pleased to state whether the royalty on petroleum is assessed on the amount of petroleum extracted or on the gross value of the products?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

120.—The royalty on petroleum is assessed on the well-head value laid down in Schedule A as modified by Correction Slip No.7 at page 21 of the Assam Mineral Concessions Manual, 1925.

Mr. FAKHRUDDIN ALI AHMED: May I know from the Hon'ble Chief Minister what expenditure is incurred by the Provincial Government in acting as Agents, i.e., in collecting the excise duty on petrol for the benefit of the Central Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No extra expenditure is incurred.

Mr. FAKHRUDDIN ALI AHMED: How is that duty realised? I want to know if any officer and establishment are set apart for the purpose?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No establishment is kept.

Mr. FAKHRUDDIN ALI AHMED: Then, Sir, how is the work done?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Deputy Commissioner of Lakhimpur looks into the account submitted and the Company puts the amount in the treasury.

Mr. FAKHRUDDIN ALI AHMED: Am I to understand that only the accounts submitted by the Company before the Deputy Commissioner are accepted without being properly checked and scrutinised?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is the state of affairs and this was mentioned by me in the House in the previous session.

Mr. FAKHRUDDIN ALI AHMED: Does the Hon'ble Chief Minister admit that such a state of affairs is very unsatisfactory?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have no occasion to think like that. The account is checked by a Chartered Accountant and audited properly.

Mr. FAKHRUDDIN ALI AHMED: The accounts not being properly checked and scrutinised, do not this Government think that the Central Government stand to lose a good deal of amount by way of Excise duty?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not admit that the accounts are not properly checked.

Mr. FAKHRUDDIN ALI AHMED: Will not the Company, in its own interest, keep different accounts for the purpose of presentation to the Deputy Commissioner if things are not properly looked after?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That has not been our experience that the Company is keeping two accounts.

Mr. FAKHRUDDIN ALI AHMED: Does the Hon'ble Chief Minister think that the Company is doing its business here for the benefit of Assam or India to accrue its own profits?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is a question of opinion.

Srijut LAKSHESVAR BOROOAH: Does the Deputy Commissioner certify the correctness of the account?

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

Srijut LAKSHESVAR BOROOAH: At what intervals?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is not known to me.

Srijut LAKSHESVAR BOROOAH asked:

121. Will the Hon'ble the Chief Minister be pleased to state the method of realising the excise duty on petrol and kerosene—

(i) Whether on the amount of oil despatched from Tinsukia or on the sales?

(ii) Whether the amount of excise duty payable to the Central Government is ascertained, realised and remitted through the Provincial Government or direct by the Central Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

121. (i) and (ii)—As the hon. member is aware the Local Government are merely the Agents of the Government of India in this matter. The information as far as available is given below—

(i) Excise duty on petrol and kerosene is realized on the amount issued out of the premises of the manufactory.

(ii) This is done through the Provincial Government.

Reduction of land revenue for temporarily-settled Kheraj estates for the year 1938-39

Srijut KAMESWAR DAS asked:

122. (a) Do Government propose to continue the reduction of land revenue as granted in the current year, for temporarily-settled Kheraj estates for the year 1938-39 also?

(b) If not, why not?

(c) Do Government propose to reduce the land revenue of the Nisfkheraj estates as in the case of Kheraj estates on the proprietors, trustees or the managers of the former undertaking to give similar reduction to their undertenants?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

122. (a)—The question is premature and the matter will be considered in due course.

(b)—Does not arise.

(c)—The matter is under consideration.

Srijut KAMESWAR DAS: My question was: Do Government propose to continue the reduction of land revenue as granted in the current year for temporarily-settled *kheraj* estates for the year 1938-39 also? The reply is: the question is premature and the matter will be considered in due course. May I know when the question of reduction of revenue for next year will be considered as mature and when the matter will be considered?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Orders for temporary reduction of land revenue are generally issued towards the end of October or the beginning of November and we shall follow that course this year.

Srijut KAMESWAR DAS: May I know whether Budget figures of receipts have been compiled allowing for reduction of land revenue for the next year?

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

Srijut KAMESWAR DAS: Allowing the reduction?

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

Srijut SARVESWAR BARUA: On what basis?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the basis of Government orders, Sir.

Srijut PURNA CHANDRA SARMA: With regard to question 122 (c) has not any instruction been issued to the local officers to reduce the revenue from *niskhiraj* estates also?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: There is no proposal for reducing land revenue in the *niskhiraj* estates.

Srijut PURNA CHANDRA SARMA: It is said that the matter is under consideration. When will the consideration materialise?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: So far as 1938-39 is concerned, there will be no reduction of land revenue in *niskhiraj* estates. So far as the reduction for future years is concerned, the matter is under consideration.

Srijut SARVESWAR BARUA: My question was, on what basis the allowance has been made in next year's budget. The answer is: on the basis of Government orders. I want to know on the basis of what figures the allowance has been made? On the current year's budget or on the last year's figures?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I may mention that in the Revised Estimates on the advice of the local officers, some 2½ lakhs has been accounted. In the next year's budget, 7½ lakhs has been estimated.

Steps for amending the Assam Court-fees (Amendment) Act, 1936 and the Assam Stamp (Amendment) Act, 1936

Srijut KAMESWAR DAS asked :

123. (a) Do Government propose to take early steps for amending the Assam Court-fees (Amendment) Act, 1936, and the Assam Stamp (Amendment) Act, 1936, with a view to bring them to their previous scales in pursuance of the wishes of the Assembly as expressed in a token cut in the last budget session of the Assembly?

- (b) If so, when are Government going to take action?
(c) If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

123. (a), (b) and (c)—The answer is in the negative. As the budget for 1938-39, which has been presented to the House, shows there is a revenue deficit of Trs. 4,62 and Government are therefore not in a position to forego the additional revenue which the Assam Court-fees (Amendment) Act, 1936, and the Assam Stamp (Amendment) Act, 1936, bring to the Provincial exchequer. Moreover the Acts are operative for three years only.

Babu RABINDRA NATH ADITYA: Do Government consider that it is their duty to respect the verdict of the House?

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

Babu RABINDRA NATH ADITYA: Was not a cut motion passed by the House on this subject?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I may inform the hon. member that the second year is running and only one year remains.

Srijut SARVESWAR BARUA: Is there any bar?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is no legal bar.

Babu RABINDRA NATH ADITYA: Could not the Government improve their resources by the amending Act?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Not to the same extent as was expected.

Babu RABINDRA NATH ADITYA: Do not Government propose to reduce it?

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

Fixation of a uniform scale of pay for all the Local Board Doctors
Srijut RUPNATH BRAHMA asked :

124. Will Government be pleased to state—

- (a) Whether it is a fact that the Local Board doctors are paid differently according to the financial position and paying capacity of different Local Boards?

- (b) If so, whether Government propose to fix a uniform scale of pay for all the Local Board doctors?

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

124. (a)—Yes.

(b)—Government have no power to fix a uniform scale under the Act as it stands.

Number of blind and the dumb boys of the Province

Srijut MAHI CHANDRA BORA asked :

125. Will Government be pleased to state—

- (a) The number of blind boys in the Province upto the age of 16?

- (b) The number of dumb boys in the Province upto the age of 16 ?
 (c) The number of boys infected with leprosy upto the age of 20 ?
 (d) Whether Government has made any arrangement to educate the blind and the dumb boys of the Province ?

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

125. (a), (b) and (c)—At the 1931 Census the number of blind boys between the age of 0—15 was 663, and the number of deaf and dumb boys between the same age was 1,717. No statistics were collected as regards persons who were dumb without being deaf.

The number of boys recorded as lepers in the age group 0—20 was 390.

(d)—There are 24 scholarships of the value of Rs. 18 and Rs. 15 per mensem respectively for the training of deaf and dumb and of blind children in the Deaf and Dumb School and the Blind School, Calcutta. Not more than three of each are awarded annually.

Re-instatement of Mafizuddin Ahmed, Forester

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

126. Will Government please state—

- (a) Whether it is a fact that one Mafizuddin Ahmed, a forester, now in Shaktiar Kholra forest office in the subdivision of Sunamganj was re-instated by Government in the month of November, 1937 ?
 (b) If so, will Government please state whether his period of re-instatement begins from the date of order passed by the Government ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

126. (a)—Yes.

(b)—Yes ; but the period from the date of his dismissal to the date of reinstatement was ordered to be treated as leave without pay.

DEMANDS FOR GRANTS

GRANT No.9

25.—GENERAL ADMINISTRATION

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.20,97,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1939, for the administration of the head '25.—General Administration'.

The Hon'ble the SPEAKER : The motion before the House is : That a sum not exceeding Rs.20,97,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1939, for the administration of the head '25.—General Administration.'

Point of order raised for alleged unparliamentary words expressed by a member

Srijut OMEO KUMAR DAS : I rise to a point of order, Sir. Yesterday at the time of voting one of the European members was seen pouncing upon a labour representative. Sir, you noticed it and called out "order, order". After that a European member was heard saying within our hearing—"that bugger is going to vote for the Congress". I ask you, Sir, if it was in order, I ask you, Sir, whether it was parliamentary to call a member of this House a "bugger"? (Cries of—*shame, shame* from Congress benches.)

***Mr. F. W. HOCKENHULL :** We are not going to reply to any general statement, Sir.

The Hon'ble the SPEAKER : Is it a fact ? Will the hon. member mention the name ?

Srijut OMEO KUMAR DAS : I do not know the name, Sir. But I can point out. He is sitting just on this side (referring to Mr. Clayton).

***Mr. J. R. CLAYTON :** May I hear the allegation, Sir ?

Srijut OMEO KUMAR DAS : The bugger is going to vote with the Congress.

Mr. J. R. CLAYTON : This allegation is absolutely untrue in every respect.

***Srijut KRISHNA NATH SARMAH :** It is absolutely true. I have myself heard it (*Laughter*).

Mr. J. R. CLAYTON : I deny that. I have not said anything of the sort.

The Hon'ble the SPEAKER : I cannot decide anything between the two contradictory statements ; but I want to say that if such an expression was used, it was highly objectionable. The word 'bugger' is very objectionable, and I know of a case which was decided by the High Court of Calcutta where an incident took place on the use of the word 'bugger', by one European gentleman. This European gentleman was beaten by the man who was called such and he was convicted. That case went up to the High Court. The High Court Judges who heard the case acquitted the man and in a manner said that the provocation given by the use of the word was such that he would have been to a certain extent justified in killing the person who thus gave the provocation. (*Hear ! hear !*)

Mr. F. W. HOCKENHULL : Sir, he entirely denies the allegation made against him.

The Hon'ble the SPEAKER : So I said that I am not going to decide anything. I said that if such an expression was used that was highly objectionable.

***Khan Bahadur Maulavi KERAMAT ALI :** Sir, it is very surprising to us that the member who has been abused by the European gentleman does not complain. (*Hear ! hear !*)

***Srijut LAKSHESVAR BOROOAH :** May I know, Sir, whether he jumped on him.

***Mr. ARUN KUMAR CHANDA :** Here is an advocate for an imposter.

Srijut BINODE KUMAR J. SARWAN : Mr. Speaker, Sir, if any expression was used at the time of my voting it was not right. I do not like to take it seriously, but here we must realise that we are all one in this House and there should not be any difference among us as we are all working for the cause of our country. For this time, I wish that the matter might

* Speech not corrected by the member.

be dropped and I am pleased to hear what has been remarked by the member about me in this House. I was sitting in the lounge room as I was tired of the discussion which was going on inside the House and while the division bell rang I just took my seat on the back bench of the House in order to vote. However I do not mind it this time and wish that the matter might be dropped.

Demands for Grants

25.—GENERAL ADMINISTRATION—*continued*)

The Hon'ble the SPEAKER: Now the House is to discuss the cut motions. The hon. members will notice that the list of cut motions have been arranged according to minor heads and they will be taken up according to minor heads also. The largest cut motion I find under head 'H'. There have been 10 cut motions tabled and the largest cut motion stands in the name of Babu Rabindra Nath Aditya. Will the hon. member move it?

Babu RABINDRA NATH ADITYA: I beg, Sir, to move that the provision of Rs. 35,300 under Grant No. 9, Major head—25.—General Administration, Minor head—H.—Ministers (total), at page 64 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs. 20,97,300 do stand reduced by Rs. 35,300.

My object in moving this cut motion is to criticise the action of the Ministry on two points mainly—on the inclusion of the Commissioners' expenditure in the budget and secondly on the question of statement made by the Hon'ble Chief Minister regarding the resignation of the last Ministry. Sir, we know that Assam is the land of special responsibilities. Even before the advent of the so-called Provincial Autonomy there had been special responsibilities for the Government, but since then we did least expect our popular representatives in the Cabinet to be a party to it. But what do we find? Our Hon'ble Finance Minister has included the expenditure in his budget estimate although that was refused by the House and he also gave an assurance that such an expenditure would not be forwarded by him to the House for discussion or for voting.

The Hon'ble the SPEAKER: Order, order. I wish to say one thing. I have fixed 7 minutes as the time limit for the mover of a cut motion and for the Government reply and the time limit for each of the other hon. members who would speak on a cut motion will be 5 minutes.

Babu RABINDRA NATH ADITYA: Sir, we know from the Joint Parliamentary Committee Report that even in matters within the discretion of the Governor he is to seek the advice of the Ministers. So in the inclusion of the Ministers' salaries in the budget, the Ministers have certainly given advice and on an agreement between the Governor and the Chief Minister this has been included in the budget. Why should our popular Ministers who are responsible to the House include this in the budget and be a party to the special responsibility to be exercised by His Excellency the Governor? He ought to have resigned when the Governor wanted to interfere with or disregard his advice and made a bold stand. In that case surely he would have got the full support of this House on the matter. So it is he who has practically helped the Governor in the exercise of his special responsibility. Secondly, Sir, the Hon'ble Chief Minister has said in his statement regarding his resignation that he did it with a view to chuck out two of his Hon'ble Colleagues and to re-shuffle the Ministry. This also shows that there was an arrangement made between him and the Governor

before resignation. Sir, if there were any such pre-understanding about the resignation between the Chief Minister and the highest authority of the Government then I say that it was the most mischievous conspiracy between these two parties. In no Constitutional History we find that the Ministry resigns under a conspiracy between the rulers and the popular representatives of the Cabinet as has been the case in our province. If any Ministry resigns the Instruments of Instructions clearly indicate that the majority party or the party that is likely to command majority should be called to form the Ministry. So in that case there was no certainty whether the Hon'ble Chief Minister would be re called to form the Ministry or some other party would be asked to form the Ministry. This action of the Ministry in resignation with previous understanding with the Governor is highly objectionable and it is against the fundamental principle of Constitutional Government. This is the object with which I want to move this motion and I hope my motion will be accepted by the House.

The Hon'ble the SPEAKER: The motion moved is that the provision of Rs. 35,300 under Grant No. 9, Major head—25.—General Administration, Minor head—H.—Ministers (total), at page 64 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs. 20,97,300 do stand reduced by Rs. 35,300.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the two points that have been raised by my hon. friend are points which have been discussed on the floor of this House during this session. The first point that he has touched is that the Ministry has not taken the proper attitude as regards the inclusion in the budget of the establishment charges of the Commissioners. Sir, I mentioned yesterday that this inclusion has been made on account of the non-receipt of orders from the Secretary of State on our recommendation. We have done our level best and approached the Secretary of State in this matter as soon as the vote of the House was cast in September last. We sent a reminder and a telegraphic reminder to the Centre asking for orders of the Secretary of State before the session of December last, but even then we did not get any final orders from him. I think, after one or two days after I had moved a supplementary demand in this House in December, the Secretary of State sent orders to His Excellency the Governor to put in a supplementary demand for the retention of the establishment till the final decision. That was done in the shape of a message which was placed before the House by you, Sir, in December session. After that I went to Delhi and saw some of the Officers of the Reforms Department and discussed with them about the absolute necessity of having the Secretary of State's order before the budget session. We have in the meantime been forced to advance the date of the session. Since then we have submitted another letter to the Government of India to be forwarded to the Secretary of State recommending that one post of Commissioner should be abolished. This Government as often been told by me, is of opinion that so long as the different Acts which confer the statutory duties upon the Commissioners are not amended it will not do to remove both the Commissioners at the same time. I particularly refer to the duties that have been laid upon them by the Municipal Act, Local Self-Government Act and also the Assam Land and Revenue Regulation and there may be some other Acts which just at the present moment I don't remember. But for the purpose of this debate I say that if both the Commissioners are abolished simultaneously, it will be open to any tax-payers to challenge the doings of the Municipal and Local Boards in the courts of law. The little knowledge that I have got of law leads me to the conclusion that the proceedings of the Municipal and

Local Boards if both the Commissioners go will be *ultra vires*. That is the reason, Sir, why we have been compelled to wait till the decision is arrived at by the Secretary of State which I hope to receive before the end of this financial year and have put the entire salary charges in the budget.

The next point that has been urged by my hon. friend is as regards my statement of the facts leading to the resignation of the Cabinet at the beginning of this month. My hon. friend has quoted certain words from my mouth which I uttered, as he alleges, when I made the statement before the House. I deny that he has quoted me correctly. I never said that I resigned in order to drive away two of my Hon'ble Colleagues. I said I had to obey my party mandate which compelled me to resign. I again deny that there was any conspiracy between myself and our "ruler" in my taking this move. My hon. friend who is a leading light of a disciplined party knows that the party mandate has got to be obeyed, and although we have as yet been unable to attain their party cohesion, I should take every step not to militate against party discipline. The resignation was not, as has been mentioned yesterday both by myself as well as by the hon. mover of the motion, thought of in one day but I thought over it for nearly two months and was compelled to take this step on account of the fact that my attempt at reconciliation between the two groups of the Moslem members failed. During the September session of the Assembly the Moslem party which consisted of 30 persons elected their office bearers. They elected me as the leader of the party unanimously, and elected my hon. friends the Agriculture Minister and Khan Bahadur Sayidur Rahman as Deputy Leaders without any dissent.

(A voice from the Congress group: What is the name of the party?)

The Assam Moslem League Party. There was a contest between two of the members of the party for the 3rd Deputy Leadership and the vote came in favour of my hon. friend the present Education Minister. At that time my former colleagues were present in that meeting. They neither offered themselves as Deputy Leaders of the party nor any of their supporters pressed their claims. As a matter of fact they were entirely out of the picture. I was therefore compelled to

Maulavi Md. ALI HAIDAR KHAN: On a point of personal explanation. I did not know anything about it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The proceedings are with our Secretary, and they will show that my hon. friend did attend the meeting, though a little late.

Maulavi Md. ALI HAIDAR KHAN: I came after the meeting was over.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It was not the fault of the meeting that my hon. friend arrived late, but the fact that he did attend shows that he knew of the meeting and did attend it.

The Hon'ble the SPEAKER: It seems, we are on the same topic every day.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am very sorry, but because the point has been raised again I am making the same explanation again. This party meeting took place after due notice in the lounge room of the Assembly premises. That was a day, I remember distinctly, because the Congress party was holding a meeting as well—it was at about 11 a.m.—this party meeting is impressed upon my memory.....

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is it the time for discussing what went on in a particular party?

The Hon'ble the SPEAKER: He is trying to say all these in answer to the charges made.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I know it will be unpalatable to my hon. friend Mr. Gupta to hear all this, but as I was going to mention that this party meeting has been impressed upon my memory by one touching fact. While we were holding our meeting, one of the leading lights of the Congress party—I mean Babu Harendra Narayan Chaudhury—brought a lovable tiny boy dressed in a *pucca* Muslim style to me and he said that his little son wanted to see a Minister and hence his presence. I was so touched by the inquisitiveness of the youngster that I thought he would live long and be a great man, as he had already started to know what politics is and wanted to see what a Minister looks like. (Laughter!) Therefore, Sir, the resignation was brought about by the requisition of the majority of the party which I had to obey. There was no conspiracy behind it. I requested my hon. colleagues to ponder over the matter, and the result was that they seceded from the party, and their letter which is in my possession was addressed to me as the leader of such and such a party. I think, Sir, under these circumstances everyone who belongs to a party and who has to obey the party mandate could not but have acted as I have done. It is not my fault that His Excellency the Governor was kind enough to place confidence in me and ask me to reform the Cabinet. Under these circumstances, I think, I was within my rights to tender the resignation of the Cabinet, and being requested by His Excellency to reform it. So, Sir, the few grounds that have been advanced for the refusal of this supply do not hold good. I hope my hon. friend who himself is not only a lawyer but is a constitutional lawyer, will see the justification of the inclusion of this demand in the budget.

The motion of Babu Rabindra Nath Aditya that the provision of Rs.35,300 under grant No.9, Major head—25.—General Administration, Minor head—H.—Ministers (total), at page 64 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.35,300, was then put and a division taken with the following result:—

Ayes 46

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| 1. Kumar Ajit Narayan Dev. | 18. Babu Kamini Kumar Sen. |
| 2. Mr. Arun Kumar Chanda. | 19. Babu Karuna Sindhu Roy. |
| 3. Mr. Baidyanath Mookerjee. | 20. Srijut Krishna Nath Sarmah. |
| 4. Srijut Beliram Das. | 21. Babu Rabindra Nath Aditya. |
| 5. Srijut Bhuban Chandra Gogoi. | 22. Srijut Lakshesvar Borooah. |
| 6. Srijut Bipin Chandra Medhi. | 23. Babu Lalit Mohon 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. Rai Bahadur Promode Chandra Dutt. |
| 12. Srijut Haladhar Bhuyan. | 29. Srijut Purna Chandra Sarma. |
| 13. Babu Harendra Narayan Chaudhuri. | 30. Srijut Rajani Kanta Barooah. |
| 14. Srijut Jadav Prosad Chaliha. | 31. Srijut Rajendra Nath Barua. |
| 15. Srijut Jogendra Chandra Nath. | 32. Srijut Ram Nath Das. |
| 16. Srijut Jogeschandra Gohain. | 33. Srijut Sankar Chandra Barua. |
| 17. Srijut Kameswar Das. | 34. Srijut Sarveswar Barua. |

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| 35. Babu Shibendra Chandra Biswas. | 42. Khan Bahadur Maulavi Mahmud Ali. |
| 36. Srijut Siddhi Nath Sarma. | 43. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. |
| 37. Maulavi Md. Ali Haidar Khan. | 44. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 38. Maulavi Abdur Rahman. | 45. Srijut Bideshi Pan Tanti. |
| 39. Maulavi Md. Abdus Salam. | 46. Srijut Binode Kumar J. Sarwan. |
| 40. Maulavi Muhammad Amiruddin. | |
| 41. Mr. Fakhruddin Ali Ahmed. | |

Noes 49

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 23. Maulavi Jahanuddin Ahmed. |
| 2. The Hon'ble Maulavi Munawwar Ali. | 24. Khan Bahadur Maulavi Keramat Ali. |
| 3. The Hon'ble Rev. J. J. M. Nichols-Roy. | 25. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 4. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 26. Maulavi Matior Rahman Mia. |
| 5. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 27. Khan Bahadur Maulavi Mufizur Rahman. |
| 6. The Hon'ble Babu Akshay Kumar Das. | 28. Maulavi Muzarraf Ali Laskar. |
| 7. Babu Balaram Sircar. | 29. Maulavi Namwar Ali Barbhuiya. |
| 8. Srijut Jogendra Narayan Mandal. | 30. Maulavi Naziruddin Ahmed. |
| 9. Babu Kalachand Roy. | 31. Maulavi Sheikh Osman Ali Sadagar. |
| 10. Mr. Kedarmal Brahmin. | 32. Khan Bahadur Maulavi Sayidur Rahman. |
| 11. Dr. Mahendra Nath Saikia. | 33. Col. A. B. Beddow. |
| 12. Mr. Naba Kumar Dutta. | 34. Mr. A. F. Bendall. |
| 13. Srijut Purandar Sarma. | 35. Mr. J. R. Clayton. |
| 14. Maulavi Abdul Bari Chaudhury. | 36. Mr. W. R. Faull. |
| 15. Khan Bahadur Hazi Abdul Majid Chaudhury. | 37. Mr. W. Fleming. |
| 16. Maulavi Syed Abdur Rouf. | 38. Mr. B. I. Barry. |
| 17. Maulavi Dewan Muhammad Ahabab Choudhury. | 39. Mr. F. W. Hockenhuill. |
| 18. Maulavi Dewan Ali Raja. | 40. Mr. D. B. H. Moore. |
| 19. Maulavi Muhammad Amjad Ali. | 41. Mr. R. A. Palmer. |
| 20. Maulavi Ashraf Uddin Md. Chaudhury. | 42. Miss Mavis Dunn. |
| 21. Maulavi Badaruddin Ahmed. | 43. Mr. Benjamin Ch. Momin. |
| 22. Maulavi Ghyasuddin Ahmed. | 44. Srijut Bhairab Chandra Das. |
| | 45. Rev. L. Gatphoh. |
| | 46. Mr. C. Goldsmith. |
| | 47. Mr. Jobang D. Marak. |
| | 48. Srijut Khorsing Terang. |
| | 49. Srijut Rupnath Brahma. |

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

Ayes—46 and

Nos—49.

The Ayes being 46 and the Noes 49, the motion was lost.

The Hon'ble the SPEAKER: Order, order,

There are nine more cut motions all from the Congress Party, except one, and I wish to know if there is any decision among the members of the Congress Party as to which will be moved and which not.

Srijut GOPINATH BARDOLOI: Numbers 7 and 10 will be moved.

The Hon'ble the SPEAKER: Mr. Arun Kumar Chanda to move his motion.

Mr. ARUN KUMAR CHANDA: Sir, I beg to move that the provision of Rs.35,300 under Grant No. 9, Major head—25.—General Administration, Minor head—H—Ministers (total), at page 64 of the Budget be reduced by Rs. 2, i.e., the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.2.

I have tabled this motion, Sir, to criticise the policy of the Government in so far as it relates to the release of the political prisoners. It is not with the object of raising any ill-feeling against this Ministry that I have tabled this motion. Nor is it my desire to foment any agitation. In moving this motion, Sir, I am only voicing practically what is a country-wide demand, namely the demand for the release of political prisoners. I am quite ready to concede to any Government the right to deal with the suppression of anarchical crimes. But the fact remains that the political atmosphere of the country is entirely different to-day from what it was when these persons were imprisoned. That being so, I submit, Sir, it is worthwhile even for the sake of an experiment to see how these persons may shape in the new order of things. Certainly the arms of law are long enough to reach them if they did not adapt themselves to the altered political conditions in the country, as the Government would wish them to. I submit, again, Sir, that it is worthwhile even for the sake of an experiment.

We are being reminded constantly, Sir, that we are to-day inhaling the atmosphere of provincial autonomy. If provincial autonomy means any form of responsible Government, then I desire to say, that it is in some measure the justification, rather the materialisation of the very objects with which certain young men of the country took to crimes. Because the fact is undisputed that such was the patriotism of these young men that they were entirely carried off their feet and they completely lost their balance in the achievement of the object which was so dear and near to their hearts. There can be no question that they did so under a very admirable urge. But as is well known, unfortunately, they were carried away by the strength of their emotions and they were unable to keep their mental equilibrium. It is quite true that in all civilized countries punishment is corrective and not vindictive. And these young men have already paid very dearly for what was undoubtedly their patriotism. Is it too much to ask of popular Ministers that they do give these young men, a chance? We, on this side of the House, Sir, do not stand up for violence. We have long adopted non-violence as a political creed. But we would be untrue to ourselves if we denied that we have some measure of admiration for those young men who made sacrifices so great and who risk all they held dear, in the pursuit of their object, which was to gain the independence of our country.

To-day, Sir, we have Ministers belonging to different political parties. But whether it is the Indian National Congress or the Muslim League, all political organisations in the country have accepted "independence" as their political goal. That being so, Sir, I submit that there is no sense in embittering or alienating some of us, who are undoubtedly patriotic, and whose patriotism has earned them this incarceration. We should pool all our resources to-day to gain our object, because we have to confront very strong forces of reaction. There is little to be gained by alienating any sections of our countrymen to-day, and that is why, Sir, I plead for a chance for these patriotic albeit misguided young men. In every country, Sir, whenever there is peace after a conflict one of the conditions for which peace is heralded is amnesty to political prisoners. When England and Ireland made

up their quarrels and peace came between the British and the Sien Finn, all political prisoners were released as a condition of peace. Britain has shaken hands with Germany whom they fought with all the savagery and barbarism that human ingenuity and nature could invent. That being so, why should these unfortunate young men rot in the jails when our own men are running the administration of this country? (*Hear! hear!*) When and if bureaucracy has ended, should their victims still continue to suffer? The other day also Sir, I read in a paper that "the first act of the new Austrian Cabinet re-constructed early this morning (February 16th) in accordance with Herr Hitler's demand for the inclusion of the Nazis in it was to recommend a general amnesty to political prisoners."

I do not propose to make a long speech, Sir. As I have submitted, it is well known that the demand which I am putting up before the Hon'ble Ministers is a country-wide demand and public opinion is so emphatic. I now refer to a few persons—a very handful of them—who are being placed under restraint because of their political activities. Sir, it is one of the greatest principles of British jurisprudence that no one is to be considered guilty unless his guilt has been proved beyond all reasonable doubt. If justice is conceded to an ordinary criminal, a low down man who has committed a crime for the sake of filthy lucre or for the sake of private spite, then why should justice be denied to those who are suspected of complicity in crimes for love of his country? It was only the other day that we heard from our reverend Minister Mr. Nichols-Roy when he was addressing the House on the Nowgong Jail enquiry that the object of the Civil Surgeon was very good although the means that he applied to get the object fulfilled might not be very commendable. Who can question the purity of the motives that inspired those young men I talk of? Sir, I do not want to advance any legal arguments in favour of my motion. I desire merely to make an appeal to my country men who hold the reins of the Government of the country to-day. Some of them have suffered for their own political convictions and to-day I feel as if the atmosphere of this House is very favourable to the proposition I urge, release of political prisoners. It is not really a censure motion, I say that if Government will release our political prisoners they will be making a very humanitarian gesture which will be very deeply appreciated in the country. The country is bound to benefit some day or other by the patriotic services of these prisoners which are being denied because of their continuous incarceration. In this connection I might be permitted to urge the much-desired and much-deserved release of the Naga Rani Guidelieu who is now in captivity in the local jail (*A voice: she is a State prisoner*).

The Hon'ble the SPEAKER: The motion moved is, "that the provision of Rs.35,300 under Grant No.9, Major head 25,—General Administration, Minor head—H—Ministers (total), at page 64 of the Budget, be reduced by Rs.2, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.2."

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Mr. Speaker, Sir. I am in sympathy with the hon. Mr. Chanda, but I am sorry that I am going to oppose the motion. I understand the term "political prisoner", but I cannot understand it when it includes persons who are convicted for using fire arms and committing dacoity in open day light. Sir, persons who have been convicted merely because they love their country or merely because they participated in a non-violent political movement should be released. But when on the floor of this House it is argued that persons who are convicted of committing murder, who are

convicted of committing dacoity should also be included in the term "political prisoner", I cannot agree with my hon. friend on the opposite. Sir, if this be the meaning of political prisoner, we may hear some day that persons who have been convicted for defying section 379 of Indian Penal Code would also be included in the list of political prisoners (*laughter*). If an unlettered man uses fire arms and commits dacoity, he is sent to the jail by the Court and nobody cares for him, but if an educated man commits dacoity with fire arms and is sent to the jail then he becomes a political prisoner. I do not know what.....

Srijut MAHI CHANDRA BORA: They have been termed as political prisoners by Government.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: I think it must be clear who are political prisoners and who are not. To release persons who are convicted for crimes not at all connected with politics would be a dangerous step. Sir, the term 'political prisoner' is now extensively used and so I cannot support this motion. I was just now told that sentence of one Ajit Kumar Chakravarti who was convicted for committing dacoity at Kalighat in the town of Sylhet for 7 years and who was the subject-matter of sufficient discussions in this House has been suspended by this Cabinet. (*A voice: for six months on account of illness.*) Sir, if the word 'political prisoner' includes all sorts of persons who are convicted for committing violence not connected with politics, I cannot agree with the argument of my hon. friend the mover and I, therefore, oppose the motion.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir. I am really astonished to find the reply of my hon. friend over there to the generous appeal—an appeal to the good sense of the House made by Mr. Chanda. I am really astonished to find an editor of a paper who calls himself a "public man" and who has come to this House as a representative of the people, finds himself in difficulty with the term 'political prisoner'. When I find this I am constrained to say that he is suffering from a loss of mental faculty. The term 'political prisoner' is understood by all. It means, Sir, prisoners who are convicted of crime with a political motive.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is this in order?

The Hon'ble the SPEAKER: He is not ascribing any motive.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I would request the hon. member who opposed this motion to look around and find that those who were convicted of violence for the love of their country are ruling empires to-day.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Is there no difference between dacoits and political prisoners?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I do admit that there is difference between a political prisoner and a dacoit, but what has led my hon. friend to classify the dacoits with persons convicted of political crimes—I fail to understand. It rather astonishes me. I would ask him to go to the history of Italy and Ireland. It will be found that Mussolini was convicted thrice and Mr. De Valera spent half of his life in prison. Even the President of the Congress to-day, who is presiding over the deliberations of one of the biggest political parties spent more than 12 years in prison. (*A voice: not for dacoity.*)

I, therefore, submit that when he failed to distinguish between the dacoit and the political prisoner the position is really regrettable. I am fully conscious that hon. members of this House know the difference between political prisoners and dacoits and thieves. I would appeal to the good sense of the

House to rise to the occasion and look beyond the boundaries of the province and see how the Ministry in other provinces are working. I would appeal to the Chief Minister to release the political prisoners.

Maulavi ABDUR RAHMAN: May I know if all the prisoners were convicted of committing political dacoities?

Maulavi ASHRAFUDDIN MD. CHAUDHURI: On a point of information, Sir. May I know the names of the prisoners styled as political prisoners with their native places?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I would refer him to the reply that Government gave to a cut motion last session.

(Here no other member rose to speak on the subject.)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am obliged to the learned Deputy Leader of the Congress party for assuring this House as well as the Ministerial Party that he did not table this motion by way of censure. I think his intention is to draw pointed attention to the much mooted question of the release of political prisoners. If the arguments advanced over this question by the learned mover had not been supplemented by the speaker in one of the front bench opposite, the level of the debate would have remained at a much higher plane. In his zeal—and I should say new born zeal—the last speaker had excelled his Deputy Leader in this matter.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: You are responsible.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He went to Italy, he went to Ireland, but he failed to notice that both in this Cabinet as well as in the Chair of this august Assembly, persons who had suffered incarceration for a political ideal are existent. If the members of the political group whose idea was to achieve freedom at any cost—even by acts of violence—and whose release is now espoused by no less a person than the mover of the motion, I am really surprised because this is not the cult of the present Congress.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Question.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: You may question, you have a right to question; but I am guided by the writings of no less a person than Mahatma Gandhi and also by what he stated at the time when he strove for and succeeded in the release of political prisoners from Bengal. That great personage, the Mahatma, did make a difference between the prisoner who had suffered incarceration in a non-violent way in deference of their political ideal and those who resorted to violence. Therefore, he did not press for the release of those prisoners in Bengal (*a voice—preferred*). In our province the problem is not so acute, but as my hon. friend the Deputy Leader of the party opposite knows—I thank him for consistently espousing the cause of political prisoners—that out of the three prisoners who have been dealt with without any trial, one Sitesh Ch. Shome, has already been released. All kinds of restraint against him have been withdrawn. Kali Raman Bhattacharyya who had been restrained under section 16(1) is at his own village in Akhalia at Brahman Shashan. One prisoner Sripada Upadhyaya who is a native of the United Provinces has been externed from the province. I do not think any of our hon. members is sorry for his absence from the province. Therefore, of the two prisoners of this province who were restrained, one has already been released. The case of the other will be reviewed by me in due course.

My friend Maulavi Maqbul Hussain Chaudhuri has raised a very pertinent question. Similarly my friend over there Maulavi Ashrafuddin Md. Chaudhuri wants to know the details of these prisoners—he

wants to know the names of these prisoners and the offences committed by them in detail. I should be pardoned if I do not go into these details for I think of all persons in this House my hon. friend is most cognizant of them, for out of the three cases tried by the Special Tribunal in Sylhet two were defended by Maulavi Ashrafuddin. Again I find my hon. friend Maulavi Abdur Rahman is absent. He wanted to know whether all these persons committed political dacoities. I do not know what is an ordinary dacoity and what is a political dacoity. But my friend being a practitioner in criminal Courts may have found some suitable distinction between the two. What I find is this that we have six prisoners in our jail. I suppose it is now reduced to five on the release of one whose name has already been mentioned. They have been very loosely termed as 'political prisoner'. They have not really no claim to be termed political prisoners in the proper sense but they are so called only for the purpose of classification in the jail because they were *Bhadraloks* and had some education and therefore they had to be put to a higher division or better treated in the jail according to our jail rules. Now I come to my first point.

Srijut PURNA CHANDRA SARMA: On a point of information, Sir. How does the Hon'ble Chief Minister define political prisoners?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I will class those members of the community as political prisoners who suffer imprisonment in pursuance of a political ideal in non-violent way. For example I will cite the cases of my colleagues the Hon'ble Revenue Minister and the Hon'ble Minister of Agriculture (*laughter*) our revered Speaker and I think my hon. friend the questioner himself (*loud laughter*). I would call these as political prisoners.

Srijut PURNA CHANDRA SARMA: On a point of information, Sir. What about the Kakori prisoners in the United Provinces?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I cannot say that.

Srijut PURNA CHANDRA SARMA: Has the term 'political prisoner' a different definition in Assam than in other provinces of India?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The term 'political prisoner' is the same everywhere in India, and everywhere those people are called political prisoners who suffer imprisonment on account of political ideal in non-violent way. They are also termed as political prisoners for the purpose of jail rules and regulations and for the purpose of classifying them.

Sir, I was mentioning to this House that all those prisoners who were convicted were all educated and *Bhadralok* class people. They were convicted under section 396, Indian Penal Code, which means dacoity with murder. I cannot say if this is a political crime. Dacoity, as my hon. friend Maulavi Maqbul Hussain Chaudhuri has said, is a heinous offence whether committed by educated persons or by illiterate ones.

Mr. ARUN KUMAR CHANDA: On a point of information, Sir. What was the object of the dacoity?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The object of the dacoity was to loot money (*laughter*).

Mr. ARUN KUMAR CHANDA: For what purpose?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: For what purpose they committed dacoity is not known. It may be that they may use this money for self-aggrandisement.

Srijut MAHI CHANDRA BORA: Why they were tried by Special Tribunal?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They were tried by Special Tribunal only to give them the benefit of being tried by three judges.

Srijut MAHI CHANDRA BORA: Why this special treatment of being tried by three Judges was accorded to them?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The maximum sentence was the capital one and only to give these people a chance of better justice they were allowed to be tried by three Judges.

Srijut PURNA CHANDRA SARMA: They could be tried by one Judge.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Was a Special Tribunal in the judgment of the Hon'ble Chief Minister a privilege?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I refuse to be diagnosed by the unqualified *Ayurvedic Kabiraj*. I suppose my friend must be from a *Baidya* family (*laughter*) having the appellation "Gupta". For the present I prefer to be treated by Allopathic Doctor (*laughter*). He has already diagnosed my hon. friend Maulavi Maqbul Hussain as having lost his mental balance.

Of the persons convicted of dacoity, only two were convicted under section 392, *i.e.*, dacoity and 120 (*b*), *i.e.*, conspiracy. Not one man but a group of persons conspired to commit dacoity. I am not in the know of their intention but my hon. friend who interjected me saying what was their motive may be in the special knowledge of that party.

Mr. ARUN KUMAR CHANDA: Certainly, I can stand up and say that I have a special knowledge of that party's objects.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: All of them were sentenced for transportation for life on 24th of August, 1934 and now they have served three years and three months of their imprisonment. One was sentenced to seven years on the 9th August, 1934 and another to five years. I am mentioning these figures only to show that these convicts whatever may be their politics were misguided enough to have thought that they could attain their political ideal by means of murder and conspiracy. One of them had also conviction under section 19 (*f*) of the Arms Act for illegal possession of fire arms. Whether this possession of fire arms was for non-violent purposes I am unable to say. Out of those prisoners, one whose case has been discussed on the floor of this House many a time, has been released but not unconditionally. His sentence has been suspended. This young man went on hunger strike which incident, I think, is known to all of us here as it has been discussed in this House before.

Srijut PURNA CHANDRA SARMA: Will the Hon'ble Chief Minister speak louder? We cannot hear him from this side of the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I was speaking about the suspension of the sentence of Srijut Ajit Kumar Chakravarty, whose case was discussed by way of adjournment motion in this House. This prisoner resorted to hunger strike and the Superintendent of the Jail was unable to bear the sight of *Brahmahaitya* and wanted to resort to forcible feeding. Luckily the convict gave up his hunger strike, but after about 6 weeks all on a sudden he began to pass tar-coloured stools and thereafter it was found that he was suffering from gastric ulcer. As soon as the Minister learnt of it, he ordered the Civil Surgeon of Kamrup, Major Neal to go there and examine the convict lest it might be said that the convict was not receiving proper treatment. I am glad to say that the convict yielded to the treatment and he is getting better every day. My Hon'ble Colleague the Minister in charge of Jail also received an application from the father of the convict asking that the convict should be released. Immediately we asked Major Neal to examine the convict and report whether he was in a fit condition to travel

Although the medical report was to the effect that he was still too weak to be removed, Major Neal advised that he should be removed when fit to a hospital where there is X-ray facility for treatment. So, we had to yield to the petition of the father of the convict and wired to him that he could come and take charge of his son but at the same time, we felt it our bounden duty to inform him of the medical opinion.

These instances I mention to show that we are not unmindful of considering the cases of deserving "political prisoners". I think in these circumstances the hon. mover will give the Ministry a free hand to exercise their discretion—not arbitrary discretion but judicious discretion—in the matter of release of these prisoners and then do what is considered best in their interest and also in the interest of the country as a whole.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: May I ask the Hon'ble Chief Minister whether Matilal Ray who is below 18 years of age was also convicted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, I stated that Matilal Roy was imprisoned in the case of Kalighat robbery. He comes from Ajmiriganj and the offence committed was under section 392. He was sentenced to 5 years' rigorous imprisonment by the Special Magistrate. His age is not mentioned.

Srijut MAHI CHANDRA BORA: Will the Hon'ble Chief Minister please inform us whether there are state prisoners in the jails of Assam?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: None.

Srijut MAHI CHANDRA BORA: I have personally seen in the Nowgong Jail some who are state prisoners. What is their number please?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: One or two. They are from the Naga Hills and Manipur and we have nothing to do with them.

Srijut MAHI CHANDRA BORA: Why don't you refuse to keep them?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So far as my information goes, there are only two Nagas.

Srijut MAHI CHANDRA BORA: They ought to have been kept in their respective jails.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That question is under consideration of Government. We are considering the question of their transfer from the jails in the plains to some other jails. The matter is still under correspondence.

Mr. ARUN KUMAR CHANDA: I have heard the speech of the Hon'ble Chief Minister and I want to say a word.....

The Hon'ble the SPEAKER: The hon. member is really replying.

Mr. ARUN KUMAR CHANDA: No, Sir, since there has been a suggestion that I am fomenting violence, what I submit to the House, is that the political prisoners committed crimes for a very great cause and they ought not to be dragooned into the de-humanizing life in ordinary jails. Murder, conspiracy and similar crimes have from time immemorial been well known political weapons. It is Mahatma Gandhi who has given the world a novel and potent political weapon called non-violence. This enables Government to put an ingenious interpretation upon the phrase "political prisoner". As for conspiracy, Sir, it is being abhorred by British Government now, but history teaches us that it was British Government who encouraged us once into conspiracy against Muslims when they were the legally constituted monarchs here. (*Hear! hear!*) I request the Ministers to consider these cases under the present altered political atmosphere of the country. If the Hon'ble Chief Minister gives us an

assurance that Government will consider the case of their release, then I do not desire to press my motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I cannot give a general assurance as regards those who have been convicted for violence, but as regards other political prisoners convicted not for violence, I have already said that some have already been released and the cases of others are under consideration.

Mr. ARUN KUMAR CHANDA: The cult of terrorism is now dead and my submission is that they should be given a chance even though they might have committed crimes remembering that they behaved so under a very noble urge.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already said that we have released some political prisoners who were not guilty of violence and the deserving cases of others will also be considered.

Mr. ARUN KUMAR CHANDA: May I press the motion, Sir?

The Hon'ble the SPEAKER: The hon. member is quite at liberty to do whatever he likes. But what he clearly said was that it would not be a censure motion. While the hon. member was pressing his motion it appeared to me that he converted the motion which was intended to be a censure motion to a "prayer motion", if I may use the expression.

Srijut MAHI CHANDRA BORA: Are we entitled to pray, Sir?

The Hon'ble the SPEAKER: Practically, it is a prayer.

Srijut KRISHNA NATH SARMA: In that case it may be converted into a censure motion.

The Hon'ble the SPEAKER: If the motion was intended to be pressed upon the attention of Government in a particular way without intending to censure the Government, then it should not be converted into a censure motion.

Mr. ARUN KUMAR CHANDA: I won't press the motion as you say, Sir, that it is a "prayer motion."

The Hon'ble the SPEAKER: I have said that as the motion stands stated in the list it is intended to be a censure motion. But from what has been said while moving the motion, it appears, it has been given a different complexion.

Mr. ARUN KUMAR CHANDA: It is not a motion of censure but a move to bring pressure on the attention of Government; but if they do not yield to this move, then it is open to me to press the motion. However since you have been pleased to hold that this is a "prayer motion" I do not desire to press it.

The Hon'ble the SPEAKER: Has the hon. member leave of the House to withdraw his motion?

(Several voices:—Yes.)

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

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 the SPEAKER: The next motion* is in the name of Babu Kamini Kumar Sen.

Babu KAMINI KUMAR SEN: I am not going to move it.

The Hon'ble the SPEAKER: I was told by the hon. Leader of the Opposition that motion† No. 10 only would be moved.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I am not going to move it, Sir.

Srijut DEBESWAR SARMAH: We will move only motions Nos. 11 and 22.

The Hon'ble the SPEAKER: Motion No. 11 stands in the name of Srijut Mahadev Sarma.

Srijut MAHADEV SARMA: Sir, I beg to move that the provision of Rs. 43,001 under Grant No. 9, Major head—25.—General Administration, Minor head—Legislative Bodies—Sub-head—K.—Provincial Legislative Council (total), at page 65 of the budget be refused, i.e., the amount of the whole grant of Rs. 20,97,300 do stand reduced by Rs. 43,001.

Srijut MAHADEV SARMA: বি উদ্দেশ্যত প্রনোদিত হৈ মই এই বাবস্থা পৰিষদৰ ওচৰত এই প্ৰস্তাব উত্থাপন কৰিছোঁ, মোৰ সেই উদ্দেশ্য সকলে বেই জনাজাত বুলি মই বিশ্বাস কৰোঁ। যি প্ৰস্তাব মই ইয়াত উপস্থিত কৰিব খুজিছোঁ এই পৰিষদৰ পক্ষে এই প্ৰস্তাবত নতুন একো নাই। গতিকে কোনো নতুন যুক্তি অবতারণা কৰি আপোনালোকক মোৰ মতটো প্ৰত্যাখ্যাত কৰিবৰ প্ৰয়োজন নহব। যোৱা বছৰৰ বাজেট অধিবেশনত এই সম্বন্ধ বিশেষভাবে আলোচনা হৈ গৈছে, আৰু তাত এইটো কথা আমাৰ আগত পঠিভাৰে প্ৰতিস্থান হৈছিল যে এই পৰিষদৰ সকলো নহলেও অধিক সংখ্যক সদস্যই মোৰ প্ৰস্তাব সমৰ্থন কৰে। আমাৰ প্ৰদেশত যি উচ্চ পৰিষদ স্থাপন কৰা হৈছে সেইটো অবাঞ্ছনীয় আৰু আমাৰ প্ৰদেশত তাৰ আবশ্যকতা নাই বুলি আমি সকলোৰেই বিবেচনা কৰোঁ। তেনে অনাবশ্যক আৰু অবাঞ্ছনীয় পৰিষদৰ বাবে কৰা কোনো এটা দাবী অগ্রাহ কৰিবৰ বাবে মই পৰিষদৰ ওচৰত এই প্ৰস্তাব উত্থাপন কৰিছোঁ। এই দাবীৰ ভিতৰত সেই পৰিষদ পৰিচালনাৰ বাবে যি বিলাক খৰচৰ প্ৰয়োজন হয় তাকেই ধৰা হৈছে। যদি প্ৰকৃতপক্ষে আমাৰ মনোভাৱ সত্য হয়—যদি আমি উচ্চ পৰিষদ মেলাগৈ বুলি ধৰোঁ, তেনে হলে কেতিয়াও এই দাবী বিয়ত আমাৰ সমৰ্থন দিব নোৱাৰোঁ। এই টকা মঞ্জুৰ কৰাত আমাৰ অপত্তি থাকিবই লাগিব। মোৰ আৰু বিশ্বাস হয়, "Demand for

*Babu Kamini Kumar Sen to move:—

That the provision of Rs. 25,000 under Grant No. 9, Major head—25.—General Administration, Minor head—H.—Ministers, Sub-head—2.—Pay of establishment (total), at page 64 of the budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 20,97,300 do stand reduced by Re. 1.

(To censure the Government for making the salaries of the Ministers charged even though a new Ministry has been formed and the Legislature is entitled to vary their salaries.)

†Babu Dakshinaranjan Gupta Chaudhuri to move:—

That the provision of Rs. 35,300 under Grant No. 9, Major head—25.—General Administration, Minor head—H.—Ministers (total), at page 64 of the Budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 20,97,300 do stand reduced by Re. 1.

(To criticise the policy of Government in not tendering proper advice to His Excellency the Governor in the formation of the new Ministry.)

Grant" এই প্রসঙ্গত আমাক আমাৰ নিজৰ মনোভাব ব্যক্ত কৰিবৰ বাবে সূচল দিবলৈ এই বিধান কৰা হৈছে। এই প্রসঙ্গতে আমি কোনো আমাৰ মতেৰে আপত্তি জনক খৰচৰ বাবে স্পষ্টভাৱে মতামত প্রকাশ কৰিব পাৰোঁ। বিটো পৰিষদ আমাৰ দেশৰ পক্ষে অনাৱশ্যক, সকলো মানুহৰ এনে কি এই পৰিষদৰ সভা সকলৰ উপৰি আন ৰাজহুৱা মানুহ আৰু ৰাজহুৱা প্ৰতিষ্ঠান আদি সকলোকেই মতামত ইয়াৰ বিপক্ষে। গতিকে এনে পৰিষদ পৰিচালনা কৰাৰ বাবে যি দাবী আমাৰ আগত উপস্থিত কৰা হৈছে সেইটো সমর্থন আমি কৰিব নোৱাৰোঁ। আৰু সেই বাবেই মই এই দাবী অগ্রাহ কৰিবলৈ সকলোকে আহ্বান কৰোঁ। কি কি কাৰণে এই উচ্চ পৰিষদ আমাৰ দেশৰ পক্ষে কিয়া স্বাধীনতা লাভৰ পথত মূল্যবান অহুসাৰ অবাঞ্ছনীয় আৰু অনাৱশ্যক সেইটো সম্বন্ধে ইতিপূৰ্বেই বহু আলোচনা কৰা হৈছে। মই আশা কৰোঁ এই সম্বন্ধে এতিয়া আৰু বহলাই নকলেও হব। সকলোকে এইটো মত যে এই পৰিষদ আমাৰ কাৰণে অনাৱশ্যক আৰু অবাঞ্ছনীয়। এইটো কথা কোৱা বাহুল্য যে যোৱা বছৰ ৰাজহুৱা অধিবেশনত—নেই সময়ত যি সকলক লৈ মন্ত্ৰীমণ্ডলী গঠিত আছিল—দিবিলাকে আমাক স্পষ্টভাৱে জানিবলৈ দিছিল যি দিবিলাকেও এই পৰিষদ সমর্থন নকৰে আৰু স্থবিধা হলেই উঠাই দিবলৈ চেষ্টা কৰিব। যদিও প্ৰয়োজন বশতঃ কিম্বা অবস্থাৰ লগে লগে আমাৰ প্ৰদেশত ইয়াৰ মন্ব মণ্ডলীৰ পৰিবৰ্ত্তন হৈছে তথাপি মোৰ বিশ্বাস—নতুনকৈ হোৱা মন্ত্ৰী কেজনৰ ভিতৰত সম্প্ৰতি শিক্ষা বিভাগত যি জন মন্ত্ৰীক আমি পাইছোঁ তেপেতেই এই পৰিষদ উঠাই দিব লাগে বুলি এটা প্ৰস্তাব (A Substantive motion) যোৱা বছৰত দাঙ্গি ধৰিছিল আৰু বাকী যি দুজন নতুন মন্ত্ৰী নিয়োজিত হৈছে তেওঁলোকও নেই মত পোষণ কৰে। সেইটো মোৰ বিশ্বাস। মোৰ ঘাই কথা হৈছে যে নীতি হিচাবে গণতান্ত্ৰিক শাসন প্ৰণালীৰ পৰিগ্ৰহী আৰু ধনতান্ত্ৰিকবাদী লোকে ৰ গঠিত পৰিষদৰ দ্বাৰা আমাৰ দেশৰ দুখীয়াৰ প্ৰতিনিধি সকলৰ মতামত দলন কৰিবলৈ দিয়া টান পাৰ আৰু সেই কাৰণে সকলো মানুহে এনে পৰিষদ স্থাপন অস্বীকাৰ কৰে; বৰং তেনে ভাবৰ পৰা চালে এইটোৱেই স্বাভাৱিক। সেই কাৰণে বোধ হয় আমাৰ যি শাসন প্ৰণালী, সেই প্ৰণালী গণতান্ত্ৰিক বেন দেখুৱালেও ইয়াৰ ভিতৰত যে ধনী সম্প্ৰদায়ৰ শাসন পদ্ধতি বিষয়ত যথেষ্ট প্ৰভাৱ আছে সেইটো গবৰ্ণমেণ্টেও অস্বীকাৰ কৰিবৰ উপায় নাই। ধনীৰ দ্বাৰা গঠিত পৰিষদত, ধনীৰ দ্বাৰা দুখীয়াক দলন কৰিবৰ কাৰণে গঠিত উচ্চ পৰিষদত আমাৰ সমর্থন নাই, বা আমি আপত্তি কৰিম, এই কথা কোৱা বাহুল্য মাজ। তাৰ পিচত এই পৰিষদ আমাৰ প্ৰদেশৰ অবস্থা হিচাবে অনাৱশ্যক হলেও কেনেকৈ স্থাপিত হ'ল সেইটো সকলোৱেই জানে। এই পৰিষদ হঠাৎ আমাৰ প্ৰদেশত স্থাপিত হ'ল আৰু নিশ্চয়কৈ নিৰ্দিষ্ট সংখ্যক মানুহৰ স্বাৰ্থ বক্ষাৰ কাৰণেই মাথোন স্থাপিত হৈছে। আমাৰ প্ৰদেশৰ অবস্থা বুজি ইয়াতলৈ অহা Simon Commission কে আহি কৰি কোনো Commission এই উচ্চ পৰিষদ ইয়াত হ'ব লাগে বুলি recommendation কৰা নাই। অথচ হঠাতে গজি উঠিল। ৰাজহুৱা মত নবজিল। তাক

ফলিয়াবলৈ এতিয়া আমাৰ গ'ত ভাব পৰিছে। অতি আচৰিত কথা যে, আমাৰ গবৰ্ণমেণ্টে সেই সময়ত কোনো ৰাজহুৱা মতকে নিবিচাৰিলে। কে'জন মান গবৰ্ণমেণ্টক সমর্থকাৰী লোকৰ মতামত লৈয়ে ইয়াক স্থাপন কৰিলে। গতিকে আমি বিদ্ৰোহ নকৰি নোৱাৰোঁ। মোৰ জ্ঞান আৰু বিশ্বাস মতে এই পৰিষদ অনাবশ্যক আৰু অবাঞ্ছনীয়। সেই কাৰণেই মই এই দাবী উত্থাপন কৰিছোঁ। মই আশা কৰোঁ—আগৰ দৰেই—এই উচ্চ পৰিষদ উঠাই দিয়া বিষয়ক মোৰ প্ৰস্তাব সমর্থন কৰিব।

Khan Bahadur Maulavi SAYIDUR RAHMAN: We yield to none in expressing our dissatisfaction of the constitution of the Upper House. In fact this matter was discussed at the last budget session. But we cannot on this side of the House approve of the procedure adopted by the hon. mover. He has moved for the total refusal of the grant. It was pointed out on the last occasion that, how-much-so-ever we may disapprove of the Upper House there is a procedure laid down in the Government of India Act, namely, that a motion has to be adopted in this House and His Majesty the King Emperor has to be approached through this House. In this matter it was pointed out also that the hands of the Ministry are also tied. So it was decided on the last occasion for removal of this House, namely that a motion has to be adopted in this House and His Majesty the King Emperor has to be approached through this House. In this matter it was pointed out also that the hands of the Ministers are tied. So it was decided on the last occasion that some one from this House should come with a motion for the abolition of that House. But since then, for reasons best known to the members, no motion has been discussed. (The Hon'ble the Speaker:—A resolution was half discussed). But had the members been earnest about it, I think a similar motion would have been tabled in this session also. In fact there is still time for the tabling of such a motion. Unless that is done, I think it would be improper to refuse this grant simply to express our disapproval. With these words I oppose the motion.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Sir, I beg to oppose the motion. I yield to none, Sir, in saying that this Upper House is unnecessary. I do not like that that House should dominate over the procedure of this House. But is the procedure which the hon. mover of the resolution is taking for the abolition of the Upper House the proper one? In the last budget session, Sir, the Hon'ble Finance Minister explained very elaborately why that House was for the time being necessary. Sir, we passed in this House by an overwhelming majority the Local Rates (Amendment) Bill, the Municipal (Amendment) Bill, I mean the Removal of Female Disqualification Bill. If the Upper House had been abolished, as my hon. friend proposes, I think these Bills would not have been passed into Acts and His Excellency the Governor would not have given his assent to them. Now, as is proposed by the hon. mover of the motion, if we refuse the grant for the Upper House, it will not sit, because the members will not get their expenses, and will not be coming to undergo the terrible oppression of the cold weather here. So, if we pass any Bill in this House, that Bill will not be passed by the Upper House and such a measure will not be of any value to the people of the province. Sir, I think the Hon'ble Chief Minister has already explained the procedure by which this House can be abolished. I think the hon. mover could leave it to the Hon'ble Chief Minister to follow that procedure in order to abolish the Upper House. If we this day accept this motion and refuse the grant, I am afraid, there will be a deadlock of work in this Province. In view of these facts, Sir, I beg to oppose

this motion. At the same time I should say that I am in full sympathy with the object of the motion. It is the procedure laid down in the Government of India Act which prevents.....

The Hon'ble the SPEAKER: The Act prevents the Ministers, not the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, my opinion on the subject of an Upper Chamber for the province of Assam is well known. I made no secret of it when this question was discussed last year. The opinion which I and my colleagues of the previous Government held and the circumstances under which this Upper Chamber came into existence need no repetition. But even after this, I must join issue with the hon. mover of this motion and say that this is not the proper way in which to move about the abolition of the Upper Chamber. You, Sir, have ruled that in a discussion of these cut motions the mover will get 7 minutes, the Government Member 7 minutes and the other members 5 minutes. When a subject which, under section 308 has to be decided by no less a person than His Majesty the King Emperor, it is in the fitness of things that the matter should be discussed in a thoroughly business like way so that the name and the dignity of the province of Assam and its legislature may not be questioned or suspected. I doubt very much, Sir, whether either the mover or I on behalf of Government can do justice to the subject in 7 minutes. The procedure has been laid down under section 308, and as you pointed out last year, Sir, it is not open to the Ministry to come with a motion or resolution for the abolition of the Upper House within ten years of the inauguration of the new constitution. But it does not prevent any private member to move any resolution. And I promised in that session that I will submit to the higher authorities the considered opinion of this House.

Now, Sir, the present motion is to refuse supplies for the Upper House. One of the hon. speakers who preceded me has pointed out what will be the effect of this. That means that constitutionally the Upper House will exist, but on account of the refusal of supplies it would not function. Then what would be the position? All the Bills that will be passed by this House will remain un-approved by the Upper House for want of its functioning and will remain a dead letter. Only the other day I found that the members of this House, especially of the group opposite, carried unanimously a Bill regarding the Sylhet Town Tenancy. Now, if we do not get the vote of the Upper House to that piece of legislation that means making the passing of the Bill by this Legislature nugatory; because so long as we do not get the approval of the Upper House, it remains a dead letter. This may be said of many other Bills which may come up here. I therefore beseech the hon. members of this House to consider the question very seriously whether we should move in this matter in the way suggested by the hon. mover or whether we should take recourse to the appropriate machinery that has been prescribed in the Constitution Act itself. With these words I oppose the motion.

The Hon'ble the SPEAKER: The question is, "that the provision of Rs.43,001 under Grant 9, Major head—25.—General Administration, Minor head—Legislative bodies, Sub-head—K.—Provincial Legislative Council (total), at page 65 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.43,001."

The motion was lost.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir. An identical motion stands in the name of my hon. friend Maulavi Abdur Rahman. As he was the mover of the original motion refusing the grant of Commissioners' Establishment I think he should get the preference. So I do not like to move the motion* that stands in my name.

Maulavi ABDUR RAHMAN: I beg to move, Sir, that the provision of Rs.78,023 under Grant No.9, Major head—25.—General Administration, Minor head—R.—Commissioners (total), at page 69 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.78,023.

Sir, as has been said by my hon. friend the Khan Sahib, that I was the unfortunate person to move a similar motion during the last budget session of this House and it has come upon me again. Sir, it is well known to the hon. members that they lent their full support to my motion which I tabled during the last Budget Session and unfortunately, though the indication of the House was sufficiently expressed in the motion by refusal of the total grant for the establishment of the Commissioners of the two Valleys, the amount has come up again in the present budget. In defiance of the clear wishes of this House His Excellency has exercised his special responsibility in this matter. Sir, to me it appears that it is a direct encroachment by his Excellency upon the rights and privileges of this House which the Government of India Act provides. This matter also raised a serious constitutional legal point and on this motion the various legal aspects of the thing were discussed. Now I would submit to the House that the House will stand by its own decision which it arrived at on the previous motion. With these words I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: The motion is, that the provision of Rs.78,023 under grant No.9, Major head—25.—General Administration, Minor head—R.—Commissioners (total), at page 69 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.78,023.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, this motion again takes us back to the last budget session. While discussing that motion in that session, the object of the motion of course was the abolition of the two posts of Commissioners, I pointed out to the House that by carrying this motion the object could not be achieved, because the posts of Commissioners are reserved for members of the Indian Civil Service and this House has no hand in the abolition of those posts. The matter has since been discussed on the floor of this House and the Hon'ble Chief Minister has made some statements. It is clear from those statements of the Hon'ble Chief Minister that the matter was discussed in the Cabinet and the Government came to a decision that one of the posts should be abolished and that they are in correspondence with the Secretary of State for India. But, Sir, it is a matter of great regret that no decision has yet been arrived at. So until any decision is arrived at we on this side of the House would not like to express our view on this matter and would like to remain neutral. We would like to await the decision of the Government in this matter.

*That the provision of Rs.78,023 under Grant No.9, Major head 25.—General Administration, Minor head—R.—Commissioners (total), at page 69 of the budget, be refused, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.78,023.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, the matter which we are discussing under this cut motion is not such an innocent and simple one as it looks. It is a matter where the dignity and self respect of every member of this House, who has said on a previous occasion on a similar cut motion is concerned. Sir, it is a matter where the Secretary of State for India, for reasons well known to him, and obviously for protecting the services of two European members belonging to the Indian Civil Service is attempting to defy the whole House and the will of the people of this province. The matter has not been considered in the interest of the people of the province, but from the view that these two posts should be maintained at any costs in the interests of the members of the Indian Civil Service. His Excellency the Governor has undoubtedly interfered with the rights and privileges of the members by sending to this House a supplementary demand for an expenditure, which has once been refused and by suggesting that this item of expenditure can be certified in view of his special responsibility. Sir, let us also consider the provision of section 78(2) under which this right is claimed. It runs as thus—

“The estimates of expenditure embodied in the annual financial statement shall show separately—

* * * * *

the sums required to meet other expenditure proposed to be made from the revenues of the province, and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.”

I ask the Hon'ble Chief Minister to state whether he agrees with His Excellency that the expenditure which is incurred for the establishment of the Commissioners is an expenditure which is included as being necessary for the due discharge of Governors' special responsibility. In this connection I should also like to draw the attention of the Hon'ble Chief Minister to section 52 of the Government of India Act where special responsibilities of the Governor are defined. Section 52 reads as follows:—

“In the exercise of his functions the Governor shall have the following special responsibilities, that is to say,

- (a) the prevention of any grave menace to the peace or tranquility of the province or any part thereof.
- (b) the safeguarding of the legitimate interests of minorities
- (c) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;
- (d) the securing in the sphere of executive action of the purposes which the provisions of Chapter III of Part V of this Act are designed to secure in relation to legislation;
- (e) the securing of the peace and good Government of areas which by or under the provisions of this Part of this Act are declared to be partially excluded areas;
- (f) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and
- (g) the securing of the execution of orders or directions lawfully issued to him under Part VI of this Act by the Governor-General in his discretion.”

A cursory glance and understanding of these provisions will show that His Excellency the Governor is not justified to come to the conclusion that the question of expenditure of Commissioners' establishment is a sphere

which comes under his special responsibilities. As far as we can see there is no provision under this section or any other under which His Excellency can hold that he has a right to certify this item of expenditure against the verdict of the House.

The Hon'ble the SPEAKER: His Excellency's conduct should not be criticised on the floor of the House. The hon. member will remember that.

Mr. FAKHRUDDIN ALI AHMED: Sir, this is a matter of a very great constitutional importance where the rights and privileges of the members of this House are being interfered with and if His Excellency the Governor has chosen to act unconstitutionally we cannot help refusing it. I request each and every member of the House to stand by the vote which they had cast on this question during the last budget session, and not to be cowed down by the suggestion that Governor will certify this item of expenditure. Whether he can do so or not is a matter which can be decided in the law courts should it be necessary. There should not be at this stage any difference of opinion on this question and that we should do our duty to stand by the vote which we have once before given on this motion.

Babu KAMINI KUMAR SEN: On a point of information, Sir. So far as special responsibilities are involved, I think, Sir, that the Council of Ministers must have been consulted. May we know what was the advice tendered by the Hon'ble Chief Minister?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My action in the matter of refusing to put a supplementary demand clearly shows what advice I tendered.

Maulavi MUHAMMAD AMJAD ALI: My hon. friend Mr. Fakhrudin Ali Ahmed has quoted a little law and I do not differ from him in point of law and legal matters. The position is clear. We on this side of the House do not say that the Commissioners' establishment should not go. It was the decision arrived at during the last budget session of the Assembly. But I am sorry that this occasion has been taken to table a cut motion to censure the Government.

The Hon'ble the SPEAKER: It is not so. It is total refusal of an item of expenditure.

Maulavi MUHAMMAD AMJAD ALI: Of course here we are in agreement, and it is a matter in which the Council of Ministers possibly agree. I do not know how this occasion has been taken to criticise the action of the Ministry.

Mr. FAKHRUDDIN ALI AHMED: On a point of explanation, Sir. I think the whole of my speech was an appeal to each and every member of the House to stand by the vote which they gave in the last budget session as to Commissioners' Establishment and refuse the demand. I said nothing against the Ministry.

Babu KAMINI KUMAR SEN: I am very glad to hear from the Hon'ble Chief Minister that he has also advised His Excellency otherwise in this matter of special responsibilities. Sir, this question of special responsibilities did not come till the supplementary demand was presented in December last. Had it been a matter which is covered by His Excellency's special responsibilities is ought to have been included in the authenticated Schedule placed before us at the end of the last budget session. But not only that was not done but three months after a supplementary demand was presented before the House on the ground that three months' emoluments had to be given to the Establishment according to the Civil Service Regulation. Not till that time did any question of special responsibility arise.

We entirely disagree with His Excellency in this respect. This is not a matter which is covered by his special responsibilities and I am glad to find that the Hon'ble Ministers also are of the same view. So, I do not see any difficulty for us to stand by the decision we arrived at in the last Budget session.

Mr. NABA KUMAR DUTTA: Sir, the retention of the Commissioners' establishment till the 31st March 1938 and the inclusion in the new Budget again, estimates for it, in spite of the fact that this House rejected this item of demand by an overwhelming majority involve a serious question. It is not a question of a few thousand rupees. It is a question on which depends the powers and privileges granted to us under the new Government of India Act. If this House cannot reject a votable demand, the very Act of 1935 is nullified. The demand which was refused by this House in the last Budget session has been certified by the Governor.

The Hon'ble the SPEAKER: Not certified.

Mr. NABA KUMAR DUTTA: Sir, the Act provides for certain revenues which are charged on the revenues of the province. Over and above this, money required for the discharge of special responsibilities by the Governor can be certified. But excluding these, the Act has given this House full control over the purse. The special powers are to be exercised with regard to items which have been made clear under the Act. The demand of the Commissioners' Establishment does not fall under any of them. Sir, we have heard from the Ministry that they have referred this matter to the Secretary of State for India and we prefer to remain neutral till we hear the decision from the Secretary of State with regard to this matter.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: On a point of information, Sir. What will be the position under the Local Self-Government Act as it stands if the posts of both the Commissioners are abolished?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The administration will be blocked. It cannot be run.

(A voice :—Why?)

Babu KAMINI KUMAR SEN: Cannot this section be amended?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: This section cannot be amended because many things have to be done by the Commissioners. The resolutions and all correspondence of the Board have to come to Government through the Commissioner, who has distinct statutory powers under the Local Self-Government Act.

Babu KAMINI KUMAR SEN: Can it not come through the Deputy Commissioner?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It cannot come through the Deputy Commissioner unless the Act is amended.

Khan Bahadur Maulavi KERAMAT ALI: May I take that the services of these Commissioners will be necessary till the Local Self-Government Act is amended?

Mr. C. GOLDSMITH: It seems that the Act provides for the Commissioners of this province and therefore it comes within the range of the powers of His Excellency to see that the Act is worked. So the Governor has, it appears, acted in the way so that the Act of 1935 may be operative. When our Hon'ble Chief Minister has assured us that he has communicated to the Secretary of State I think, it is good on the part of this Assembly to await the final decision and then take action.

Mr. ARUN KUMAR CHANDA: Let the House dissolve and the Secretary of State carry on. (Laughter).

The Hon'ble the SPEAKER: I think, the Hon'ble Chief Minister will now reply.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the position which the Ministry has taken on the subject of the retention of the establishment of the Commissioners has been discussed in this House and various statements have been made by me in this connection on the floor of this House during the last December Session as well as previous days of this session. Although I am very much unwilling to reiterate and state the same facts, I have got to make a statement as this is a motion for total refusal of the supplies for the establishment of the two Commissioners. The position of the Ministry is that they have been pressing the higher authorities to remove one of the Commissioners forthwith. It has been said that in this the Ministry has gone against the considered opinion of the whole House as they refused the supply of both the Commissioners. At that time, it was questioned by way of a cut motion and opportunity for discussing the subject in all its bearing was not available. Sir, I have gone through the matter very carefully and find that there are various Acts which place statutory duties upon Commissioners and, therefore, for the present at least one of the Commissioners must remain to discharge those functions or otherwise the administration of the Local Self-Government bodies will be at a stand-still. We were therefore compelled in submitting the vote of the House for the consideration of the higher authorities to mention this aspect of the question and made specific recommendation that out of two Commissioners one must go and the other should be retained. As I have mentioned many times, unfortunately we could not get any reply from the Government of India conveying the decision of the Secretary of State before the last December Session. We sent many reminders but we were told that the decision cannot be had before the actual beginning of that Session, but towards the end of that Session His Excellency was told by the Secretary of State through the Governor-General that he should submit a fresh supplementary demand carrying the Establishment to the end of the financial year. As I refused to move it, the Governor had to take recourse to send a "message" to the House. My hon. friend have mentioned that in section 52,—the special responsibilities of a Governor—retention of the Commissioners' establishment does not form part but the position of His Excellency in this matter was guided by clause (g) of that section, i.e., he had to obey that part of the special responsibility, viz., the execution of the orders or directions lawfully issued to him by the Governor-General in his discretion.

The Hon'ble the SPEAKER: I think, the message mentioned section 52(1)(c).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is correct; but originally the order came from the Secretary of State through the Governor-General that Government should bring in another supplementary demand before the House for maintaining the establishment up to the end of the financial year, i.e., 31st March. As I mentioned only this very day in the morning that we have not been satisfied by this long delay of the Secretary of State. Therefore the position which the Ministry takes in this matter is that although they are convinced that at least the salaries or the establishment charges of one Commissioner ought to be voted by this House, the Ministry will remain neutral as the charges include the establishment of both the Commissioners.

I personally took up the matter with the Government of India only last month and they have again asked us to give a very detailed letter to be forwarded by air-mail to the Secretary of State and another long letter justifying on merits the abolition of one Commissioner has been submitted and hope that the decision of the Secretary of State will be received before the present financial year concludes. For the information of the House I can

say that with the recommendation which this Ministry has made His Excellency entirely concurs that one of the Commissionership should go.

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

That the provision of Rs.78,023 under Grant No. 9, Major head—25.—General Administration, Minor head—R.—Commissioners (total), at page 69 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.78,023.

The motion was agreed to.

The Hon'ble the SPEAKER: The motion that stands in the name of Babu Rabindra Nath Aditya is to be moved now.

Babu RABINDRA NATH ADITYA: Sir, I beg to move that the provision of Rs. 4,35,778 under Grant No.9, Major head—25.—General Administration, Minor head—S.—General Establishment, Sub-head—1.—Pay of Officers, Detailed head—Extra Assistant Commissioners at page 70 of the Budget be reduced by Rs. 1,000, *i.e.*, the amount of the whole grant of Rs. 20,97,300 do stand reduced by Rs.1,000.

It is a token cut motion, Sir, and if I am allowed, I may reduce Rs. 1,000 to Rs. 100.

The Hon'ble the SPEAKER: Last year, I gave a ruling that a cut motion intended to be a censure motion should not be tabled at a value above Rs. 100. It must be either Rs. 100 or a sum below that. Very well, I allow the hon. member to reduce the amount to Rs. 100.

Babu RABINDRA NATH ADITYA: Sir, the object of this cut motion is to censure the Government for retaining one Extra Assistant Commissioner at Shillong for 17 years. The interest of public service demands that an officer should be transferred from a particular place after a fixed period of time, but to our surprise, we find that one Extra Assistant Commissioner has been stationed here in Shillong for a long period of 17 years.

(*A voice*—What is his name please?)

His name is Mr. David Roy. There has been a permanent settlement for him here—so to say. I put a question in the last session of the Assembly but I think up till now no action at all has been taken although I drew the attention of Government to that matter. This particular gentleman is a native of this district. If I remember correctly, there is a rule that Government officers should not generally be allowed to serve in their own district or subdivision. This gentleman having a long residence in Shillong is expected to pick up acquaintances and develop strong likes and dislikes and, as such, in the interest of public service he should have been transferred long ago. Moreover, Sir, he is a Khasi gentleman acquainted with many people of the place, and if my information is correct, he meddles with things outside the sphere of his service. So, I like to draw the pointed attention of Government to the fact and criticise their action in not transferring him from this place. With these words I commend the motion to the acceptance of the House.

The Hon'ble the SPEAKER: The motion before the House is that the provision of Rs. 4,35,778 under Grant No. 9, Major head—25.—General Administration, Minor head—S.—General Establishment, Sub-head—1.—Pay of Officers, Detailed head—Extra Assistant Commissioners at page 70 of the Budget be reduced by Rs. 100, *i.e.*, the amount of the whole grant of Rs. 20,97,300 do stand reduced by Rs. 100.

Maulavi MUHAMMAD AMJAD ALI: (As soon as the member got up Mr. Baidyanath Mookerjee hummed loudly and there was laughter in the House.)

I think I have caught the eyes of my hon. friend Mr. Baidyanath Mookerjee before that of the Hon'ble Speaker. He is more concerned with me than the Hon'ble Speaker himself.

To come to the motion, Sir, it has been tabled on the retention of an Extra Assistant Commissioner for about 17 years in his native place. Here, I have got to tell you, Sir, that I have found a Deputy Inspector of Schools in one place for about 22 years. Questions were asked in the Council and memorials were sent to Government for his transfer but the answer was that administrative reasons demanded his retention in that particular place. It was not his own district but because he was conversant with the language of the place he could do his duties very satisfactorily. I find here in this motion the hon. mover objects to the Extra Assistant Commissioner being a native of the district. This point has been regarded by him to be his disqualification. I don't think he can give any other argument in support of his motion except that the officer himself is a native of the district. If he is a native of the district, it is all the more a reason that he ought to be retained in the place because he knows the district more than any body else.

(*A voice* from the Congress group—Here you are.)

With these words I oppose the motion.

Maulavi ABDUR RAHMAN: Sir, so far as I know, Government maintain a subsidiary rule for regulating the transfers and postings of Government officers, and to my knowledge no Government officer can remain in one place for more than 3 years. So, we see no reason why Government should give preference to this man and retain him here for about 17 years. Of course, my hon. friend Maulavi Muhammad Amjad Ali has argued that for special reasons this man is being maintained here. But his transfer is overdue. If the Hon'ble Minister in charge assures us that the subsidiary rule meant for regulating the transfers and postings of Government officers will be exercised in the case of this officer, I think the hon. mover of the motion can have no reason to press for it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, this particular officer—Mr. David Roy—is a Khasi and started his life as a Sub-Deputy Collector. It is quite true that he has spent 17 years of his service in the Khasi Hills. Up till 1933 he was serving as a Sub-Deputy Collector. Every one knows that the sphere of action of a Sub-Deputy Collector is among the cultivators, and the knowledge of the language and customs of the cultivators is essentially necessary for the satisfactory discharge of the duties of a Sub-Deputy Collector. Therefore, it is no wonder that for about 13 years Mr. David Roy served in the Khasi Hills district as a Sub-Deputy Collector. When he was promoted in 1933 his intimate knowledge of the localities was requisitioned to settle the boundary dispute between the districts of Khasi and Jaintia Hills and Sylhet, which has been engaging the attention of the Government.

Mr. ARUN KUMAR CHANDA: Was not Mr. Stewart brought for that purpose?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Will the hon. member please allow me to finish?

Mr. ARUN KUMAR CHANDA: I may forget the point. (*Laughter.*)
The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This officer was utilising his leisure months in the discharge of that particular branch of his duty, *viz.*, doing the boundary work, while at other times he was performing the duties of a Magistrate in Shillong. When last year an hon. member of this House brought this matter to my notice, I at once ordered that he should be detailed for this boundary work relieving him of all other work, so that as soon as he had finished his boundary work, the

question of his transfer may be considered. And since then he is solely devoted to this boundary dispute work.

Babu RABINDRA NATH ADITYA: Solely?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes. It has come to my knowledge that this officer has 18 months more to serve before he retires.

My hon. friend the Deputy Leader of the Congress Party is generally very well informed, but he has just made a little slip in bringing Mr. Stewart's name in this connection. Yes, Mr. Stewart has been brought to Shillong with the purpose of settling a boundary dispute, not between the districts of Sylhet and the Khasi and Jaintia Hills but for demarcating the boundaries between the Government and the Siems' territories. The special duty for which Mr. Stewart has been brought has got absolutely no connection between the boundary dispute between Sylhet and the Khasi and Jaintia Hills, and the two subjects are widely different.

Sir, after what I have said I suppose my hon. friend will find that the retention of this officer is coming to a close both on the ground that Government has taken a note of the fact of his long retention in his home district and on the ground of superannuation, and I hope the hon. member will withdraw his motion.

Srijut DEBESWAR SARMAH: On a point of information, Sir. I have just now gathered from the Hon'ble Chief Minister that Sub-Deputy Collectors' knowledge of the language, manners and customs of the cultivators is essential for their work. If that is the position may I be enlightened if it is with the same purpose that a Sub-Deputy Collector from Sylhet has been transferred to Jorhat? I do not question the question of administrative convenience, but whether the statement that a knowledge of the language, manners and customs of the people is taken into consideration is in keeping with the position that we find ourselves in?

Khan Bahadur Maulavi KERAMAT ALI: Before the Hon'ble Chief Minister replies may I enquire? (*Laughter.*)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Sub-Deputy Collector in question has passed the Departmental Examination and knows the language.

Babu RABINDRA NATH ADITYA: Is that particular Officer meant exclusively for boundary work?

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

Babu RABINDRA NATH ADITYA: Since when, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not remember exactly the date, but as soon as this matter was brought to my notice, I think in the September session, I passed orders.

Babu RABINDRA NATH ADITYA: When will that duty be finished?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not in a position to say, but it may be finished in another three months.

Babu RABINDRA NATH ADITYA: Will the Hon'ble Chief Minister consider the question of transferring him?

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

Babu RABINDRA NATH ADITYA: Then I beg leave of the House to withdraw my motion.

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

Babu KARUNA SINDHU ROY: Mr. Speaker, Sir, I beg to move that the provision of Rs. 34,000 under Grant No.9, Major head—25.—General Administration, Minor head—S.—General Establishment, Sub-head—3.—Allowances, Honoraia, etc., Detailed head—Travelling allowances of officers, at page 70 of the Budget be reduced by Rs. 2, *i.e.*, the amount of the whole grant of Rs. 20, 97,300 do stand reduced by Rs. 2.

(To criticise the policy of Government in so far as it relates to travelling of officers and their touring allowances.)

Sir, these tours of the District and Subdivisional Officers were intended for the purpose of visiting villagers and to hear the grievances of the villagers, but I am sure that all the hon. members of this House will agree with me when I say that this purpose is not really served by these tours. When these officers go out on tour they generally go to some places where they become the guests of some influential and rich men, and they act on the advice of these men, and the prayers and crying needs of the really needy villagers are neglected. Let me give only one example. Suppose there is a village where poor and illiterate persons live and that village is badly in need of drinking water. The touring officer never goes to that kind of village. If he goes to that locality, he stops at some good village and becomes the guest of a rich and influential man, and makes enquiry of him about the needs of the surrounding villages, and according to his advice grants a tube-well for the villiage recommended by his host though the people of that village may be less needy than the people of the other village where drinking water is badly wanted. With this object I have tabled this motion to draw the pointed attention of the Government to this matter.

Maulavi ABDUR RAHMAN: Sir, this is a very innocent motion and it has been raised in order to criticise the manner in which the Government Officers usually draw their travelling allowances. Sir, in the last August Session of the Assembly, I put a number of questions and in reply to my questions it was said that the matter will be duly considered. During this session also, in connection with a particular department, I have put questions and the replies have not yet been given.

Sir, generally we find that the officials, in order to draw large amount of travelling allowance, travel by motor cars instead of by trains which generally cover short distances. Suppose an officer is to come from Silchar to Habiganj, if he travels by train he will get less amount of travelling allowance than if he travels by car from Silchar to Habiganj. We, Sir, thought that the Hon'ble Ministers would look into the matter so that the officers may not be allowed to draw unnecessarily larger amounts of travelling allowance. The bad effect of such practice are two-fold. For one thing, while they travel by car they do not go to the interior as suitable roads are not available and so the officers cannot have an idea or opinion of the rural areas. At the same time the provincial exchequer would be saved if they travel by the shorter route.

Maulavi ASHRAFUDDIN MUHAMMAD CHAUDHURY: This system of touring by officers has continued for a number of years. In the last Budget session, I suggested that an appeal may be made and rather an example may be set by our popular Ministers by their going into the interior and thereby setting an example to our officers who draw travelling allowances. That will be an inspiration to all the district officers to do the same and not limit their visits to headquarter places alone. But that object is not one to be achieved by any censure motion, you cannot do anything that way. The only thing to do is to stir up the spirit of service if it is working in their minds. Otherwise it is impossible even for Government, much less for anybody else, to look after this thing. If our popular Ministers go to the interior and

look after the conditions then we can expect that people serving under them also would feel and realise that their duty does not end only by visiting the mufussal headquarters and dining with their subordinates or with having attendance from their subordinates. So I would ask the hon. mover that by criticising the Government we cannot probably bring about any change in the mentality of the officers. The only thing we can ask the Hon'ble Minister to do is to regulate their conduct in such a way as to set an example to those persons who are serving as public officers.

Khan Bahadur Maulavi MUFIZUR RAHMAN: Mr. Speaker, Sir, the hon. mover of the motion comes from Sunamganj. I spent about nine years in that subdivision in various capacities and so far as I know no officer was ever a guest of any one. I do not know if things have changed now. I also spent eighteen years in the Brahmaputra Valley and my experience is that always we the touring officers lived in tents or the Inspection Bungalow. But I do not think we were ever staying as guests of anybody. Of course, there are places where there is no Inspection Bungalow and our officers had to live in Lower Primary School premises or temporary sheds. If recently there has been any change brought about, of course, the Hon'ble Chief Minister may issue an order that they should not be the guests of others in this way or go into obligation with anyone. So far as I know, no officer has ever remained a guest of anyone and so I oppose this motion.

Srijut SANKAR CHANDRA BARUA: সভাপতি মহাশয়, ডাক্তার বিষয় সকলক Travelling Allowance দি তেখেত সকলক ফুৰিবলৈ সুবিধা দিয়া যায়। যাতে সেইটোৰ পৰা বায়তৰ কিবা উপকাৰ হয়। কিন্তু আনি সাধাৰনতে দেখিবলৈ পাওঁ যে ডাক্তাৰ অফিছাৰ বিলাকে Travelling Allowance draw কৰে কিন্তু গাৰ্বলৈ গৈ ব'ত দুখীয়া প্রজায় অতি কষ্টেৰে দিন কটাইছে, তালৈ এদিনো নেযায়। তাৰ উদাহৰণ স্বৰূপ, অতি অলপতে হামাৰ খাজনা মন্ত্রী মহোদয় গোলাঘাটৰ ফালে গৈছিল। তেখেতে সেই পিনে ডিব্ৰুগড়লৈকে গোটাইখন ফুৰি আহিলগৈ। তেখেতক মই সুধিব খোজো— বিশেষকৈ শিবসাগৰ, যোৰহাট, গোলাঘাট প্রভৃতি ঠাইত ব'ত বানপানীয়ে বায়তক জুলুম কৰিলে তেখেতে সেইবিলাক ঠাই ছালে নে? তেখেতে যোৰাৰ সময়ত মই গোলাঘাটত আছিলোঁ, কিন্তু তেখেতে তাত ব'ত বান পানীৰ উপদ্ৰবত বায়তে অতি কষ্টেৰে দিন কটাইছে তালৈ যোৱা গম নেপালো। আমি এইটো জানিব পাৰিছোঁ যে তেখেতে নগৰে নগৰে ফুৰি Circuit Houseত থাকি ডাক্তাৰ ডাক্তাৰ মানুহৰ লগত দেখা কৰিলে আৰু Sub-divisional Officer ৰ তাত চাহ খাই গুছি আহিলে।

The Hon'ble Srijut ROHINI KUMAR CHOUDHURY: আপোনাকো মতা হৈছিল নহয়?

Srijut DEBESWAR SARMAH: আপোনা সকলে ইতিপূৰ্বে কংগ্ৰেচৰ মাতব্বৰ থাকোঁতে আমাক নিষেধ কৰি এতিয়া নিজে পাৰ্টিত যোগ দি আমাক বাহিৰত বখা ব্যবস্থা কৰিলে।

Srijut SANKAR CHANDRA BARUA: আচৌ মন্ত্রী মহাশয়ক সুধিব পাৰোনে? তেখেতে শিবসাগৰলৈ যাওঁতে কোণ্ডৰগুৰ মৌজাৰ উপদ্ৰব আৰু সেই

মৌজাৰ আঠাকক মঠাউৰিটোৰ কিবা ধৰণ কৰিছিলনে? যোৰহাটৰ ভোগদৈৰ উপদ্ৰব আৰু গোলাঘাটৰ কচাৰিহাট, আঁঠগাও, বিনাধাৰী মৌজাৰ বানপানীয়ে যি উপদ্ৰব কৰিলে তাৰ কিবা ধৰণ কৰিছিলনে? এই ধৰণৰ দেখা গৈছে কেবল মন্ত্রী সকলেই নহয়—ডাক্তাৰ অফিছাৰ সকলকো দেখা গৈছে—এটাৰ বিলাকে Travelling Allowance draw কৰে কিন্তু খেতিয়কৰ ফালে বিশেষ দৃষ্টি কৰা নাই। সেই কাৰণে মই এই প্ৰস্তাবটো সমৰ্থন কৰো।

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am rather in a difficulty in dealing with this cut motion moved by my hon. friend Babu Karuna Sindhu Roy. From his speech I gathered that he wanted the Government officers to visit the villages. But the only objection he had was that these officers generally became the guests of influential people and distributed their patronage irrespective of the deserts of the recipients and that the really needy villagers did not get any benefit from those visits. His principal supporter, Maulavi Abdur Rahman who is again absent now (*loud laughter*) had a different grievance. I am sorry I have to make these remarks in his absence, but some of his friends will supply the information to him or he will read it later on from the printed proceedings. His idea was that the Government was not checking the route taken by Government officers and allowed the officers to travel by motor from Silchar to Habiganj, thus enabling them to draw a bigger amount in travelling allowance, whereas if they had used the ordinary route by rail most probably the expenditure to the State would have been very much less. Lastly my hon. friend Srijut Sankar Chandra Barua mentioned that Government officers, notably my Hon'ble Colleague the Revenue Minister in his recent tour to Jorhat, did not go to see the flood-affected people in the interior. (Srijut Debesar Sarma: Golaghat, Jorhat and Sibsagar.)

I can reply to the charge made by the hon. mover of this motion in one sentence. Only the other day the new rules promulgated by the present Ministry as regards the conduct of Government servants was criticised in this House. But in these rules the Government have inserted a clause wherein, not to speak of Government servants becoming the guests of well-to-do people in the localities under their jurisdiction, they are prevented even to take parties in their honour. So they ought to satisfy the hon. mover of this motion.

As regards the complaint of Maulavi Abdur Rahman, I can say, although he spoke of subsidiary rules on the previous motion wherein the subsidiary rules did not form a part of the discussion, we have got not only the fundamental but also the subsidiary rules and financial rules regulating the routes followed on tours by Government officers, and if any of them do not follow the particular routes prescribed they will not be paid. If in any case they try to evade these rules, there is also the Comptroller's Office to check their bills and get a refund.

As regards the particular case mentioned by my friend Srijut Sankar Chandra Barua I am told by my Hon'ble Colleague that his last visit was for a particular and definite purpose, namely to see whether any Government building is available for the purpose of starting a Judge's Court there which the High Court at Calcutta is insisting on, and he mentions to me that he stopped there only for one night and one day and could not spare any time to go into the interior. From what I know of his tour in Kamrup, Darrang and Nowgong, he did go into the interior; and in his next tour I am perfectly sure, not only my Hon'ble Colleague, but all the other

Government officers, will remember that their first duty when they go out is to look into the conditions and the grievances of the people who have sent us up here.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir. What was the amount drawn on that occasion by the Hon'ble Minister when he went to see whether a Government building for the Judge's Court was available or not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am afraid I have not got those figures with me now, nor is this question time. If my hon. friend wants those figures I will be only too glad to supply them.

Mr. BAIDYANATH MOOKERJEE: We thought that when the Hon'ble Minister went there he had many things to do. Now we understand that he went only to see whether there was any Government building available.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Also to inspect jails.

Mr. BAIDYANATH MOOKERJEE: But that was not said by the Hon'ble Chief Minister.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend Mr. Mookerjee has no reason to suppose that, when a Minister goes out on tour he has got enough leisure to visit every village. Each subdivision or district is a very big unit. In the district of Sibsagar there are three subdivisions, Golaghat, Jorhat and Sibsagar. It is very nearly 3,600 square miles in area. If any Hon'ble Minister while going out on tour is expected to visit even half the number of villages in that particular district or subdivision, he will have to spend half his time in the districts and not in the headquarters. But I can assure my hon. friend Srijut Sankar Chandra Barua that the suggestion that he has made will be remembered. As a matter of fact, before the interruption from a particular quarter, I was going to mention that the last time I met Srijut Ramnath Das I promised that I would go along with him and visit the *bunds* that have been breached by the Bhogdoi a few miles off Jorhat. Similarly, Sir, it is.....

Srijut DEBESWAR SARMAH: On a point of information, Sir. How was it that the same kind of promise was refused on the last occasion? Why should I be deprived of that pleasure?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think my hon. friend is an old-stager and he must have noticed the calamities which these flood-affected people are suffering from. But when I find that that particular group has got a new recruit in the person of Srijut Ramnath Das and when he has taken up the cause of the poor people with all the vengeance and enthusiasm of a new recruit, I thought of helping him and do my little bit.

Srijut DEBESWAR SARMAH: Before we finish with this item, Sir, I would like to make one request to the Hon'ble Chief Minister. Within my constituency and in Golaghat there is a large area known as Majuli. Unless one goes there, it is difficult to gather the condition obtaining there. One is strained to believe that it forms a part of the British Empire. Even though it is only some ten or fifteen miles from Jorhat, a letter from the latter place reaches there only on the fourth day. We only ascribe the reason for that to be that there are no tea gardens there.

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

Srijut DEBESWAR SARMAH: Unless I make the thing clear you will not appreciate it. Now, Sir, I would like the Government to impress upon the Deputy Commissioner, Jorhat that Majuli may not be left to the mercy of the Tahsildar because there are no good communications there. There is a thoroughfare from Jorhat to North Lakhimpur and it is a motorable road. From that.....

Mr. F. W. HOCKENHULL: I can assure the hon. member that this matter engaged our attention in the Line Committee.

Srijut DEBESWAR SARMAH: Oh, Sir, I was forgetting that hon. Mr. Hockenhull was of late falling in love with a particular committee and a particular community.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The prayer of my hon. friend was granted before it was broached. It was on the receipt of a representation from a certain Miri Association I promised my hon. friend Srijut Karka Dalay Miri that when I visit the Sibsagar district I will make it a special point to meet him and take him with me to Majuli. I do not like to disturb my hon. friend, because I do not like that he should be deprived of the court cases. If my hon. friend would not object to that, I would be only too pleased to take him along with me and I request him to give me a list of the requirements of that island Majuli.

I was going to mention that under the Executive Manual certain officers, *viz.*, the district officers and subdivisional officers are bound to spend 120 days in mufassil and so long as these rules remain they have got to travel within their jurisdiction and the question of travelling must remain. At the time when this motion was tabled, I thought that my hon. friend would mention that the travelling allowance which was granted to our officers was high. But I find that he has not mentioned it. I may be permitted to say that the last Retrenchment Committee which was presided over by me made a substantial reduction in the travelling and halting allowances of our officers and this has produced a saving of more than 3 lakhs of rupees on that particular head.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, may I speak a few words in way of personal explanation? I did not take tea in Sibsagar alone. My hon. friend Srijut Bhuban Chandra Gogoi also took tea with me (*loud laughter*).

As regards interviewing big people in Sibsagar, I only went to see Srijut Jadab Prasad Chaliha who is a member of the Congress party and in Jorhat I only saw my hon. friends Khan Bahadur Keramat Ali, Rai Bahadur Haremba Prasad Barua and my friend Srijut Debeswar Sarma. I went to see these gentlemen not because that they are *Dangar* people but because they are representatives of the people. At Jorhat my hon. friend Srijut Debeswar Sarma was also invited to the tea but he failed to attend the party.

The Hon'ble the SPEAKER: The question is that the provision of Rs.34,000 under grant No.9, Major head—25.—General Administration, Minor head—S—General Establishment, Sub-head—3.—Allowances, Honoraria, etc., Detailed head—Travelling allowances of officers, at page 70 of the budget, be reduced by Rs.2, *i.e.*, the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.2.

Babu KARUNA SINDHU ROY: In view of the assurance given by the Hon'ble Chief Minister, I beg leave of the House to withdraw my motion.

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

Srijut MAHADEV SARMA: Before I move my motion, may I beg your permission, Sir, to make certain changes in my motion?

The Hon'ble the SPEAKER: What are the changes?

Srijut MAHADEV SARMA: In place of the words "be refused" I want to substitute the words "be reduced by Rs.420."

The Hon'ble the SPEAKER: Then it would be an economic cut.

Srijut MAHADEV SARMA: Yes, Sir.

The Hon'ble the SPEAKER: Very well I allow this.

Srijut MAHADEV SARMA: Sir, I beg to move that the provision of Rs.16,588 under Grant No.9, Major head—25.—General Administration, Minor head—U.—Other establishments, Sub-head—(d)—Staging-Bungalow Establishment (total), at page 73 of the Budget, be reduced by Rs.420, i.e., the amount of the whole grant of Rs.20,97,300 do stand reduced by Rs.420.

মই এই প্ৰস্তাব দ্বাৰা এই সমুদায় ১৬,৫৮৮ টকাৰ ভিতৰত মাথোন ৪২০ অস্বীকাৰ কৰিবৰ বা নামঞ্জৰ কৰিবৰ কাৰণে প্ৰস্তাব কৰোঁ। এই ৪২০ টকা River Steam Navigation Companyক contribution স্বৰূপে দিয়া হয়। বাজেটত দেখা যায় যে এই টকা floating Dak-Banglow বন্ধ কৰিবৰ কাৰণে River Steam Navigation Companyক subsidy হিচাবে মঞ্জুৰ কৰা হয়। মই Finance Department ৰ Secretary মহাশয়ৰ পৰা কিমান আৰু ক'ত ক'ত floating Dak-Bungalows আছে সেইটো অনুসন্ধান কৰি জানিব পাৰিছো যে মাথোন দুটা floating Dak-Bungalow দৰং অঞ্চলৰ ব্ৰহ্মপুত্ৰত আছে। এটা Gomirighatত আৰু ইটো Behalighatত। মই বিবেচনা কৰো বৰ্তমান আমাৰ Road Communication যেনেভাবে উন্নত হৈছে তেনে অবস্থাত এই floating Dak-Banglow বাখিবৰ কোনো প্ৰয়োজন নাই। এই ৪২০ দেখাত নিতান্ত কম টকা হলেও প্ৰয়োজন বা নীতি হিচাবে মই এই টকাৰ মঞ্জুৰিৰ বাবে সমৰ্থন কৰিবলৈ অপাৰগ। বৰ্তমান Road Communication উন্নত হোৱাত এই floating Dak-Banglow বিলাক ব্যৱহাৰলৈ প্ৰায়ই নাই। অবশ্য আগতে এনেকুৱা দিন আছিল, যেতিয়া steamerৰ বাহিৰে মানুহৰ—কেৱল চৰকাৰী বিষয়া সকলৰে মহয় অন্যান্য মানুহৰো যোৱা অহাৰ কোনো আন সুবিধা নাছিল আৰু সময়ত বাতি পলমটক জাহাজ পালে মানুহে নিজ নিজ গন্তব্য ঠাইলৈ যাবলৈ টান হোৱাত তেতিয়া হয়তো floating Dak-Banglowৰ প্ৰয়োজন আছিল। কিন্তু আজিকালিৰ দিনত এনেকুৱা floating Dak-Banglowৰ কোনো প্ৰয়োজন নাই। মোৰ নিজৰ অভিজ্ঞতাৰ পৰা কও যে এই Gomirighat ৰ পৰা য'ত গভৰ্ণমেণ্টৰ Public Works Department বিভাগৰ Inspection Bungalow আছে তালৈ মাথোন ৪ মাইল। এই ৪ মাইল বাস্তাৱ প্ৰেভেল road। steamer ঘাটৰপৰা তালৈ যাবলৈ

বাহিবলৈ কোনো অস্বীকাৰ নাই; কাজেই এই floating Dak-Banglow কি প্ৰয়োজন? এতিয়াও যে সেই Banglow বন্ধ হৈছে সেইটো মই Luxury বুলি ভাবোঁ। Behali floating Dak-Banglow বিষয়েও সেই কথা। জাহাজ ঘাটৰ পৰা Behali Public Works Department Inspection Bungalow লৈ ২৩ মাইলৰ বেছি নহয়। সেই নিমিত্তে তাতো floating Dak-Banglowৰ কোনো প্ৰয়োজন নাই। প্ৰয়োজন নাই কাৰণেই এই টকা নামঞ্জৰ কৰিব লাগে বুলি মই বিবেচনা কৰোঁ। সেই কাৰণেই এই ৪২০ নামঞ্জৰ কৰিবলৈ প্ৰস্তাব কৰোঁ।

The Hon'ble the SPEAKER: The motion moved is that the provision of Rs.16,588 under Grant No. 9, Major head—25.—General Administration, Minor head—U.—Other Establishments, Sub-head—(d) Staging Bungalow Establishment (total), at page 73 of the Budget, be reduced by Rs. 420, i.e., the amount of the whole grant of Rs. 20,97,300 do stand reduced by Rs. 420.

Mr. W. R. FAULL: Mr. Speaker, Sir, as this cut motion is raised against the sub-heading 'Contribution to the River Steam Navigation Company for maintenance of floating Dak Bungalows', I may be expected to make a statement and I would like to explain that this is mainly a matter for the Government. The floating Dak Bungalows are looked after by the crews of the Steamer Companies' own vessels as this is the least expensive method of upkeep, and the contribution is against the wages of the crews who do the work.

Now, if it is decided that these floating Dak Bungalows are not necessary, they may be withdrawn and the payment to the Steamer Companies will automatically cease.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is true that these floating inspection bungalows were necessitated when the road communication and other methods of transport were difficult in Assam. Government has withdrawn many of the floating Dak Bungalows, and now as my hon. friend has mentioned, only two have been left—one at Behali and the other at Gomirighat.

Mr. JOBANG D. MARAK: And also at Rowmari Ghat.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend Mr. Jobang D. Marak informs me that there is another one at Rowmari Ghat. Unfortunately for me, I have not been able to visit any of these localities up till now. But if, as asserted by the hon. mover of the motion, there is an Inspection Bungalow within three miles of the floating Bungalow at Gomirighat connected by a good gravelled road, I will look into the question. And if it is so, I will surely withdraw the grant to the Steamer Companies and ask the Department to close the Inspection Bungalows. If with this assurance my hon. friend will kindly see his way to withdraw his motion, I need not detain the House any further.

Srijut MAHADEV SARMA: On this assurance, I beg leave of the House to withdraw my motion.

The Hon'ble the SPEAKER: I think the hon. mover has got the leave of the House to withdraw his motion.

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

Srijut MAHI CHANDRA BORA: I beg, Sir to move that the provision of Rs. 30,500 under Grant No. 9, Major head—25.—General Administration, Minor head—V.—Discretionary grants by the Heads of the Province (total), at page 73 of the Budget, be reduced by Rs. 100, i.e., the

Srijut MAHI CHANDRA BORA: I submit, Sir, that a list of grants made by the Commissioners and other Officers should also be placed on the table.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There are only two other officers who have got discretionary grant—one is the Commissioner and the other is His Excellency the Governor. As we cannot question the allotment made by His Excellency, we cannot place any list of grants made by him.

Srijut GOPINATH BARDOLOI: I think a list can be placed as the amount is a votable one.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Of course, the amount is a votable one but we cannot question the action of His Excellency.

Srijut GOPINATH BARDOLOI: We are entitled to know how the amount is distributed because the amount is a votable one.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I can say, of course, subject to correction that the action of His Excellency cannot be questioned in this House.

Srijut GOPINATH BARDOLOI: We do not want to question his action. We want it only for the sake of information.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If it is wanted for information only and if the hon. members will give me an assurance that the payments made out of the funds are not criticised in this House, then I will request His Excellency to place a list in this House.

Srijut GOPINATH BARDOLOI: I respectfully beg to submit that this is a votable grant and I think we can at any rate make suggestions. We have every right to speak about the distribution of the grant.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I still maintain that it is not within the jurisdiction of this House to criticise the action of His Excellency.

Mr. ARUN KUMAR CHANDA: We shall form an impression about His Excellency's discretion.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: May I know whether only Rs.500 is awarded?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In my time previously I gave many grants from my discretionary allotment. I suppose my hon. friend from Barpeta knows that I granted Rs.1,000 to one deserving young man of Barpeta—Mr. Guru Prasad Das—who was sent to England for a special engineering course.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Are applications made for such grants?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, and whenever any student submits an application, I make it a point to have a certificate from the head of the institution that the case is a deserving one and the money granted is not placed in the hands of the student himself but in the hands of the head of the institution who gives the money to the student, if he thinks fit.

Mr. FAKHRUDDIN ALI AHMED: For what purpose are the grants made by His Excellency?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I cannot say for what purpose. It is a discretionary grant placed at the disposal of His Excellency.

Mr. FAKHRUDDIN ALI AHMED: Are we not entitled to know before we are asked to vote for it?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. friend wants, I can produce a list of the previous year.

The Hon'ble the SPEAKER: I wish to know whether the hon. member likes to withdraw his motion in view of what has been said by the Hon'ble Chief Minister.

Srijut MAHI CHANDRA BORA: As the Hon'ble Chief Minister has said that in future he will place a list of grants made out from the discretionary allotments by His Excellency the Governor, the Commissioners and the Ministers, I beg leave of the House to withdraw my motion.

The Hon'ble the SPEAKER: Has the hon. member leave of the House to withdraw his motion?

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

The Hon'ble the SPEAKER: Srijut Debeswar Sarmah may now move his motion.

Srijut DEBESWAR SARMAH: Sir, I beg to move that the total provision of Rs.20,97,300 under Grant No.9, Major Head—25.—General Administration, at page 59 of the Budget, be reduced by Rs.101.

This is intended to raise a discussion on the unsuitability of Shillong as the capital of the province. Sir, at the outset I must say to those of us, who might have a suspicion that this is an indirect move to remove the capital to some other place preferably to the advantage of the people of the Assam Valley, that is not so.

(A voice:—No, no, it is not.)

It is a known fact that separation of Sylhet is an accepted item in the programme of the Congress. If and when Sylhet is separated, then and then only the question of removal of the capital to the other valley may forcefully arise. But now, so long as we are here, both the valleys as one administrative unit, we must have the facilities and advantages of a capital in true sense of the matter. I mean to say that either the Government ought to be able to see their way to remove the capital to a suitable place agreed to by the people of both the valleys or in the alternative, they must see their way to remove the disabilities and inconveniences of the present capital. Admittedly, Sir, a capital or a metropolis of a province is the best asset, the most valuable national wealth. But as regards Shillong, what do we find here? If hon. members would pause and think for a moment, they will feel themselves that in Shillong they are no better than internees. We are moving heaven and earth for removing the disabilities of political internees but we find ourselves here in Shillong internees in the real sense of the term socially, politically, commercially,—cut off as we are from outside world down the hills. Government have to remove the capital from Shillong to any other place in Assam, or must remove civic disabilities obtaining here—it may be due to natural disadvantages of the place or inconveniences of communications. We find, that land in Shillong cannot be had for settlement except only for a limited period and one can hardly afford to live in Shillong unless he is very rich. If there is an urgent call from our home, we cannot leave Shillong normally as we please. I say normally because hon. members of this House or influential members of the society may have the advantage of securing a special permission to leave the place for the mere asking, but it cannot be so in the case of the common people. They are to undergo a lot of trouble to secure permission from the authority to run a motor car at an hour which is not scheduled to the traffic rules. Amongst others, the two main disadvantages of the capital are its communications and acquisition of landed property. I do not know, and I shall feel obliged, if any other hon. members will enlighten me, if there is any other province or country on the

surface of mother earth, the capital of which is situated on other people's territory. It is extremely difficult for one to acquire or purchase a small plot of land here. (*Hear! hear!*) The capital of the province is situated on an area which belongs mostly to the local rulers—if I am permitted to say so—and the terms and conditions of transfer or conveyance of the land are most uncertain and humiliating. As to what premium one will have to pay and what conditions he will have to submit to, there is no rule, there is no code, nor is there any unwritten custom. They might vary with different people. Sir, when the capital is situated in a place where people cannot possess property, it converts itself into a ward of infirms for that province. We have read in history that not very long ages ago three villages named Sutanuti, Kolikata and Gobindapur gradually developed into one of the biggest cities of the world and the third biggest city in the British Empire—in the name of Calcutta. It has become the national asset for the whole of India, because people of India have facilities for commerce and trade there and can acquire property there. But here in Shillong what do we find? Here only those people who have enormous means at their disposal may come for summer resort and for improvement of health. Ordinary people are forbidden as it were to come here as it is so costly. The inaccessibility of the capital of Assam is a great handicap in the development of the province. Here one cannot normally acquire property nor can have facility for expansion in the town.

The next question is that of difficulty and inconvenience of communication. From Jorhat to Nowgong—a distance of 114 miles—and one can travel at an expenditure of between Rs. 2 and Rs. 3 in very good up-to-date, busses with bodies built in Calcutta, while travellers from Gauhati to Shillong by the Commercial Carrying Company's busses to pay Rs. 8 for a distance of 63 miles and do not get half the comfort and facilities that these passengers are getting from Jorhat to Nowgong. Again from Jorhat to Dibrugarh a distance of 84 miles—one can travel in a very good bus at an expenditure of Rs. 2 in a very comfortable manner, but here we do not get such comfort even at an expenditure of Rs. 8.

Then, again, the means of communication between Gauhati and Shillong cannot be compared with those in the plains districts. I fully appreciate the fact that this communication is under a handicap as regards timing and road restrictions, but that should not stand in the way of throwing open this communication to easy access, and particularly to cheap fares. The contract of the Commercial Carrying Company is going to end by the end of 1938, and I take advantage of this cut motion to get a statement from the Government as to whether they intend to renew this monopoly contract or what they have in view. Sir, we are hearing all sorts of rumours—I may be laughed at by some that I am frightened at rumours, frightened at whispers—but when I see influential officers of the Commercial Carrying Company rushing up to Shillong from Calcutta as lately as yesterday and meddling in politics and influencing votes on the No-confidence motion here, my suspicion grows into reasonable fears.

Sir, if this communication is not put on a proper basis and under proper control, and is not made sufficiently cheap, then the capital of the province will remain a segregated place and the inhabitants of the metropolis of Assam will remain deprived of the great advantages of trade, commerce and association. So I submit that either the Government should arrange to have proper facilities for passengers from both the Valleys to Shillong and to take such measures as are necessary for making this area covered by the capital of the Province easily negotiable on reasonable terms, or in the alternative they must take steps to move the capital to some other easily accessible place convenient to both Valleys in the plains.

With these few words I commend my motion for the acceptance of the House, and I hope the Ministry also will not stand in the way of this very reasonable proposal.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I want to know from the hon. mover whether he has got any alternative scheme in his mind?

Srijut DEBESWAR SARMAH: Yes, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: But he has not mentioned the name of any place.

Voices:—Habiganj, Gauhati, Jorhat.

Srijut DEBESWAR SARMAH: Would you like to have it in Sylhet?

Mr. BENJAMIN CH. MOMIN: Mr. Speaker, Sir, I fully support the motion moved by my hon. friend Srijut Debeswar Sarmah in the expectation that he will support me in asking that the capital may be removed to the Garo Hills district. I therefore suggest that the capital of the province may be removed to the Garo Hills, and select there the best site where the temperature will be equal to something like that of Shillong. Land will be available there from the Nokmas by the Government very easily, and communications can be made without much expense. If this is done all the conveniences which the hon. mover is complaining about will be got there.

With these few words I support the motion.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Speaker, Sir:—May I request that the House may be adjourned now for *namaz*?

The Hon'ble the SPEAKER: If it is the wish of the House we may adjourn for 15 minutes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. This cut motion raises in the main two very important questions. My hon. friend in pressing his motion started by saying that we should either remove the capital from Shillong or remove the disabilities of those living there, I thought he would give us some indication as to the convenient location for the capital but instead of that he has simply said some convenient place in the plains or in the Garo Hills, as my friend Mr. Momin wants. My hon. friend was entirely silent on that aspect of the question.....

Srijut DEBESWAR SARMAH: I leave it to the Hon'ble Finance Minister.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I know. If everything is left to the Hon'ble Finance Minister my friend should not have raised the point at all. I believe that in bringing forward this cut motion my hon. friend's intention was to draw the pointed attention of the House, as well as of the Government, to the disabilities which he mentioned in his speech. If my hon. friend will confine himself to that side of his case, I will deal with it. The first point he has urged is that Shillong suffers from want of communications with the outside world. Thereby most probably he means that anyone coming to Shillong or leaving Shillong has not the same freedom as they enjoy in the plains in moving from one destination to another obviously he refers to the timing regulations enforced on the Hill roads. I had hoped to hear from him what was the solution as regards the timings which the Public Works Department had to insist upon on the travellers on the road in order to ensure public safety. Almost all the hon. members have travelled by this road. They must have noticed that it is not a very safe road—as a matter of fact driving on this road is rather dangerous—there are hairpin bends—difficult zigzag corners,

ups and downs, and in places the road is not wide enough for two cars to run abreast of each other or to cross each other. It is under these circumstances that the Government has been compelled to introduce the timing regulations so that without unduly restricting movement to and from Shillong the safety of travellers may be ensured, and that the up and down traffic may cross each other at the half-way place Nongpoh. Even then there are two ordinary timings which are open to everyone of the public; the morning timing and the afternoon timing; and to those who can afford to travel by private car there is a special timing for which special permission can be obtained from the Deputy Commissioner of Kamrup or the Khasi and Jaintia Hills as the case may be.

My hon. friend in this connection wanted to impress upon the Government that the Commercial Carrying Company who have the monopoly of the passenger traffic on the road are charging a very high rate for passenger tickets. That is a point which will be looked into when the question of the renewal of the lease, either with this company, or the granting of the lease to another company, is taken up about the middle of this year. Of course it is not always safe to compare the rates which obtain on the roads in the plains—which passengers have to pay on the roads in the plains and on the roads in the hills. There are differences in the conditions of the hills traffic and the conditions of the plains traffics.

Srijut SIDDHI NATH SARMA: What about the Manipur. The charge is only Rs.2.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am coming to that. Sir, my hon. friend has mentioned about the fact that only Rs.2 is charged for a seat on a bus for a distance of about 100 miles between Nowgong and Jorhat and for a similar amount one can travel from Dibrugarh to Jorhat a distance of about 80 miles.

Srijut DEBESWAR SARMAH: Excuse me for a minute, Sir. From Dimapur to Kohima the charge is only 12 annas. Even on the hills, the fare from Shillong to Sylhet is only Rs.3 maximum which is very much cheaper.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Every one of us may know that the busses plying for traffic on the plains have not got to pay to Government...

Mr. BAIDYANATH MOOKERJEE: What about Sylhet and Shillong road? The highest charge is only Rs.3. They pay to the Government also.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. friend is speaking of the Shillong and Sylhet road. The ordinary bus that runs between these places, I suppose the average payment is Rs.2 and the distance is 86 miles. The busses that ply on that road may be compared with the third class of the Shillong-Gauhati road in the matter of comfort or discomfort whichever way you like to call it. In one case the payment is Rs.2 and in the other it is Rs.4.

Srijut DEBESWAR SARMAH: Double!

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes. But on this Gauhati-Shillong road the company has to pay a contribution of royalty of a lakh of rupees annually which is subsequently reduced by Rs.250 per bus or lorry if fitted with pneumatic tyres.

Srijut SIDDHI NATH SARMA: What about the amount that they get from the Central Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have got no connection with the mail contract, that is an India Government affair and this is neither the occasion nor the place to discuss about that matter. I find there is specific mention about that in another motion by an hon. member.....

Srijut DEBESWAR SARMAH: That will be guillotined.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: And whether that particular item could be discussed under this head was a technical point which I intended to raise when the particular motion was before the House. However, the question has been raised in this round about way and I can assure him that Government will do everything above board and I can inform the House that as at present advised I am prepared to call for tenders from all and sundry. It will be advertised and all will be allowed to tender.

Srijut SIDDHI NATH SARMA: When will the tenders be called?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It will appear in the Gazette sometime in May or June.

Mr. NABA KUMAR DATTA: Will the terms of the contract be published also?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not sure. The next question which I should mention in passing is that Shillong is a place where the common laws of the land are not enforced. That is a subject which is already engaging the attention of Government and orders will be issuing shortly about bringing this capital of the province under the common laws. But the main question that has been raised is as regards the ownership of property in the hills. The difficulties that the hon. member has enumerated are not insuperable. The present Government, after they came into office have made a set of rules regulating the procedure in the matter of transfer of lands from one person to another, although it may be that the land is situated in what is known as Siem's territory. So there will be no difficulty on the score of acquiring property.

Srijut SIDDHI NATH SARMA: Are these rules available? Are they published in the Gazette?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think they will be available if one applies in the Deputy Commissioner's office. Most probably copies can be had there.

The question of acquiring property is the same whether it is purchased in Shillong or in Sylhet, where the Zemindari system prevails; it may be that sometimes property under transfer here is in the jurisdiction of the local authorities, i.e., the Siem. As we heard when this House was discussing the Sylhet Town Tenancy Bill, there were rulers in the shape of Zemindars who owned practically the whole of Sylhet. If there is any difficulty in acquiring property in Shillong, the same difficulty holds good in the plains wherever there is the Zemindari system. But if any of the hon. members who want to buy property here will approach the Deputy Commissioner with a proper application, I have no doubt that his prayer will be granted.

Srijut DEBESWAR SARMAH: One Extra Assistant Commissioner's prayer was not granted.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Almost every Extra Assistant Commissioner has got a house here.

The Hon'ble the SPEAKER: Is it the desire of the House that there should be an adjournment at 4.30 for 15 minutes to enable the Muhammadan members to say their prayer?

Srijut DEBESWAR SARMAH: Shall we have 15 minutes after 5?

The Hon'ble the SPEAKER: If the hon. members desire.

Khan Bahadur Maulavi MUFIZUR RAHMAN: If the House sits till five, we can say prayers after 5.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think, Sir, it would be better to adjourn for 15 minutes now. In the hot weather it might be all right for our prayer being said at 5 p.m. but this is cold weather.

The Hon'ble the SPEAKER: If it is the desire of the House I will adjourn it now.

Adjournment

The Assembly then adjourned for 15 minutes.

After Adjournment.

Srijut GAURI KANTA TALUKDAR: On a point of information, Sir, may I ask the Hon'ble Chief Minister one thing? The other day he was pleased to tell us in reply to my question that he is considering the question of running the motor service on the Shillong-Gauhati Road by Government themselves and that he has asked for certain information. To-day he has said that he is going to call for tenders for this service. I have not been able to understand why these two different statements have been made and how the Hon'ble Chief Minister is going to reconcile them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. The other day, in course of a supplementary question, a suggestion has been thrown out by my hon. friend that Government should consider whether they would run this line themselves. In reply to that I said that we have asked for the traffic figures over this route both passenger and goods during the last five years, and if we find that it is of a very big proportion then the suggestion of my hon. friend will be taken into consideration. With regard to that, Government have to look to other side also. At present, Government, without running the service themselves, are getting annually from the Company a contribution or royalty. Now, on account of remission for pneumatic tyres fitted to the lorries carrying goods, it would come to about Rs. 75,000. Government shall have to consider whether by running the service themselves they will obtain greater benefit than by some private company. It is on account of that I said that if it is decided to lease it out to private company, Government will call for tenders.

Srijut DEBESWAR SARMAH: I also rise on a point of information, Sir. May we learn from the Hon'ble Chief Minister whether he would be pleased to give this House an opportunity of discussing this matter before the lease is finally given out? It is a matter of great importance to the public.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is also rather difficult to say just now. If the negotiations with any company are finished before the calling of the session, then surely the matter will be placed before the House. But if the negotiations are completed at a time when there is no immediate chance of the House being called, it would be difficult only for that purpose to convene our meeting. But as far as possible it is now intended to decide whether it should be run by Government or given to any company and that will be decided by the middle of this year. So it may be that the House when they meet next will know what Government decide.

Srijut DEBESWAR SARMAH: Sir, I beg leave of the House to withdraw my motion.

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

The Hon'ble the SPEAKER: Then comes the motion of Srijut Kameswar Das.

Srijut KAMESWAR SARMA: Mr. Speaker, Sir, I beg to move that the total provision of Rs.20,97,300 under Grant No. 9, Major head—25.—General Administration at page 59 of the Budget be reduced by Rs.100.

(To criticise Government for their dilatory tactics in not affecting a retrenchment in the cost of the administration).

Before saying anything on this motion I beg your indulgence, Sir, to make a little alteration in the note given below the motion. I want to substitute "dilatory tactics" by "dilatoriness". Will you kindly permit me to make the alteration, Sir?

The Hon'ble the SPEAKER: Very well, you can do that.

Srijut KAMESWAR DAS: At the outset I want to say that I do not mean to ascribe any ill motive on the part of the Ministry or any of its Hon'ble Members. My object in moving this motion is to raise the same question which was raised from several quarters during the general discussion of the budget.

Sir, the question of making an attempt to solve the financial problem of the province is as important as it is urgent. But, Sir, the Hon'ble Finance Minister explained the other day in reply to the general discussion of the budget that he was busy with his ordinary duties of the administration and was unable to finish the labours of the Retrenchment and Resources Committee. He gave certain indication in what he was busy all this time, but to my mind it appears that some of the ordinary duties of administration could have been postponed and some time might have been found for solving of this problem. The same question has been tackled in the other provinces of India and in some provinces they have already arrived at some definite conclusions. Now, Sir, if some time were found and if the Retrenchment and Resources Committee were able to finish their labours and submit proposals for saving some money that would have been a great help to the poor peasantry of this province. But yet the matter failed to draw any serious attention of the Hon'ble Finance Minister and the result is that the budget is a deficit one to the tune of about Rs.4,62,000. Last time by the vote of the Assembly an amount of about 2 lakhs 21 thousand was saved. Of course about a third of this amount has been spent and is being spent in the establishment of the Commissioners. Even then, Sir, there remains about Rs. 1 lakh 50 thousand and this amount the present Government have been able to utilise. Had it not been the case, the present Budget would have been deficit not to the extent of 4 lakhs 62 thousand, but the deficit would have been augmented by Rs. 1 lakh 50 thousand more. So, Sir, I wish to draw the pointed attention of this hon. House and also of the Government that urgent as it is the matter should be speedily handled by the latter and attempt to solve this problem must be made as speedily as possible. I hope, the House will agree with me in criticising the Government for their slackness in the matter and will accept my motion.

The Hon'ble the SPEAKER: The motion moved is: That the total provision of Rs.20,97,300 under Grant No. 9, Major head—25.—General Administration at page 59 of the Budget be reduced by Rs. 100.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, either my hon. friend did not carefully listen to what I said at the time of replying to the general debate on the Budget, or he was absent

at the time, for I definitely mentioned then that the failure of the Retrenchment Committee to sit after the *Pujahs* was due on account of my pre-occupation with administrative duties and on account of the summoning of the legislatures towards the end of October and in the beginning of December. The Assembly sat throughout December and there was no time and shortly after the New Year's Day, I had to go to Delhi to attend a very important Conference as I mentioned, and now, we have in February the Budget Session of this Assembly. We sit till before the *Mohurram* holidays and my hon. colleagues in the Retrenchment Committee—I am referring to the learned Deputy Leader of the Congress Party, and my friends Srijut Debeswar Sarmah and Mr. Baidyanath Mookerjee—will most probably bear me out when I say that I am as keen as my hon. friends opposite for making retrenchment and having some saving in the administration charges of the province. They will also most probably bear me out that we have gone into few departments thoroughly and these we have finished. (Mr. Baidyanath Mookerjee—Exactly so.) I am glad my hon. friend Mr. Baidyanath Mookerjee is bearing me out. We are going from department to department and there has been no difficulty. Whenever we required we sent for the Head of the Department and got all the information that we wanted from them. My intention, as I mentioned the other day, is to call the Retrenchment Committee before the next session of this House. We hope to be able to finish by then. There has been absolutely no dilatoriness or want of sincerity in me to retrench. I would request hon. members to find from their own members of the Retrenchment Committee whether we did not work in all sincerity.

Srijut KAMESWAR DAS: May I know how the month of November was utilised?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We had to prepare answers to questions, and the resolutions for the winter session also came in. Moreover the whole month was *Ramzan* and it was very difficult for Muhammadan members to be present then, at Shillong and fast.

Srijut KAMESWAR DAS: In view of the statement made by the Hon'ble Chief Minister, I beg leave of the House to withdraw my motion. The motion was, with the leave of the House, withdrawn.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is already 5 now.

The Hon'ble the SPEAKER: It is only on the last day of the demand for grants that we are to close at 5. And in the case of supplementary demands the same is the case. There was an understanding that we would continue some time farther. Of course, if the House likes to disperse now, I have no objection.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It would be better.

The Hon'ble the SPEAKER: Very well. Then I put the main motion.

The question is that a sum not exceeding Rs.20,19,277 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1939 for the administration of the head "25.—General Administration".

The motion was agreed to.

Re Short adjournment of the House after 4-30 p.m.

Srijut DEBESWAR SARMAH: On a point of information, Sir. Shall we always lose 15 minutes in this way?

The Hon'ble the SPEAKER: I am afraid on other days we cannot do this because we have fixed a time-table, fixing 5 p.m., as the limit of the time and the whole time-table will be thus upset by such adjournments. An adjournment for 15 minutes at 4-30 p.m. will alter the whole programme. I may point out to the hon. members that difficulty would arise on the 25th and 26th and on some other subsequent days. We have fixed the hours. As for instance on Friday, the 25th instant we have got one hour for one demand and another hour for another demand, and half an hour for another demand and so on. Difficulty would also arise on those dates.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If any difficulty would arise, we will accommodate ourselves.

The Hon'ble the SPEAKER: However it will be considered.

Adjournment

The Assembly then adjourned till 11 a.m., on Thursday, the 24th February 1938.

Shillong,

The 2nd April, 1938.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.