

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 2 p.m., on Friday, the 25th February, 1938.

**QUESTIONS AND ANSWERS**

**Starred Questions**

(to which oral answers were given)

**Settlement of plots of lands in Mauzas Gokulkata and Guma in Dhubri Subdivision**

**Srijut JOGENDRA NARAYAN MANDAL** asked :

\*94. (a) Has the attention of Government been drawn to the fact that some tenants were given settlement of some plots of lands in mauzas Gokulkata and Guma under the Tahsil office at Gossaigaon within the Dhubri subdivision and that the same plots of lands were claimed by the Tahsil Officers of Kumargram in the district of Jalpaiguri, as included within that district ?

(b) If so, will Government be pleased to state whether Government have been realising rents from the tenants for such disputed lands ?

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

94. (a)—It is a fact that only one tenant was given settlement of a plot of land in village Gokulkata and some other tenants certain lands in village Majherdabri on the supposition that those lands were in mauza Ripu II and Santal Colony under the Tahsil office at Gossaigaon within the Dhubri subdivision when the same were claimed by the Tahsildar, Kumargaon, in the district of Jalpaiguri, a joint enquiry was made and it was found that the lands were really within the district of Jalpaiguri.

(b)—This Government realised land revenue for the year 1936-37 only from those tenants but ceased to assess the lands in question when it was found that they were really within the district of Jalpaiguri.

**Maulavi GHYASUDDIN AHMED**: Do Government admit that there is a boundary dispute between Goalpara and Jalpaiguri districts ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: There was a dispute and a joint enquiry was made and it was found that the lands were really within the district of Jalpaiguri.

**Srijut JOGENDRA NARAYAN MANDAL**: Is Government aware that the dispute is still going on ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: It appears that it was really a case of *bonafide* boundary dispute and this has been settled so far as this particular area is concerned and we have therefore to believe that such dispute may not occur in future.

**Maulavi GHYASUDDIN AHMED**: Is there no permanent demarcation line between Goalpara and Jalpaiguri ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: There is certainly a boundary line between the two districts. On a *bonafide* belief that the particular area was within the Tahsil of Gossaigaon, settlement was given to these tenants. Subsequently on enquiry it was found that the place in which Government granted settlement was within the jurisdiction of Jalpaiguri.

**Srijut JOGENDRA NARAYAN MANDAL:** What is the condition of these tenants at the present day, I mean those tenants who were given settlement in the disputed area?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I cannot quite follow the question. This is a peculiar case where the Tahsildar thought that the land in question was within his jurisdiction.

**Srijut JOGENDRA NARAYAN MANDAL** asked :

- \*95. Will Government be pleased to state :
- Whether there was any criminal case between the tenants of that locality for the disputed lands in question?
  - Whether the officers of Kumargram have recently arrested 5 persons living under the jurisdiction of the Police Station Gossaigaon while they were exercising their rights within the boundaries of the district of Goalpara?
  - If so, whether Government have taken steps to settle the matter and relieve the poor tenants?

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

95. (a)—There was a criminal case between the tenants who were offered settlement in village Gokulkata and certain tenants of Bhalka Taluk of Jalpaiguri but the case ended in acquittal under Section 247, Criminal Procedure Code.

(b)—Government have no information.

(c)—Since the lands in question were found outside our jurisdiction the persons who were given settlement by the Tahsildar, Gossaigaon, were served with notice to quit the lands. They have, however, been given instructions to approach the Deputy Commissioner, Jalpaiguri, for relief.

**Srijut JOGENDRA NARAYAN MANDAL:** Is it a fact that Tahsildar of Kumargram orders his men to encroach upon land settled with certain raiyats by the Sub-Deputy Collector and they actually destroyed jute and paddy cultivation?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Sir, I am unable to give actual details of the circumstances which led to the settlement.

**Maulavi GHYASUDDIN AHMED:** Will the Hon'ble Minister please request the District Magistrate of Jalpaiguri through the Bengal Government not to disturb the possession of the tenants who have got settlement of land from the Sub-Deputy Collector, Gossaigaon?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I shall make a note of the suggestion, Sir.

**Srijut JOGENDRA NARAYAN MANDAL** asked :

- \*96. Will Government be pleased to state:—
- In which month of the year there is maximum realisation of revenue from the raiyats?
  - Whether it is a fact that a fine of annas four for each *patta* is realised from raiyats who fail to pay revenue by the 15th of February each year?

\*97. Do Government propose to extend the time till the 15th of April, for reasons of hardships on the part of the raiyats?

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

96. (a)—No general answer applicable to the whole province is possible.  
(b)—Yes, in respect of temporarily settled areas included in Tahsils.

97.—It is not understood what the hardship is if the existing date which was fixed for the convenience of the ryots is observed by them.

*Re: Assam Government Servants' Conduct Rules, 1937*

**Mr. FAKHRUDDIN ALI AHMED** asked :

- \*98. Will Government be pleased to state—
- Who are the person or persons considered and deemed dependant on Government servant within the meaning of rule 21(1)(i) of the Assam Government Servants' Conduct Rules, 1937, published in the *Assam Gazette* of 19th January, 1938?
  - Whether is it contemplated that a person, on joining Government service, should also pledge the freedom and movement of his relations who are not themselves Government servants, under any obligation to Government and over whose activities and movements he has not and cannot have any control and restraint?
  - Whether Government are aware of the joint family system prevailing in Assam and that many relations live under the same roof?
  - Whether it is contemplated that a Government servant is bound to know about the activities and movements of his relations by virtue of their relationship and by their living under the same roof with him?
  - What is deemed and considered as a movement or activity subversive of Government as by law establishment in India within the meaning of rule 21(1)(ii) of the said rules?
  - Whether Congress or Muslim League, both of which have complete independence of India as their object and goal, are considered as organisations working for subversion of Government as by Law established in India?
  - Whether participation in any of the said organisation, by a relation, who himself is not a Government servant, by becoming its member or taking part in its other peaceful and non-violent activities is and will be regarded as an activity or movement subversive of Government as by Law established in India?
  - Whether Government are prepared to modify the said rules so as not to interfere with the personal and individual rights of persons who are not Government servants and over whom no other person can, within law, exercise any restraint and interference with their movements?

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

98. (a)—Those who are dependent for maintenance or are under his care or control.

(b)—A Government servant is bound from the date of entry into Government service by the Government Servants' Conduct Rules. There is no question of his pledging the freedom and movement of his relations, but he has certain responsibilities as regards the participation in subversive activities of those who are dependent on him. The extent of his responsibilities is defined in the Explanation to rule 21(1) (ii).

(c)—Yes.

(d)—There is no such assumption.

(e)—Primarily a movement or activity which is revolutionary and is associated with or exhorts one to the use of force.

(f)—No, unless there is a subversive element as explained in the reply to (e).

(g)—No.

(h)—Government do not propose to modify rule 21 (1).

**Mr. FAKHRUDDIN ALI AHMED:** Sir, reply to my question 98(a) has not been given by the Hon'ble Chief Minister. The reply, which he has now given, is as vague as the rules published in the *Assam Gazette*. I asked the question to enable the Government to define person or persons considered and deemed dependant on Government servant.....

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have already replied to my hon. friend's question "those who are dependant for maintenance or under his care or control". I do not think there is any vagueness in it.

**Babu RABINDRA NATH ADITYA:** Are the words "care and control" defined in the rules?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I will not go so far to define these words, but the meaning is clear to every one.

**Srijut DEBESWAR SARMAH:** Is the wife dependant on the Government servant?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Under Indian society, the wife is dependant on her husband.

**Mr. FAKHRUDDIN ALI AHMED:** Do not Government admit that if they interfere in this way with the movements and activities of the Government servants' wives, their unwarranted attempt will bring unhappiness and clash in the social relation between the wife and the husband?

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

**Babu RABINDRA NATH ADITYA:** Are the members of the League under the care and control of their leader?

**The Hon'ble the SPEAKER:** I do not understand how this question arises.

**Mr. FAKHRUDDIN ALI AHMED:** Sir, am I not entitled to a reply to my question?

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

**Srijut DEBESWAR SARMAH:** Government pays the officers for doing certain works. On what basis does Government claim that the wife of a particular officer should conform to certain codes?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** What Government is trying to prevent is the participation of the dependants of Government servants in revolutionary movements, and as I have already replied, that political organisations like the Congress and the League are not subversive movements. I do not think that my hon. friend would like to join the terrorists.

**Mr. FAKHRUDDIN ALI AHMED:** On what principle can Government control the activities of those who are not paid by them?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If I pay my servant I have every right to control him. Similarly Government is entitled to ask its servants to behave in a particular way. The Government Servants' Conduct Rules lay down certain conditions of service and every one who is in the pay of the Government must abide by that rule.

**Mr. FAKHRUDDIN ALI AHMED:** Is it not a fact that Government can only frame rules regulating the conduct of Government servants and not of persons who are not Government servants?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We are regulating only the conduct of Government servants and Government is assuming that those who are dependants upon the Government servants for their maintenance are under the control of the Government servants.

**Srijut DEBESWAR SARMAH:** Mr. Speaker, Sir. My question was not expressed very happily and so I am afraid I did not get an answer. What I was asking of the Hon'ble Chief Minister was that the Government pays a man and in return the man serves the Government. The Government can extract anything it likes under the contract from the man. May I know by what process of reasoning or code or standard the Government demands allegiance from other people who are not paid by them—I mean people not under their control and care?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It is but commonsense.

**Srijut GOPINATH BARDOLOI:** Is it the Government views that those who are controlled by Government servants should hold identical views with them?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Not necessarily.

**Mr. FAKHRUDDIN ALI AHMED:** Is it recognised by Government that a member of a joint family is entitled to the earnings of a Government servant also?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, if the Government servant is a member of the joint family.

**Mr. ARUN KUMAR CHANDA:** Should Government victimise even dependants who hold different political views?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Government do not victimise if the ward simply holds different political views; but if the guardian allows his ward to join terrorist movement surely Government is competent to take action.

**Srijut DEBESWAR SARMAH:** What is to happen if there be any difference of opinion as regards the political views of the Government servant and the ward? Is a Government servant allowed to carry on any Congress propaganda?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** A Government officer is not allowed to join any political organisation.

**Babu RABINDRANATH ADITYA:** Is it the opinion of Government that they should act as Criminal Investigation Department officers?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I think my hon. friend would not like that.

**Mr. FAKHRUDDIN ALI AHMED:** How can Government servants control the activities of their dependants who are major?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If the major is dependant upon him surely a Government servant should control him.

**Srijut PURNA CHANDRA SARMA:** Are we to understand that dependants of Government servants can freely join the Congress movement?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes; but not any subversive activities.

**Srijut DEBESWAR SARMAH:** What is meant by 'subversive activities'?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** What is subversive is laid down in the replies.

**Mr. FAKHRUDDIN ALI AHMED:** Will the Hon'ble Chief Minister state whether these rules have been very recently framed and whether they were in existence before 1926?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The Government Servants' Conduct Rules are as old as Government service itself.

**Srijut DEBESWAR SARMAH:** Will Government make necessary amendments of these rules?

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

**Srijut DEBESWAR SARMAH:** Did the Hon'ble Chief Minister consult other Governments before framing these rules?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** These rules have been promulgated by a responsible Government.

**Babu RABINDRA NATH ADITYA:** Is it the Party form of Government that is referred to?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** My hon. friend is entitled to put any construction to the reply. I have nothing to add.

**Babu DAKSHINA RANJAN GUPTA CHAUDHURI:** May I know from the Hon'ble the Chief Minister how the control over major dependants can be exercised? Is it by caning?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It is left to the guardian himself.

#### Restriction imposed on Government servants not to allow their dependants to join in any political activity

**Babu DAKSHINA RANJAN GUPTA CHAUDHURI** asked:

\*99. (a) Is it a fact that Government has issued instructions to all Government servants not to allow any of their dependants to join in any political activity?

(b) If so, do Government know that there has been strong public resentment against this order?

(c) Do Government propose to withdraw the said instructions in view of the strong public resentment?

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

99. (a)—No.

(b) & (c)—Do not arise.

#### Excise Policy of Government

**Srijut RAJENDRA NATH BARUA** asked:

\*100. Will the Hon'ble Minister for Excise be pleased to state—

(a) Whether he is going to open any new Excise shop in the province?

(b) Whether his last tour in January this year was with a view to adopt a policy of prohibition or to open up more shops to enhance the revenue?

(c) Whether he proposes to eradicate the opium evil by legislation?

(d) Whether new passes have been issued (for opium) since his assumption of office as a Minister?

(e) If so, how many?

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

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

(b)—The last tour of Hon'ble Minister, Local Self-Government, who was then Hon'ble Minister, Excise, was an official tour. He also examined the possibility of introducing prohibition either in the North Bank or South Bank of the Goalpara district.

(c)—It is the policy of this Government to eradicate the opium evil gradually.

(d)—New passes under medical certificates were issued by the district officers under the rules framed by the previous Government until 30th September 1937. From 14th September 1937 Hon'ble Minister, Local Self-Government, issued orders that no new passes should be issued. Since September under very special circumstances by Government orders one new pass was issued on the very strong recommendation of a qualified medical officer.

(e)—Passes which were issued for the whole province up to September 1937 were—

Permanent	...	413
Temporary	...	299

**Srijut RAJENDRA NATH BARUA:** Is it not a fact that this Government in the last session assured the House that no new Excise shops will be opened? The assurance was given by the Hon'ble Minister.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** We have already said that no new excise shop will be opened and I have already passed orders that no new Excise shop will be opened without further orders from the Government.

**Srijut RAJENDRA NATH BARUA:** My question was whether the Hon'ble Minister is going to open any new Excise shop?

**The Hon'ble Maulavi MUNAWWARALI:** We have not opened any new shop.

**Srijut RAJENDRA NATH BARUA:** Is it a fact that canteen shops and lessee manager shops have been opened in Golaghat subdivision of late?

**The Hon'ble Maulavi MUNAWWARALI:** That must have been under the orders of the previous Government.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Is it not a fact that new country liquor shops have been opened in the Habiganj subdivision?

**The Hon'ble Maulavi MUNAWWARALI:** Of that the Government is not aware.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Will he make an enquiry?

**The Hon'ble Maulavi MUNAWWARALI:** Yes, I will. May I know where is the shop situated?

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** At Putijuri under the subdivision of Habiganj.

**Srijut KRISHNA NATH SARMAH :** May I know the special circumstances in which the new pass was granted to one person ?

**The Hon'ble Maulavi MUNAWWARALI :** It was reported as soon as the pass was issued that the addict would succumb. That was on a strong medical opinion.

**Srijut MAHI CHANDRA BORA :** By whom was this medical opinion given ?

**The Hon'ble Maulavi MUNAWWARALI :** By the Civil Surgeon of Nowgong, I think.

**Mr. FAKHRUDDIN ALI AHMED :** Sir, am I to understand that the shop at Putijuri has been opened without the knowledge of the present Government ?

**The Hon'ble Maulavi MUNAWWARALI :** That is what my predecessor tells me.

**Mr. FAKHRUDDIN ALI AHMED :** Am I to understand that Government have not issued orders to the Officers concerned for not opening new shops in future ?

**The Hon'ble Maulavi MUNAWWARALI :** The reply is already given, Sir.

**Mr. FAKHRUDDIN ALI AHMED :** Are the Government prepared to take steps against the Officers concerned for disobeying the orders of the Government ?

**The Hon'ble Maulavi MUNAWWARALI :** Certainly.

#### UNSTARRED QUESTIONS

(to which replies were laid on the table)

##### Acquisition of land by the Eastern Bengal Railway

**Srijut GOPINATH BARDOLOI** asked :

166. Will Government please state—

(a) Whether Government received on the 20th November 1937, a largely signed petition from the inhabitants of Pandu Gorpandu and Garigaon villages of Ramsa Rani Mauza, Kamrup, mentioning about a proposal by the Eastern Bengal Railway for acquiring land belonging to them ?

(b) If so, did Government make an enquiry about the complaint ?

167. Are Government aware that the Railway Surveyors themselves originally fixed the present steamerghat site for their bridge site and that they are proposing the new site on account of the objection of the steamer companies ?

168. Is it a fact that the land now in occupation of the said Steamer Company is itself a lease-hold from the Railway ?

169. (a) Did Government enquire to find that if the bridge is to extend according to the new survey, most of the signatories to the petition shall have to be evicted and the rest of them shall also have to leave their lands on account of their close proximity to the bridge embankment ?

(b) If the answer is in the negative, will Government be pleased to enquire ?

170. Are Government aware that some of the signatories had to remove their houses for the second time in order to make room to the Railway Companies for a proposed bridge ?

171. Are Government aware that most of the signatories earn their living from business with or connected with boats ?

172. Are Government aware that there is no available river site within any near distance of the land of the petitioners for settlement ?

173. (a) Do Government propose to take steps to see that the petitioners are not harassed in any way ?

(b) If so, what steps they propose to take on this matter ?

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

166. (a)—The petition in question was received by the Deputy Commissioner and forwarded to Government.

(b)—No local enquiries have yet been instituted and the Hon'ble Revenue Minister proposes to discuss the subject with the hon. questioner during the course of the present session.

**Srijut GOPI NATH BARDOLOI :** May I know with regard to reply to question 166(b) why no enquiry was made ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** From the reply which I have given, I think the hon. member will be convinced that there was no case for an enquiry.

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

167.—The original site proposed for the bridge was merely an indication of its probable position and by no means a settled fact. At a conference of engineers at Pandu it was decided that the erection of a bridge so near Pandu gorge, where the current is much swifter than elsewhere, was inadvisable and that it would be impossible on account of the current for a steamer to reach the steamerghat without danger. It is accordingly proposed to move the site of the bridge a thousand feet (and not half a mile) further down stream.

168.—Government have no information. If however it was decided to erect a bridge on the site originally indicated it would be necessary to acquire more land for the steamer company and for a siding to be built to the steamerghat, together with an approach road further down stream, so that the petitioners would perhaps lose their lands in any case.

169-172.—As already stated no local enquiry has yet been made and Government have no information on which to base a reply.

173.(a) and (b)—If it is found necessary to acquire the lands of the petitioners due compensation will be paid to them under the Land Acquisition Act. Government do not consider that the objection of a few local villagers can be expected to prevail over the interest of the whole of the travelling public of Assam.

##### Names of officers who are getting overseas allowance

**Mr. NABA KUMAR DUTTA** asked :

174. Will Government be pleased to state—

(a) The names of the officers of this province who are getting overseas allowance ?

(b) Whether any officer appointed by the Assam Government will be entitled to any overseas allowance ?

(c) Whether any officer appointed by the Assam Government is getting an overseas allowance at present ?

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

174.(a)—The hon. member is referred to the Assam Quarterly Civil List corrected up to the 1st January 1938,

(b) and (c)—Yes. Mr. W. Allsup, Chief Electrical and Factory Inspector, Assam, Mr. S. S. Nickels, Chief Inspector of Boilers, Assam, and Mr. R. C. Woodford, Deputy Director of Agriculture, Live-Stock, Assam, are in receipt of overseas pay. As regards future appointments by the Assam Government, it would depend on the terms of engagement of any particular officer whether he would get overseas allowance or not.

**Mr. NABA KUMAR DUTTA:** Sir, I do not find any definite reply to question No.174(b). I want to know whether any Officer appointed by the Assam Government will be entitled to any overseas allowance.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have said in the reply that as regards future appointments by the Assam Government, it would depend on the terms of engagement of any particular officer whether he would get overseas allowance or not.

**Mr. NABA KUMAR DUTTA:** Sir, my question is whether any officer appointed by the Assam Government would be entitled to overseas allowance.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Ordinarily they will not be entitled to any overseas allowance but if any officer is appointed on contract and the terms allow it then he will be entitled to overseas allowance. It may be that a particular officer may not accept any service unless he gets overseas allowance; in that case Government would be compelled to give him an overseas allowance.

**Mr. BAIDYANATH MOOKERJEE:** Sir, I find that answer to question 174(b) and (c) is yes.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If my hon. friend would not read the whole answer, I cannot help him. The reply is 'yes. Mr. W. Allsup, Chief Electrical and Factory Inspector, Assam, Mr. S. S. Nickels, Chief Inspector of Boilers, Assam, and Mr. R. C. Woodford, Deputy Director of Agriculture, Livestock, Assam, are in receipt of overseas pay. As regards future appointments by the Assam Government, it would depend on the terms of engagement of any particular officer whether he would get overseas allowance or not.' Such case has not arisen up-till-now.

**Mr. NABA KUMAR DUTTA:** On what considerations overseas allowances were allowed to Mr. Allsup, Mr. Nickels and Mr. Woodford?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** All these allowances were granted by the previous Government. I have not got the file with me just now but I can say from memory that at the time of appointing these officers, they made the condition that unless they are given overseas allowance they will not accept service and then the Government accepted their terms and appointed them.

**Mr. FAKHRUDDIN ALI AHMED:** Is it not a fact that Mr. Woodford is a member of the Provincial Service?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, he is a member of the Provincial Service. Originally he was brought on contract that he will be given overseas allowance.

**Mr. FAKHRUDDIN ALI AHMED:** Sir, will the Government consider the desirability of doing away with the overseas allowance of Mr. Woodford and such other officers?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It will be a great hardship on them because they have been appointed on contract and they are already getting this overseas allowance. We are not responsible for what the previous Government did. Moreover any change of terms of employment will mean paying compensation to the officers.

**Mr. FAKHRUDDIN ALI AHMED:** Will it not be a great hardship and inequitable to the Assamese officers, who are now in Provincial Service and who are deprived of this allowance, if preference in emolument is given to persons not belonging to Assam though in the same service?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Up-till-now not a single officer in Provincial Service has objected on this ground.

**Mr. FAKHRUDDIN ALI AHMED:** Can the Government deny that not a single representation has been made?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If any representation was made surely it was carefully considered.

**Mr. BAIDYANATH MOOKERJEE:** May we know the period of contract?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have not got the file with me just now.

**Mr. FAKHRUDDIN ALI AHMED:** Sir, may I know whether there is a possibility of allowing overseas allowance to other provincial officers also?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I think, when my hon. friend had overseas training, he knows what overseas allowance means.

**Mr. FAKHRUDDIN ALI AHMED:** Can the Hon'ble Chief Minister deny that these privileged officers obtained their jobs and appointments in Assam and not in England?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Some of them accepted their jobs in Assam and some of them had to be recruited from England.

**Mr. FAKHRUDDIN ALI AHMED:** Am I to understand that qualified Indians were not available for these posts?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir. Of all the candidates who applied Mr. Allsup was found to be the best candidate.

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

**Mr. FAKHRUDDIN ALI AHMED:** What about the other candidates?

**The Hon'ble the SPEAKER:** No; I have called the next question.

#### *Re Meteorological Department*

**Mr. NABA KUMAR DATTA** asked:

175.(a) Are Government aware that there is a Department known as the "Meteorological Department" under the Government of India with headquarters at Agra for Northern India and at Poona for the Deccan and Western India?

(b) Are Government aware that there are so many as 9 Meteorological Observatories known as Upper Air Observatories under the said Department within the province of Assam?

176. If the reply to question 175(b) is in the affirmative, will Government be pleased to state how many of the senior and junior observers and higher officers of the Department are Assamese and how many are non-Assamese?

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

175.(a)—Yes.

(b)—There are seven such observatories so far as Government are aware.

176.—Government have no information but are making enquiries.

#### Establishment of Cinema Houses in the Province

**Srijut JOGESCHANDRA GOHAIN** asked :

177. Are Government aware that 'Cinema Houses' have been permanently established in recent years in almost every town of Assam, and the owners have been making enormous profits ?

178. Are Government aware that the rate of taxes the owners of these Cinema Houses now pay, is nominal and very low in comparison with the profits they make ?

179. (a) Do Government propose to introduce a Bill at an early date to control the Cinema Houses and such other amusements and also to enhance taxes thereon, and the income thus made be earmarked to meet the expenses in Nation-building Departments ?

(b) If not, why not ?

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

177.—Government are aware that in most of the important towns of Assam Cinema houses have been established but have no information as to how far these are profitable concerns.

178.—Government have no information.

179. (a) and (b)—Government can only levy an amusement tax—which is in vogue in some Provinces,—but that means only taxing the people going to these shows.

Moreover the income will be negligible compared to the hardship on the Cinema-goers.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY**: Do Government propose to regulate the admission of the school-going population to the Cinema houses ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: The suggestion will be considered. We have not so far considered it.

#### Re Lease to the Dibru-Sadiya Railway Company

**Srijut JOGESCHANDRA GOHAIN** asked :

180. Will Government please lay on the table of the House the original lease granted by Government to the Dibru-Sadiya Railway Company and also the renewed leases ?

181. Will Government please state—

(a) When the term of the original lease expired and how many times the Company was given extension and why ?

(b) When the term of the last extended lease will expire ?

(c) Do Government propose to make it a point not to allow further extension of the lease to the said Railway Company and take up the management of the line on the expiry of the lease ?

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

180.—There are seven leases or contracts dating back from 1879 and it would require considerable time and labour to place copies of these on the table of the House. If the hon. member desires to see these contracts the Chief Engineer will be pleased to show them to him in the Public Works Department Secretariat.

181. (a)—The original lease contained a clause which permitted the Secretary of State to acquire the Railway under certain conditions at intervals of five years from the date of opening the Railway. This was subsequently modified in 1906 when it was decided that the option should not come into force again until 1921 and thereafter would be renewable at ten year periods. Government have therefore not availed themselves of the option to buy out the Company on six occasions.

There are many reasons the principal one being the cost of acquisition.

(b)—1941.

(c)—This Government has no longer any option or control over the policy of renewal or otherwise as the Railway is now under Federal control.

#### Principles of nominating members to the Dibrugarh Municipal Board.

**Srijut JOGESCHANDRA GOHAIN** asked :

182. Will Government please state—

(a) The principles they followed in nominating members to the Dibrugarh Municipal Board ?

(b) The names of the gentlemen nominated by Government recently as members of the above Board and the interest or community (showing each case separately) which they represent ?

183. Will Government please state—

(a) Whether all the nominated members were recommended by the Deputy Commissioner, Lakhimpur, and also by the Commissioner, Assam Valley Division ?

(b) If not, who amongst the nominated members were not recommended by the Deputy Commissioner and the Commissioner ?

184. Will Government please lay on the table the list of members recommended by the Deputy Commissioner and the Commissioner ?

185. Will Government please state—

(a) The names of the elected Commissioners of the above Board who represent (i) backward or tribal class, (ii) Christian community, and (iii) the domiciled community ?

(b) If none of them represent these classes or communities, will Government please state who has been nominated to represent them ?

(c) If not, why not ?

186. (a) Is it a fact that in nominating members to the Sibsagar Municipal Board an Ahom was taken in ?

(b) If so, why one from the Ahom community was not nominated to the Dibrugarh Municipal Board also ?

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

182. (a), (b), 183. (a), (b) and 184.—The hon. member's attention is invited to the replies given to similar questions asked by Srijut Sarveswar Barua at this session of the Assembly.

185. (a)—The hon. member's attention is invited to the Notification No. 3864-F., dated the 7th December 1937, published in the *Assam Gazette*, dated the 15th December, which contains the names. Government are advised that none of them is of the Scheduled castes, Tribal people, or Indian Christian communities. Three (Rai Bahadur Napat Rai Kedia, Srijut Ram Kumar Khemani and Srijut Bajaranglal Beria) are Marwaries, and four are stated to be Bengalis, though Government are not aware how far they represent the Bengalis domiciled in Assam.

(b)—Babu Bansh Lochon Singh was nominated to represent the Hindusthani community in the town, and Srijut Devendra Nath Das to represent the Scheduled castes.

(c)—The question does not arise, save as regards the Christian community, which does not appear to be numerous enough to claim special consideration.

186. (a)—Yes.

(b)—The Ahoms form part of the community of Assam Valley Hindus and no suggestion was made to Government that they required special representation at Dibrugarh.

#### **Distribution of extra grant for the expansion of Primary education**

**Srijut JOGESCHANDRA GOHAIN** asked :

187. Will Government please state—

(a) Whether the extra grant of Rs.50,000 voted by the Assembly this year for expansion of primary education has been distributed ?

(b) If so, what is the share of each Local Board out of the said amount ?

(c) If not, why not ?

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

187. (a) to (c)—The hon. member is referred to the replies given to similar questions asked by Babu Balaram Sircar at this session of the Assembly.

#### **Prevention of smoking habit among juveniles**

**Srijut LAKSHESVAR BOROOAH** asked :

188. With reference to the reply to question No.404(b) of the last Winter Session of the Assembly, will the Hon'ble Minister take steps to effectively check the smoking habit among juveniles by bringing an amendment to the present Juvenile Smoking Act empowering Police to detect this offence and conduct cases under this Act ?

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

188.—Action by police officers is already provided for in the Act. If the hon. member desires further powers to be given to the police it is open to him himself to bring an amending bill in which such powers may be explicitly stated.

**Srijut LAKSHESVAR BOROOAH** : Will the Hon'ble Minister for Education be pleased to state whether under the present Juvenile Smoking Act, the Police can send up the offenders and conduct cases in courts ?

**The Hon'ble Maulavi MUNAWWARALI** : Yes, the Police can prosecute the offenders. I will refer the hon. member to section 4 of the Assam Juvenile Smoking Act which empowers not only the Police but everyone to detect cases.

**Srijut LAKSHESVAR BOROOAH** : May I ask the Hon'ble Minister for Education to read that section ?

**The Hon'ble Maulavi MUNAWWARALI** : Shall I read ?

**Srijut LAKSHESVAR BOROOAH** : Yes, Sir.

**The Hon'ble Maulavi MUNAWWARALI** : 'It shall be lawful for a Police Officer in uniform, or any member of the Assam Legislative Council or a member of a Municipal or Local Board or a member of a Village Authority constituted under section 10 of the Assam Local Self-Government Act, 1915, or of a town Committee constituted under section 329, subsections (1) and (2) of the Assam Municipal Act, 1923, or a teacher of a recognized school, professor of a college, legal practitioner, duly accredited medical practitioner, minister or missionary of any recognised religious body, Government title-holder, retired Gazetted Government Officer, Secretary and Member of the Committees of a recognised school, or any other person or class of persons authorized by the Local Government in this behalf, to seize any tobacco, pipes, cigarettes or cigarette papers in the possession of any person apparently under the age of 16 or of any student under the age of 18 whom he finds smoking in any street or public place and to destroy any such article.'

*Section 5.*—'No Magistrate shall take cognizance of an offence under section 3(1), except under a complaint made by or at the instance of the parent or guardian of the young person concerned a Police Officer or other person empowered to make seizure under section 4.'

**Srijut LAKSHESVAR BOROOAH** : Can it be a cognisable case ?

**The Hon'ble Maulavi MUNAWWARALI** : Yes, Sir.

#### **Names of Educational Institutions receiving grants-in-aid from Government**

**Srijut MAHI CHANDRA BORA** asked :

189. Will the Hon'ble Minister in charge of Education be pleased to state :—

(a) The names of educational institutions receiving grants-in-aid from Government during 1937-38 ?

(b) The amount of grants-in-aid granted to each of the educational institutions for the period ?

(c) The names of educational institutions receiving non-recurring grants for 1937-38 ?

(e) The amount of non-recurring grants given to each of them for the period ?

(f) The basis on which the grants both recurring and non-recurring have been made ?



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

189.—The question as it stands would appear to cover both direct and indirect grants, and not only secondary schools and colleges, but all classes of institution, including primary schools, which impart any kind of instruction. The compilation of the material would involve much time and labour and Government do not consider that it would serve any useful purpose. The amounts spent upon different classes of institution can be readily gathered from the annual reports.

**Srijut PURNA CHANDRA SARMAH** : Sir, was not a large amount of money budgeted last year for the compilation of the quinquennial report by the Director of Public Instruction ?

**The Hon'ble Maulavi MUNAWWARALI** : Yes, Sir.

**Srijut PURNA CHANDRA SARMAH** : Is that report ready now, Sir ?

**The Hon'ble Maulavi MUNAWWARALI** : It is not yet ready, Sir.

**Srijut PURNA CHANDRA SARMAH** : What more time will it take to complete the preparation of the report ?

**The Hon'ble Maulavi MUNAWWARALI** : It is not possible to say now.

#### Percentage of communities living in the town of Dibrugarh

**Srijut RAJENDRA NATH BARUA** asked :

190. Will Government be pleased to place before the House a list showing—

- (a) The percentage of Hindus, Muhammedans, Depressed (Scheduled Caste) and Indian Christian population residing in the town of Dibrugarh ?
- (b) The percentage of success of the candidates of the respective communities for commissionership in the last general election of the Dibrugarh Municipality ?
- (c) The number of nominations under each of the different communities ?

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

190. (a)—Hindus including the Scheduled castes—72 per cent.

Muhammadans—24.1 per cent.

Christians—1.7 per cent.

Brahmo, Jains, Buddhists, Tribal and others—2.2 per cent.

(b)—Hindus—57.1 per cent.

Muhammadans—23.8 per cent.

Scheduled castes and Christians—Nil.

(c)—Hindus—2.

Scheduled castes—1.

Muhammadans—1.

**Srijut RAJENDRA NATH BARUA** : May we know why from the Christian community which represent 1.7 per cent. and the Brahmo, Jains, Buddhists, Tribal and others, which represent 2.2 per cent. no nomination has been made to the Municipal Board of Dibrugarh ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : It is very plain that some of these communities are very small and no nomination can be made from them.

**Srijut SARVESWAR BARUA** : All these communities taken together are entitled to 3.9 per cent. whereas in the case of the Muhammadan community they are entitled to only .3 per cent. more than what they have got

by election. May we know why the Muhammadan community with the shortage of .3 have got one nomination whereas the other communities who have a shortage of 3.9 per cent. have got no nomination in the Dibrugarh Municipal Board ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : These communities—Christian, Brahmo, Jain, Buddhist, Tribal and others—are very small communities. If we take one from any one of the communities, the other communities will put forward claims for nomination but all of them cannot be given nomination. Individually they are so small that their case was not considered this time.

**Srijut SARVESWAR BARUA** : Why did not Government think it wise to represent them together by rotation—one community after another—say the Christian first, the Tribal people second and the other communities next ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : That is a question which will have to be considered.

**Srijut DEBESWAR SARMAH** : Do we understand that small communities should not receive any consideration in the matter of nomination, Sir ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : When it is very small—say 10, 15 or 20—if you give one nomination to it, you will have a very big Board.

**Srijut DEBESWAR SARMAH** : What is the principal of nomination ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I have already said that the principle of nomination is to represent certain deserving people who cannot get election to the Municipal Board.

**Srijut DEBESWAR SARMAH** : Shall I be wrong to say that it was made to obtain support for the Cabinet.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : The hon. member cannot make such insinuation in this House.

**Srijut DEBESWAR SARMAH** : This is the proper place to make this statement.

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

**Srijut DEBESWAR SARMAH** : I want to know on what principle the community which is already represented gets nomination but the community which is not at all represented is denied of it.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I have already replied to that several times.

**Srijut DEBESWAR SARMAH** : Has he replied to that, Sir ?

**The Hon'ble the SPEAKER** : Yes, he has replied that when the percentage is so small, they cannot make nomination.

**Srijut DEBESWAR SARMAH** : The Muhammadan community had a shortage by .3 per cent. but the other communities taken together were bigger than that. Still the Muhammadan community had a nomination while the same had been denied to the other communities.

**The Hon'ble the SPEAKER** : You should put a pointed question on this.

**Srijut DEBESWAR SARMAH** : My pointed question is—Why the unrepresented communities were overlooked while nomination was given to a represented community ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : That I have already replied, Sir, that if the community is very small, we cannot nominate a member from it.

**Srijut SARVESWAR BARUA** : May we know the reason why the claims of the Christian community with a shortage of 1·7 per cent. were overlooked in favour of the Muhammadan community with a shortage of ·3 per cent. only ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I have already replied that the Christian community is a small one.

**The Hon'ble the SPEAKER** : The question, as I understand it, is whether any recommendation has been made for their representation.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : We have not got any recommendation.

**Srijut SARVESWAR BARUA** : Do Government always go by these recommendations ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : Yes, we generally go by recommendation.

**Mr. FAKHRUDDIN ALI AHMED** : May we know from the Hon'ble Minister in how many cases the recommendations made by the Deputy Commissioners and the Commissioner were accepted by Government ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I shall have to look into the record before I can answer the question.

#### Re villages in Bokakhat mauza

**Srijut RAJENDRA NATH BARUA** asked :

191. Is Government aware that the Dhansiri river has of late cut into a *Jan* leading to a *beel* in the midst of many villages, viz., Tulsimukhi, Merkan, Singadoria, Hahsora, Chinaati, of Kuruabahi lot of the Bokakhat mauza ?

192. Is Government aware that the recent change in the situation of the Dhansiri river is a menace to these villages in the sense that with a normal rise of the river in the rains, it will wash away these villages and damage the crops ?

193. Is Government aware that the last flood in the year 1937 has damaged the only road to these villages and the people have no road for communication ?

194. Is it a fact that the people of these villages made representations to the Subdivisional Officer, Golaghat, on 8th November 1937 and also before that date for taking steps to construct a bund to protect the villages from future flood havoc and for construction of the road ?

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

191.—The Dhansiri river breached its left bank in Kuruabahigaon. The flood water passed into the *Jan* and thence to the *beel*. The result is the silting up of portions of the Kuruabahigaon and Kuruabahi Satra villages. The villages mentioned in the question are *Chuburies* of these two villages.

192.—The Dhansiri has not changed its course. But whether the breach is a menace is a matter for the opinion of experts. If the breach is not filled up it is likely that paddy crops of portions of the two villages named above may suffer during the rains this year. But as far as it is understood there is no risk of the two villages being washed away.

193.—Yes. The road is however a private one of the Kuruabahi Satradhikar.

194.—Yes. An enquiry is being made by the Subdivisional Officer into the matter.

**Srijut RAJENDRA NATH BARUA** : May we know when the enquiry will be finished and the report sent by the Subdivisional Officer ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : I do not know that.

**Srijut RAJENDRA NATH BARUA** : Will the Hon'ble Minister please make a reference to the Subdivisional Officer to expedite his enquiry ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : I am sure the local officer will expedite the matter without any reference from Government.

**Srijut RAJENDRA NATH BARUA** asked :

195. Do Government propose to take steps in the matter ?

196. Is Government aware that lands in Gorumara Chapri made available to the Ahotguri sufferers are not sufficient to relieve the distress of the people of the whole mauza ?

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

195.—Government cannot do anything before receipt of the result of the enquiry mentioned in reply to question 194.

196.—No: out of 2,000 *bighas* made available only about 1,000 have been taken up.

**Srijut RAJENDRA NATH BARUA** : Are the Government aware that the rest of the land in Gorumara Chapri is not at all fit for cultivation ?

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

**Srijut RAJENDRA NATH BARUA** : Will Government make an enquiry on this ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : Government are fully satisfied that the waste in Gorumara Chapri is fit for cultivation.

**Srijut RAJENDRA NATH BARUA** asked :

197. Is Government aware that an average household in Ahotguri require more or less 62 *bighas* for their support as the conditions of lands in Ahotguri (which are *Faringati* lands) are not the same as those obtaining in the other mauzas of the subdivision ?

198. Is Government aware that an average household of Ahotguri requires as much as three times more lands for bare subsistence than an average household in the other mauzas of the subdivision ?

199. Is Government aware of the peculiar manner of cultivation of these Ahotguri people, viz., that of the whole land occupied, 1/3rd is cultivated yearly, 1/3rd is kept for grazing cattle, and the rest is kept fallow and that every year the old lands that have been cultivated are relinquished and new lands are taken up for cultivation ?

200. Will Government be pleased to state whether—

(a) About 200 households of Talsibari, Puranimati (Rawna), Salbowa Nachanipar, Chamua, Ragdia, require about 200 × 62 or 12,400 *bighas* of lands for their bare subsistence ?

(b) The villagers of Namati Ahotguri, Sadarbapunuti, Rohial, Borchapari, Laklongia, Karsingati, Batomara, Pagbundha, Mohankath, whose lands have been silted up, where crops and vegetations do not grow well want to shift themselves to the grazing reserves and require about 8,000 *bighas* of lands ?

201. Will Government be pleased to state whether any action was taken on the Questioner's letter, dated the 14th December 1937, to the Deputy Commissioner, Sibsagar, where it was urged to open out Bakuli, Nakkati, Alami Chapris (grazing reserves) for the Ahotguri sufferers ?

202. Has Government enquired that the Gorumara Chapri which was opened to the villagers is only convenient to a particular village called Bogoligaon and the area which is cultivable has already been occupied by them ?

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

197—200.—These are matters of opinion ; Government does not undertake to provide land for cultivation if it is not available or is required for other purposes. It is understood that many cultivators from this area have migrated to North Lakhimpur, where there is a vast quantity of waste land available for these persons also.

201—202.—As the Gorumora Chapori has not yet been fully opened up, this question has not arisen yet.

**Appointment to the Assam Civil Service and Assam Junior Civil Service.**

**Srijut SANTOSH KUMAR BARUA** asked :

203. Will Government be pleased to state if it is a fact that neither the Assam Public Service Commission nor the Selection Board that existed before the appointment of the Commission interviewed candidates for Assam Civil Service and Assam Junior Civil Service during the year 1937 and that as such no recommendation for appointment to these services were made by these bodies during the said year ?

204.(a)—Is it a fact that by reason of non-recruitment to the Assam Civil Service and the Assam Junior Civil Service in 1937, a number of candidates who were eligible for appointment to these services during the year 1937, have become over-aged with the expiry of the year and are now no longer eligible for appointment to these services under the present rules ?

(b) If so, do Government propose to consider sympathetically the cases of such candidates in view of the opportunity that they have lost in the year 1937 by reason of non-recruitment by Government to these services and condone the age-bar in their case for appointments that may be made to these services during the year 1938 on the recommendation of the Assam Public Service Commission ?

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

203.—Yes.

204.(a) & (b)—Candidates who would have been eligible to appear in 1937, as regards age will be allowed to stand as candidates in 1938 as a special case.

**Opening of I. Sc. and B. Sc. Botany Classes in Murarichand and Cotton Colleges, respectively**

**Babu LALIT MOHAN KAR** asked :

205. Will Government please state—

(a) Whether they propose to implement the assurance given during the last Budget session to open I. Sc. Botany classes at the Murarichand College, Sylhet and B. Sc. Botany classes at the Cotton College, Gauhati, from July next ?

(b) Whether they have approached the University for necessary affiliation ?

206. (a) Is it a fact that several members of this Assembly wired to Government urging the opening of the above classes from July next ?

(b) If so, what action has been taken on those telegrams ?

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

205. (a)—Government at the last budget session stated that they intended to open certain additional classes at the Cotton College, Gauhati, when funds become available. They cannot trace such an assurance as the hon. member alleges.

(b)—Not yet, as plans have not progressed sufficiently to warrant such a reference.

206. (a)—Yes.

(b)—Detailed plans and estimates are in preparation for schemes to teach Biology in both Government Colleges up to the I. Sc. Standard, and Botany in the Murarichand College up to the I. Sc. Standard. No action could be taken upon the telegrams mentioned, since funds are not available for introducing the instruction concerned in the budget for 1938-39, irrespective of the building question.

**Re Holidays in Assam**

**Maulavi MABARAK ALI** asked :

207. (a) Is the Hon'ble Minister in charge aware that the number of holidays allowed for the *Id* festival in Schools, Colleges and Offices is insufficient as the festival depends on the visibility of the moon and the sectional holiday is not possible in those institutions ?

(b) If so, does the Hon'ble Minister propose to issue orders to enable the pupils and Offices and the public in general to enjoy for each *Id* at least 4 days' holidays ?

(c) If not, why not ?

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

207. (a) and (b)—Under the Assam Education Department Rules and Orders, it is provided that 2 days' holidays should be granted for the two *Eids*. Government think this to be sufficient and are not prepared to grant 4 days' holidays for the festivals.

(c)—The number of holidays enjoyed in Assam is already high compared with some other Provinces.

**Maulavi MABARAK ALI** : May we know from Government whether holidays are controlled by the Assam Educational Board ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : The question was—"Is the Hon'ble Minister in charge aware that the number of holidays allowed for the *Id* festival in Schools, Colleges and Offices is insufficient....." Does he refer to the offices of the schools and colleges only ?

**Maulavi MABARAK ALI** : I refer to all offices in general and there is no answer about offices.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : We did not take it in that sense. We thought that offices of the schools and colleges only.

**Maulavi MABARAK ALI** : Do Government consider that the holidays allowed for the *Id* festival in offices are sufficient ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Government consider that two days' holidays for the *Id* festival in offices is sufficient.

**Maulavi ABDUR RAHMAN:** Are Government aware that last year the *Ramjan* and *Idalfitr*—both festivals took place on an open day, i.e., when the court, the offices and the schools were open?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It may be so, Sir, but as soon as Government knew that the festival was to be observed on an open day, they wired to all offices in the province to close down. The hon. member knows that these festivals are regulated by the visibility of the new moon. I remember, Sir, that during the last *Bakri-Id* festival the holidays were announced to be on the 12th and 13th February but we received wires from Delhi and Calcutta that the festival was to be observed on the 11th and 12th February and we at once closed our offices and wired to other offices in the province to do so.

**Mr. BAIDYANATH MOOKERJEE:** To be on the safe side it will be better to increase the number of holidays.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** And therefore two days' holidays are given.

**Mr. BAIDYANATH MOOKERJEE:** I think it will be good for Government to increase the number of holidays to avoid the present difficulty.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We have already provided two days' holidays.

**Mr. BAIDYANATH MOOKERJEE:** I think if the number of holidays is doubled there will be no more difficulty.

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

**Mr. BAIDYANATH MOOKERJEE:** Sir, may I have an answer to my question? This is a very important religious matter.

**The Hon'ble the SPEAKER:** What is the question?

**Mr. BAIDYANATH MOOKERJEE:** We want to hear from the Hon'ble Chief Minister whether he is agreeable to increase the number of holidays.

**Maulavi Muhammad AMJAD ALI:** May I know how a Brahmin has become interested in *Bakri-Id*?

**Mr. BAIDYANATH MOOKERJEE:** I am not an ultra conservative, Sir. May I have a reply to my question from the Hon'ble Chief Minister.

**The Hon'ble the SPEAKER:** No.

**Mr. BAIDYANATH MOOKERJEE:** The Hon'ble Minister is willing to give a reply, Sir.

**The Hon'ble the SPEAKER:** The hon. member will please repeat his question.

**Mr. BAIDYANATH MOOKERJEE:** Do Government contemplate to increase the number of holidays by one day?

**The Hon'ble the SPEAKER:** What is the meaning of that?

**Mr. BAIDYANATH MOOKERJEE:** The question was going on regarding *Id* festival so I thought it unnecessary to repeat the name of the festival *Id*.

**The Hon'ble the SPEAKER:** That is three days for *Id*?

**Mr. BAIDYANATH MOOKERJEE:** Yes, Sir. Exactly so.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No, Sir. Government is granting two days' holidays and that is quite sufficient.

**Mr. BAIDYANATH MOOKERJEE:** Most disappointing indeed.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Is it a fact that the Government granted three days for the last *Bakri-Id* festival?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As the *Bakri-Id* was festival celebrated in almost all the civil stations of Assam on the 11th and as that was not a holiday Government wired to the districts to grant a holiday on that date; 12th was a gazetted holiday and granted the 13th was a Sunday.

**Maulavi ABDUR RAHMAN:** Is it not a fact that a holiday was for three days during the last *Bakri-Id*?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir, but the 13th was a Sunday, which is a general holiday always.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Is it not a fact that Monday was also a holiday?

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

#### Staff of the Karimganj Civil Court

**Maulavi MABARAK ALI** asked:

208. Will Government please state—

- The number of clerks in the Karimganj Civil Court?
- Whether the clerks attached to the Court are sufficient to cope with works according to the standard prescribed by the Hon'ble High Court?
- Whether it is a fact that the clerks of the Karimganj Civil Court are compelled to work in the morning as well as in the night beyond office hours and also during the holidays in order to keep the volume of work under control?
- Whether it is a fact that the Munsifs, Karimganj Civil Court, requisitioned for an increased number of permanent strength of the staff?
- Whether it is a fact that the District Judges in their inspection reports recommended for increasing the number of clerks, in the Karimganj Civil Court, permanently?
- If so, what step has been taken by Government to give relief to the over-worked staff?
- If not, why not?

209. Will Government please state—

- Whether any memorandum submitted by the Nazarat peons attached to the office of the Karimganj Munsif Court, has been received by Government?
- If so, what steps have been taken by Government to remove their grievances?
- If not, why not?

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

208. (a)—The number of permanent clerks is eight but a probationer is occasionally deputed when necessary.

(b) & (c)—It appears on inquiry that the staff is inadequate and that work outside office hours has to be done to cope with the work. Government will consider the strengthening of the staff.

(d)—No.

(e)—No.

(f) & (g)—The question does not arise.

209. (a)—Yes.  
 (b)—Government have expressed regret that the prayers cannot be accepted.  
 (c)—The prayers were not recommended by the officers who forwarded the applications.

#### Managing Committee of the Silchar Normal School

Mr. ARUN KUMAR CHANDA asked :

210. Will Government be pleased to state—  
 (a) The names of the members of the Managing Committee of the Normal School at Silchar ?  
 (b) On what principles the nominations are made ?

The Hon'ble Maulavi MUNAWWARALI replied :

210. (a)—The Managing Committee of this institution is appointed *ex-officio* and there is no purpose therefore in giving the names of the present members. The particulars will be found in section 26, Part VII of the Education Department Rules and Orders.

(b)—This is a purely departmental institution of a technical nature and the management is therefore designed to secure the assistance of officers concerned with the training of teachers, and the Deputy Commissioner as the principal district officer.

#### Representation of the various communities in Public Services

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

211. Will Government please state what is the percentage fixed for each community in the Province of Assam in different branches of services and what percentage each community is enjoying now ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

211.—The percentages aimed at will be found in Circular No. 1-A.P., dated the 2nd December 1935, a copy of which is placed on the library table. It is, however, impossible to collect the information as to the number of posts filled by different communities in different branches of services in the short space of this Session.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : Will Government please inform me of the number of posts held by the different communities in the different branches of the services after this session ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will try to collect the information and send it to my hon. friend later.

#### Post of Sugarcane Technologist for Assam

Maulavi ABDUR RAHMAN asked :

212. Do Government propose to consider the desirability of appointing a Sugarcane technologist for Assam ?

213. Do Government propose to start a sugarcane Farm in Taraf Reserve to encourage the cultivators to take to sugarcane cultivation as a subsidiary occupation ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

212.—The question will be considered.

Maulavi ABDUR RAHMAN : May I know when the matter will be considered ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I do not think the hon. member expects me to consider the matter during the budget session. We shall take the matter into consideration after the budget session.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

213.—Government have no information as to the possibilities of sugarcane cultivation in the area. The matter will be investigated.

Maulavi ABDUR RAHMAN : May I know whether there is any other such farm in existence in the province ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : That question does not arise out of this question.

Rai Bahadur PROMODE CHANDRA DUTT : Who is to decide whether it arises or not ?

The Hon'ble the SPEAKER : The Hon'ble Minister should reply.

Mr. BAIDYANATH MOOKERJEE : He is expected to reply whether there is any other Sugar Farm in this province. The Hon'ble Minister is expected to know this much.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Is it to test the knowledge of the Minister ? The question does not arise out of this question.

The Hon'ble the SPEAKER : The question is, I think : "Is there any other Sugarcane Farm in the province ?"

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The question was "Do Government propose to start a Sugarcane Farm in Taraf Reserve to encourage the cultivators to take to sugarcane cultivation as a subsidiary occupation". The answer is "Government have no information as to the possibilities of sugarcane cultivation in the area. The matter will be investigated". The supplementary question does not arise either out of the question or the answer.

The Hon'ble the SPEAKER : The matter is a connected one with the main question.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : There is a Sugarcane Farm at Jorhat.

Maulavi ABDUR RAHMAN : Government have replied "Government have no information as to the possibilities of sugarcane cultivation in the area". If I say that there is such an area available, may I know whether the Government is prepared to start a farm there ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : The reply is there. The matter will be investigated.

**Representation of *bonafide* natives of Cachar in the Secretariat and offices of the Heads of Departments**

**Maulavi MUZARROF ALI LASKAR** asked :

214. In view of the replies to unstarred question Nos. 349 and 350 during the last session of the Assembly (*re.* Representation of *bonafide* natives of Cachar in the offices of the Heads of Departments and Secretariats) will Government be pleased to state—

- (a) The reasons for which consideration on district basis is not made ?
- (b) Whether Government propose to take into consideration, for equity, justice and fairness, the claims of backward and unrepresented districts ?

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

214. (a)—Because this would be neither practicable nor expedient.  
 (b)—Yes, as far as practicable consistently with the wider policy of communal representation.

***Re. The Line System Committee***

**Srijut RUPNATH BRAHMA** asked :

215. Will Government be pleased to state—

- (a) Why the question of the district of Goalpara has not yet been taken up by the Line System Committee ?
- (b) What steps Government propose to take for protecting the indigenous tribal people of the Goalpara district, as many of them are being compelled to go and settle elsewhere owing to the influx of immigrants ?
- (c) Whether the Deputy Commissioner of Goalpara was asked to submit any report on the subject ?
- (d) If the reply to question (c) is in the affirmative, will Government be pleased to place the report of the Deputy Commissioner on the table ?

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

215.(a) to (d)—The question was discussed by the Line Committee and a report was called for from the Deputy Commissioner, a copy of which has been laid on the table. Government understands that in view of that report the Committee did not think it necessary to examine the problem locally. The question about Goalpara will be taken into consideration by Government at the time of considering the report of the Line Committee.

**Report referred to in relation to reply to question 215(d)**

OFFICE OF THE DEPUTY COMMISSIONER OF GOALPARA

D.O. No. 1 OF 1ST JANUARY 1938

*Dhubri,*  
*The 1st January 1938.*

Dear Sir,

With reference to your demi-official No.4182-R., dated the 18th December 1937, asking me to examine and report on the situation in the Goalpara District as regards Mymensinghia Immigrants, I beg respectfully to observe as follows. The district is comprised of:

1. Bijni Raj Ward's Estate in the permanently-settled pergunahs of Habraghat and Khutaghat with the temporarily-settled Bijni Duar and the Bijni a Mohal in the Garo Hills district,
  2. The Mechpara Wards' Estate,
  3. Gauripur Raj Estate,
  4. Parbatjoar Estate,
  5. Chapor Estate,
  6. Karaibari Estate,
  7. Bagribari Estate,
- and 8 and 9. Two Government Tehsils of Gossaigaon and Sidli.

Out of them Nos.1 to 7 are permanently-settled areas and 8 and 9 temporarily-settled, each in charge of a Sub-Deputy Collector called Tehsildar.

In the permanently-settled areas there is practically no line system. The Dewan of Gauripur Raj Estate has reported that in certain Mouzas of Srijangram Dehi of that Estate an attempt was made to keep reserved certain areas for the indigenous inhabitants of the place but the attempt was unsuccessful on account of those for whom the areas were reserved. The Dewan, Parbatjoar, has informed me that there is no line system in the Parbatjoar estate. The Managers of Chapor, Karaibari and Bagribari estates have also replied in the same strain. They do not think that circumstances in their respective Estates have come to such a pass as to warrant them to put any restrictions on the settlement of lands with the immigrants.

In the permanently-settled Bijni Raj Ward's Estate an attempt was made to establish 2 lines but as the local people started selling their lands within their own blocks to the Mymensinghia immigrants at high prices the lines were no longer respected.

In the Bijni Duar which is entirely a temporarily-settled area 3 lines were introduced but owing to the local people's thirst for gain by the sale of lands within their blocks to the immigrants the line system was not pushed any further.

In the Mechpara Estate a line was introduced in Merkula Pandoba Mauza of Lakhipur Tehsil about 10 years ago but owing to promiscuous sale by local people the lands of about half the block reserved for them went to Mymensinghia immigrants. The line no longer exists there. In Joybhum Mauza of Chnari Tehsil under the same Estate there was some Debattar land where no Muhammadan was allowed to settle. Within recent years most of those lands were sold away to Muhammadan immigrants and the latter are freely living there at present.

In permanently-settled areas although many Mymensinghia immigrants have already settled themselves no line system is needed and is possible. To enforce any line in these areas will mean taking aid of fresh legislation and also certain amendments to the Goalpara Tenancy and the Transfer of Property Acts.

From the reports received from the Managers of Bijni Raj and Mechpara Wards' Estates as well as from the Dewans of other private Estates of this district it has been ascertained that although many Mymensinghia immigrants have already settled themselves in their respective Estates they have given no trouble whatsoever to the Management and that they do not consider it necessary to introduce any line system as in Nowgong and other districts of Upper Assam.

The district being contiguous to Bengal the language of the bulk of the people is more akin to Bengali than Assamese and the indigenous people of the district can easily accommodate themselves to the immigrants' ways and modes of life and live in peace and amity with them. The majority of the population of the district being Moslems the inherent hatred which local people entertain against the immigrants is non-existent.

As regards the temporarily-settled areas, the Mymensinghia immigrants are practically massed together in certain mauzas and not scattered all over the district as they are in Sylhet.

In Gossaigaon Tahsil the Mymensinghia immigrants have settled themselves in Ripu No. II mauza only and two lines were established there some years back as an experimental measure—one at Polashguri and the other Hasraobari. The indigenous people, for whose benefit the lines were established, started selling their lands within their own blocks to the Mymensinghia immigrants with the result that major portions of those blocks are now in occupation of the latter. I have since discussed the matter with the Sub-Deputy Collector in charge of the Tahsil and he is of opinion that no useful purpose will be served to introduce the Line System in that Tahsil. There is also no necessity for it. The local people there depend on Dong System (artificial irrigation canals) for their staple crop *sali* paddy and after the Dongs have worked for a number of years they become useless and the former thereupon sell their lands to the immigrants and go to other suitable places mostly to Mangaldai subdivision. In Sidli circle there is only one line and here too some of the local people have sold their lands within their blocks to Mymensinghia immigrants at high prices and have gone further towards the hills. This line has also no meaning. He\* too thinks that line system is not at all called for in his circle.

In the temporarily-settled area of Duar Bijni some Mymensinghia immigrants have settled themselves on the banks of the Monas and the Aie rivers. These areas are adjacent to Barpeta Subdivision. In these areas 3 lines were tried—one at Sonaikhola, one at Supariguri and the third at Gossaigaon. These lines did not serve the purpose for which they were made as in these places also the local people started selling their lands within their respective blocks to the Mymensinghia immigrants.

No restrictions on the settlement of immigrants are at present in force in this district and no difficulties have so far been encountered by us in this direction.

The line system question is not so very acute in this district as in other districts but recently certain Meches and Rajbangshis, having imbibed the idea from Barpeta Subdivision, have set up a faint agitation in this direction which, I am sure, will die a natural death ere long.

Yours sincerely,  
Sd. A. Rahman.

The 1st January 1938.

To—A. G. Patton, Esq., I.C.S., Secretary to the Government of Assam  
in the Finance and Revenue Department, Shillong.

\* (S. D. C. in charge of Sidli Tahsil).

**Srijut RUPNATH BRAHMA:** From the reply it appears that the statement in the Deputy Commissioner's report is his own personal opinion. Was he not asked to submit a report after receiving opinions of the leading men of the district?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** No particular direction was given as to the effect suggested by the hon. member.

**Srijut RUPNATH BRAHMA:** May I know when the report of the Line Committee is going to be considered?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Sometime after the session is over.

**Srijut RUPNATH BRAHMA:** May I also know how the question of Goalpara will be taken into consideration at that time?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** The Government will discuss that question along with the report and the letter of the Deputy Commissioner, and other reports which may be in the possession of the Government.

**Kumar AJIT NARAYAN DEV:** Is it not a fact that the Zamindars and the Court of Wards have been giving settlement to so many outsiders that they could not look to the interests of the indigenous people?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I am not prepared to admit that.

#### Names of persons belonging to Assam serving out sentences of imprisonment in jails outside Assam for offences of Political nature

**MR. ARUN KUMAR CHANDA** asked:

216. Will Government be pleased to lay on the table a statement showing—

- (a) The names of persons of and belonging to Assam, serving out sentences of imprisonment in jails outside the province for offences of a political nature?
- (b) Their districts of origin?
- (c) The dates on which each of these persons was arrested?
- (d) The nature and term of sentence in each case?
- (e) The names of places where each of these persons is imprisoned?
- (f) The names of persons under any kind of restraint other than those sentenced to imprisonment by competent courts, owing to political activities?
- (g) The names of places where each such person is suffering restraint?
- (h) Whether any allowances are granted in any case?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

216. (a) to (h)—Two statements containing the information are given below—

(1)

Statement showing names of persons of and belonging to Assam, serving out sentences of imprisonment in jails outside the Province for offences of political nature

Name	District of origin	Dates of arrest	Nature and term of sentences	Name of jail in which imprisoned	Remarks
Priti Ranjan Das Purkayastha alias Nani.	Sylhet	30-12-1934	Three years' Rigorous Imprisonment on 27th April 1937 in connection with Tittagarh conspiracy case.	In some Bengal Jail.	

(2)

Statement showing the names of persons under any kind of restraint other than those sentenced to imprisonment by competent Courts, owing to political activities

Names	Law under which restrained	Monthly allowances granted	Names of places where restrained	Remarks
Kaliram Bhattacharjee.	Section 16 (1) (b)(c) and (d) of the A. C. L. A. Act.	Rs. 15	At his village home at Brahmanshan, P. S. Sylhet, Dist. Sylhet.	
Sreeprashad Upadhyay.	Section 16 (1) (e) of the A. C. L. A. Act.	Nil.	Externed from Assam. It appears from Newspapers that he has recently been externed from Bengal.	He is a resident of District Ghazipur, U. P.

Mr. ARUN KUMAR CHANDA: In answer to question 216 it is stated "It appears from newspapers that he has recently been externed from Bengal". How is it that sometimes Government read newspapers and sometimes not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: All we know is that this gentleman was externed from Assam.

### Spread of Tuberculosis in Assam

Mr. NABA KUMAR DUTTA asked:

217. Are Government aware of the rapid spread of Tuberculosis in Assam?

218. Will Government be pleased to state the steps taken to check the spread of this disease in the Province?

219. Are Government aware that innumerable Tuberculosis patients come from all parts of India to Shillong for change?

220. Are Government aware that the want of some sort of control over the influx of Tuberculosis patients to Shillong has become a menace to the public?

221. Do Government propose to take steps to take a census of the Tuberculosis patients in Shillong and to keep an account of the houses where they are accommodated for public information?

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

217.—As indicated in the reply to question No.111 at the December Session asked by Maulavi Abdul Bari Chaudhuri Government are unable to estimate the extent of spread of Tuberculosis in Assam.

218.—Government have nothing to add to the reply given to question No.112 at the same Session. As the hon. member is no doubt aware, however, appeals have been issued for contributions to a fund to combat this disease.

219.—Government cannot support the suggestion that such patients come from all parts of India or are innumerable. Shillong of course attracts many visitors.

220.—The hon. member is not correct in assuming that there is no control over the tuberculosis patients in Shillong. The disease is notifiable under section 240 of the Assam Municipal Act, and Government understand that during the last three calendar years 20, 42 and 44 cases have been reported to the Municipal Board.

221.—The hon. member has not indicated what kind of census intends, or under what powers he suggests that Government should act. Government consider that the exercise by the Municipal Board of their powers under the law and the activities of the Tuberculosis clinic should for the present be sufficient. They will be prepared to bring these questions and replies to the notice of the Municipal Board, and the medical authorities.



**Rate of tolls over the Keane bridge at Sylhet and the Dikhow bridge at Sibsagar**

**Srijut SANKAR CHANDRA BARUA** asked :

222. Will Government be pleased to state the rate of tolls over the Keane bridge at Sylhet and the Dikhow bridge at Sibsagar ?

223. Do Government propose to make the said two bridges free of tolls in view of the great demand of the people ?

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

222 & 223.—The hon. member is referred to replies given during the current Session of the Assembly to—

(1) Starred question No. 56 asked by Khan Bahadur Maulavi Sayidur Rahman, M.L.A.,

and

(2) Unstarred question No. 78 asked by Maulavi Abdul Bari Choudhury, M.L.A.

**Provision of a cart track from Rowmarighat to Mankachar**

**Mr. KEDARMAL BRAHMIN** asked :

224. Will the Hon'ble Minister be pleased to state—

(a) Whether there is any public road from Rowmarighat to Mankachar ?

(b) If not, will Government be pleased to state what steps Government have taken for providing a cart track from Rowmarighat to Mankachar ?

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

224.(a)—Yes.

(b)—Does not arise.

**Scheme for agricultural improvement in the province**

**Srijut JOGENDRA NARAYAN MANDAL** asked :

225. Will Government please state—

(a) Whether any scheme for agricultural improvement in the province has been taken up by Government ?

(b) If so, in what way, Government propose to ameliorate the condition of the agriculturists ?

226. Do Government propose to open experimental farms on small scales in each subdivision for practical demonstrations and for being utilised directly by cultivators ?

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

225.(a)—Yes. Several schemes are in operation.

(b)—The details may be seen in the annual report of the Department of Agriculture.

226.—The matter will be considered.

**Srijut JOGENDRA NARAYAN MANDAL** : May I know when it will be considered ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY** : As I have repeatedly mentioned this will be considered as soon as the budget session is over.

**Area of trade sites on Digboi town owned by Assam Oil Company**

**Srijut LAKSHESVAR BOROOAH** asked :

227. With reference to the replies to question Nos. 416 and 417 of the last Winter Session of the Assembly, will the Hon'ble Minister be pleased to state what area of the 1st and 2nd class trade sites of Digboi town is owned by the Assam Oil Company ?

228. With reference to the reply to question No. 416 of the last Winter Session of the Assembly, will the Hon'ble Minister be pleased to state the population of the Digboi town and that of Tinsukia ?

229. (a) Is it a fact that the Assam Oil Company lets out the land granted to them, on rent ?

(b) If so, what is the rate of rent levied by the Company on their tenants ?

230. With reference to the reply to question No. 410 of the last Winter Session of the Assembly, will the Hon'ble Minister please obtain the information regarding the notice about the issue of periodic leases to the public of Digboi town from the Deputy Commissioner and supply it to the House ?

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

227.—From information available at present the area of first class trade sites in Digboi is 25 bighas 3 katas and 4 lachas but none of these are owned by the Assam Oil Company. The area of the second class trade site is 4 bighas 4 katas and 12 lachas. Information is not available as to who owns these sites.

228.—At the time when the re-assessment proposals were submitted in 1935 it was reported that there were 752 families in Digboi and 1,242 families in Tinsukia town. No subsequent information is available.

229.(a) & (b)—Government have no information.

230.—The information has been called for.

**Srijut LAKSHESVAR BOROOAH** : Has the Hon'ble Minister received a reply by now ?

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

**Srijut LAKSHESVAR BOROOAH** : Will the Hon'ble Minister for Revenue please place the information when received on the Members' table or send it to the questioner when received ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : If the hon. member will please repeat his question in the next session, the information will be supplied to him or, if he wants the information earlier than that he may apply to Government.

**Srijut LAKSHESVAR BOROOAH** asked :

231. With reference to the reply to question No. 422(a) of the last Winter Session of the Assembly, will the Hon'ble Minister be pleased to state and enumerate the existing public right of ways in the town of Digboi ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :  
231.—It is not possible to state in reply to a question the boundaries of all the public rights of way in the town of Digboi. If any person is aggrieved by obstruction to any existing right of way, he should apply to the Deputy Commissioner.

## Reservation of land for public passage

**Srijut LAKSHESVAR BOROOAH** asked :

232. With reference to the reply to question No.405 of the last Winter Session of the Assembly, will the Hon'ble Minister for Revenue be pleased to give a definite reply after enquiry from the District Officers ?

233. (a) Referring to the reply to question No.407 of the last Winter Session of the Assembly, will the Hon'ble Minister for Revenue be pleased to state if Maijan, Nagaghuli Balijan (Rahmoria), Kharjan, Panitola Dikom, Wilton, Besakhopie, Tara, Bardubi Kumchong Tea Estates of Dibrugarh in particular and all the tea gardens of Assam, are required under the Assam Land Revenue Regulations to keep public right of ways of all descriptions and keep them open for free and unfettered use of the public ?

(b) If not, does the Hon'ble Minister propose to order immediate removal of fencing or other obstructions ?

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

232.—Government have no ground for supposing that the reservations are not maintained and do not see their way to order an enquiry into the exact state of the innumerable reservations in all the districts. They are, however, prepared to enquire if any specific case is brought to their notice of any such reservation being obstructed to public use.

233.—The hon. member is referred to Settlement Rule 46 under which reservations have been kept where necessary in blocks of lands settled for tea after the introduction of that rule. A right of way, however, does not mean the same as a road and may consist of only a strip of jungle through which the public have a right of passage and over which a local board may sometime construct a road. Government do not propose to institute an enquiry in all the tea gardens of Assam, as mentioned in the question, to find out if such reservations have been maintained. If the hon. member can cite any specific instance of a right of way being obstructed by a fencing or other obstruction, Government are prepared to enquire.

**Srijut LAKSHESVAR BOROOAH**: Will the Hon'ble Minister be pleased to take it from me that the tea gardens mentioned do not keep the rights of way in question for the free and unfettered use of the public ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: Does the hon. member mean to say that the right of way is blocked in these particular tea estates ?

**Srijut LAKSHESVAR BOROOAH**: Yes, Sir.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: In the tea estates particularly specified in this question, I can have another enquiry made to find out whether the hon. member's statement is correct.

**Srijut LAKSHESVAR BOROOAH**: If it is found the right of way is blocked will he order the removal of the obstruction ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: We shall take such steps as we may be advised to take.

**Srijut LAKSHESVAR BOROOAH** asked :

234. With reference to the reply to question No.412 of the last Winter Session of the Assembly, will Government be pleased to state from whose report the reply was given ?

235. Are Government aware that the Garden in question (Balijan Tea Estate) has been keeping the fencing by enclosing 3 to 4 feet of either side of the Rangara Road for the last 10 years ?

236. Is it a fact that all the reserves known as "Fuel Reserve" were abolished in the Lakhimpur district in the last settlement ?

237. Is it a fact that Chaulkhowa near Bogibil of Dibrugarh was a Fuel Reserve and after abolition it was thrown open for settlement by the Settlement Officer after a local enquiry ?

238. Is it a fact that after abolition, a large number of Nepali, Miri and Assamese cultivators obtained settlement of land in it and formed a village with the idea of settling there permanently ?

239. Is it a fact that the *pattas* issued to these villagers have recently been cancelled and eviction notices are pending ?

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

234.—From the report of the Deputy Commissioner.

235.—No. Government have no reason to disbelieve the report of the Deputy Commissioner.

236 to 239.—The Deputy Commissioner is being asked for a report.

## Provision for the improvement of the Gowainghat-Kanaighat Road

**Maulavi Md. ABDUS SALAM** asked :

240. Has the attention of Government been drawn to the news published in the "Jugabheri", page 3, column 3, dated the 31st January 1938, under the caption—

“ভৈষ্ণৱ ৰাত্ৰা বাট”

241. If so, do Government propose to make an enquiry into the grievances of the people ?

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

240.—The attention of Government was drawn to this article on receipt of the question.

241.—Government will bring the matter to the notice of the Local Board.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: The question is "If so, do Government propose to make an enquiry into the grievances of the people". And the answer is "Government will bring the matter to the notice of the Local Board". Is this the answer, Sir? It should have been either in the affirmative or in the negative.

**The Hon'ble the Speaker**: The Hon'ble Minister can explain the answer.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: This road belongs to the Local Board; it is not for the Government to make the Board repair the road and so the matter will be brought to the notice of the Local Board who has to repair this road and look after it.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: Will the Government consider that their duty would be finished only if they communicate the matter to the Local Board ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: It is a Local Board road and it is for the Local Board to take action.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Is it not the duty of the Government, Sir, to earmark an amount out of their grant for communication to the Local Board when they find that a road requires improvement?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The Government have given some grants for communications to each Local Board and it is the duty of the Local Board to see how these grants from the Government are utilised for the benefit of the public.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Do the Government ever earmark any amount of communications grant to the Local Board of the province for any particular road or bridge?

**Maulavi JAHANUDDIN AHMED:** May I know.....

**The Hon'ble the SPEAKER:** No, the question of Khan Sahib Mudabbir Hussain Chaudhuri should be first answered.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** From what I know the Government give grants to the Local Boards for the roads under their care. That is all.

**The Hon'ble the SPEAKER:** His question is, "whose duty it is to allocate the grants."

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** It is the Local Board's duty.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** I want to know whether Government have earmarked to any road out of their grant to Local Board?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I do not know. Government might have done in previous years but it is done as a rule.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** May I know whether the present Government have done that or not?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** No.

**Maulavi Md. ABDUS SALAM** asked:

2 2. Do Government propose to make any provision for the improvement of the Gowainghat-Kanaighat road for the convenience of the public?

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

242.—Government understand that something is being attempted from the Rural Reconstruction grant. The matter is, however, one for consideration by the North Sylhet Local Board.

**Babu BIPIN BEHARI DAS:** Will the Hon'ble Minister in charge tell us whether the Government gave any instructions to the local officers to consult the local M. L. As. in allotting this money towards rural upliftment?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Yes, Sir. We issued orders that in the Committee at least 4 M. L. As. should be taken.

**Khan Bahadur Maulavi MAHMUD ALI:** Will the Government take it from me that the Committee formed by the Subdivisional Officer at Karimganj has been formed without consideration of caste or creed there and the Committee is working according to the demand and need of locality?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** That may be, Sir. I may take his statement as correct.

### Amount allotted for the Karimganj Subdivision for the Rural Uplift Fund

**Babu BALARAM SIRCAR** asked:

243. Will Government be pleased to state—
- The amount allotted for the subdivision of Karimganj for the Rural Uplift Fund?
  - When the Rural Uplift Fund Committee was formed in Karimganj?
  - The number of members taken in that Committee to represent the interest of the scheduled caste communities?
  - Whether they were taken in accordance with the population basis?
  - If not, why not?
  - If so, will Government be pleased to state their names?
  - Whether any amount from the Fund has been spent for the depressed localities of the subdivision of Karimganj?

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

243. (a)—Rupees 26,250 from the first grant.  
 (b)—The Committee was first formed in April 1935, and reconstituted in May 1937.  
 (c)—Government understand that no member specially represents the scheduled castes.  
 (d)—No.  
 (e)—The Subdivisional Officer perceived no reason for dealing with the matter on a communal basis.  
 (f)—Does not arise.  
 (g)—Government are not aware which is meant by depressed localities, but are prepared to make further enquiries if the hon. member will specify them.

### Scarcity of water in Karimganj Subdivision

**Babu BALARAM SIRCAR** asked:

244. (a) Are Government aware of the Report of Babu Balaram Sircar, M.L.A., to the Subdivisional Officer of Karimganj, about the scarcity of water of about 30 villages?

(b) If so, what action has been taken by Government to remove the scarcity of water in those villages?

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

244. (a)—Yes.

(b)—Government understand that the suggestions made will be considered by the advisory committee when they frame their programme.

**Sunamganj Local Board grant to the Bhatipara Charitable Dispensary**

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** asked :

245. Will the Hon'ble Minister in charge be pleased to state whether he is aware of the fact that the Local Board of Sunamganj in the district of Sylhet passed a resolution to help the Bhatipara Charitable Dispensary by giving it a grant of Rs.400 annually ?

246. Is it a fact that the Bhatipara Zamindars pay about Rs.4,000 annually as Local Rates and that nothing has been spent for medical purpose by the Local Board in this area ?

247. Will the Hon'ble Minister in charge be pleased to state why the Commissioner of the Surma Valley and Hill Districts did not pass the Budget of the Board and asked the Board to omit this expenditure from the Budget ?

248. Does the Hon'ble Minister in charge propose to ask the Commissioner to pass this item of expenditure in the Budget of the Local Board of Sunamganj ?

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

245.—Yes.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : Will the Hon'ble Minister for Local Self-Government be pleased to state whether it is a fact that the Sunamganj Local Board in the district of Sylhet passed resolutions twice recommending a grant of Rs.400 to help the Bhatipara Charitable Dispensary ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : To my knowledge the Local Board passed such a resolution only once and the Commissioner did not allow them to give the grant. To my knowledge that is the position. I do not know if the resolution was passed twice.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : May I inform the Hon'ble Minister on my authority that the resolution was passed twice ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : That may be, but I have no record of it.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : Is it not a fact that within a radius of ten miles there is no dispensary in that area ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I think that statement is correct.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : Is it not a fact that this is the only institution of its kind helped by private funds ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I think there may be some other institutions carried on under the same conditions.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY** : Will the Hon'ble Minister be pleased to reconsider the question and ask the Commissioner to omit his objection ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : Yes, see the reply to question 248.

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

246.—Government are prepared to accept the statement.

247.—Government understand that the Commissioner refused to pass this item, since the Board could not provide for obligatory expenditure or preserve the closing balance due.

248.—The Commissioner has reported that he is quite prepared to consider this item on its merits when the Board can balance its budget and provide the necessary surplus.

**Adjournment of Assembly on account of Hindu festival Sivaratri**

**Srijut MAHADEV SARMA** : সভাপতি ডাক্তারীয়া, আজি নিয়মিত সভাৰ কাৰ্য্য আৰম্ভ হোৱাৰ আগতে মই এটা লাগতিয়াল বিষয়লৈ আপোনাৰ দৃষ্টি আকৰ্ষণ কৰিব খোজোঁ। বৰ্তমান ২৮ ফেব্ৰুৱাৰি তাৰিখে হিন্দুৰ পৰ্বদিন শিৱৰাত্ৰি পৰিছে। সকলোৰে জানে এইটো হিন্দুৰ ডাক্তৰ পৰ্বদিন আৰু প্ৰত্যেক হিন্দুৱেই উপবাস আদি কৰি এইদিন পালন কৰে। আমাৰ কংগ্ৰেছ পাৰ্টিৰ বিবেচনাত সেই দিনা আমাৰ Assemblyৰ কাৰ্য্য বন্ধ ৰখা উচিত। বৰ্তমান Programme মতে সেই দিনা বন্ধ পৰা নাই। এতেকে মই আশা কৰোঁ আপুনি এই বিষয়ে বিবেচনা কৰিব আৰু প্ৰধান মন্ত্ৰী মহোদয়ৰে সৈতে আলচ কৰি এটা সিদ্ধান্ত দিব।

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

Sir, I was going to make a statement on this very point. It was yesterday that Srijut Mahadev Sarma brought to my notice that 28th is a holiday for *Shivaratri*. I know that it is a Hindu religious festival, although so far as Shillong is concerned it is a local holiday. I have since consulted all the leaders of the different groups and we are agreed that the 28th should be observed as a holiday and that the business of four hours consequent on that holiday should be distributed over the remaining days at the rate of an hour for each day, so that instead of rising at 5 p.m. we will rise at 6 p.m. It will be difficult for the Government, to extend the time beyond the 5th March. The hon. Leader of the Opposition. Mr. Bardoloi, and also my hon. friend the Leader of the European Group have told me that they are not willing to extend the Session beyond 5th March.

**Mr. F. W. HOCKENHULL** : There are only four hours of business lost on Monday. Four hours can easily be fitted in during the other days.

**Srijut GOPINATH BARDOLOI** : We may prolong the sitting on the last day and it might be possible to extend the sitting on that day. If it is not possible, then only I shall be agreeable to the extension of the time during the other days.

**Mr. F. W. HOCKENHULL** : There is a general desire, Sir, on the part of many members in the House to ask for accommodation on Tuesday evening when His Excellency is giving a garden party. I do not know how it will fit in on that day.

**The Hon'ble the SPEAKER** : As I consult the time-table I find one difficulty. On the 28th February the presentation of the supplementary demands of expenditure for 1937-38 is to be made. We cannot advance the date of presentation of this demand, because that is the time fixed by His Excellency the Governor and we must have three days before we take up the demand for voting, and that has been fixed for the 4th. So if the supplementary demand be not presented on the 28th, a difficulty would arise.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : What I propose is that I would get His Excellency's orders by to-morrow and we may present the supplementary demand to-morrow. The voting may take place as previously arranged. I shall arrange to send a telegraphic communication to His Excellency on the matter.

**The Hon'ble the SPEAKER** : If the Hon'ble Chief Minister undertakes to do that, then the difficulty will be overcome. We shall have to distribute only 4 hours on four days. But there is a garden party on Tuesday at 4-15 p.m.

**Mr. F. W. HOCKENHULL** : Can we use the hour for to-morrow to accommodate that work ?

**The Hon'ble the SPEAKER** : We have already fixed the items of business for to-morrow.

**Mr. F. W. HOCKENHULL** : I mean an extra hour to-morrow.

**The Hon'ble the SPEAKER** : I am afraid we cannot sit for one hour more to-morrow, because the members have not as yet tabled their cut motions on demands that will be coming up on subsequent days. Unless we give due notice to members that some demands which have been fixed for the 1st will be taken up on the 28th, members will not be able to send proper notices.

**Mr. F. W. HOCKENHULL** : As an alternative, during the last four days such time as is lost for the discussion of grants on Monday and by closing the House a little earlier on Tuesday may be made up by mutual arrangement, because by that time all the notices will have been presented, and if it is an hour and a half or an hour and a quarter that will be required, the whole House will combine to make an amicable arrangement.

**Maulavi ABDUR RAHMAN** : Sir, full one hour is allowed for lunch. I think it may be curtailed by half an hour (*laughter*).

**The Hon'ble the SPEAKER** : I shall take into consideration all that has been said on this matter and try to settle up the time-table in accordance with the suggestions that have been made. I shall let the House know before we disperse to-day how the arrangement stands.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : If possible, I would like the information earlier, so that I can send wire to His Excellency.

**The Hon'ble the SPEAKER** : So far as the supplementary demand is concerned, the Hon'ble Chief Minister may send a telegram to His Excellency to get his orders for allowing the presentation of the demand to-morrow. As regards other business I shall see to its arrangement.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : That too may require His Excellency's permission.

**The Hon'ble the SPEAKER** : No. With regard to other items of business I can make the arrangement on behalf of the House, which has got the authority to arrange them.

### Revision of Division Rules

**The Hon'ble the SPEAKER** : Yesterday at the time of the last division I noticed a sort of behaviour, on the part of some hon. members on the floor of the House, which was undoubtedly a flagrant act against the authority of the Chair and inconsistent with the dignity of the House (*cheers*). It was too obvious that that was due to canvassing that was going on by two parties for the purpose of securing the votes of some members,—one party trying for "Ayes" and the other party for "Noes". Really that was a very unedifying spectacle and I wish that it should not be repeated again (*hear! hear!*). But with a view to prevent such canvassing on the floor of the House and to prevent undesirable incidents cropping up therefrom, I have thought it necessary to revise the rules regarding the taking of votes by division.

A copy of the revised rules and some additional rules framed has been placed on the table of each hon. member and in order to draw the attention of the House to these rules, I shall read them out now. These rules will come into force from to-day. (*Thunderous cheers.*)

**Rule 5 (revised)**.—After the Chair has given direction to divide, members who wish to vote for the question shall forthwith go in single file straight to the "Ayes" lobby situated just opposite the Speaker's Dais, and those who are against it shall go forthwith in single file straight to the "Noes" lobby at the back of the Dais. In both cases, the members shall enter the lobby by the doors leading thereto on the Speaker's left. No member shall enter the lobbies during the Division by any other door.

**Rule 5A (new)**.—The members shall be allowed two minutes to go to the lobbies, for which time the bells will go on ringing and after which period the doors on the Speaker's left leading to the lobbies shall be closed and on no account any member or members still remaining in the Chamber shall be allowed to open the door and enter the lobbies. The doors shall remain closed until the result of the Division has been announced by the Speaker.

**Rule 5B (new)**.—On no account shall a member be allowed at the time of Division to go to any part of the Chamber before going to the lobbies. (*Applause*).

**Rule 5C (new)**.—If, in the opinion of the Speaker, any member is regarded as having been taken to any of the lobbies by force or in any other unseemly manner, the vote of that member shall be expunged (*again applause*).

**Rule 6 (revised)**.—Members, after recording their votes and putting their signatures against their names in the Division list shall pass in single file by the Division teller and re-enter the Chamber by the doors on the Speaker's right and shall go straight to their seats and on no account shall a member be allowed to go to any other part of the Chamber until the result of the division is announced.

**Srijut KAMESWAR DAS** : Sir, only two minutes have been given to the hon. members to go to the lobbies. There may be occasions when some 70 to 80 members may require to go to one and the same lobby and this limitation of only two minutes may be very short, as in such occasions less than even two seconds will be available for each hon. member to go to the lobby.

**The Hon'ble the SPEAKER** : In the House of Commons they only get 4 minutes and hon. members must realise that that House is much bigger than this House. In 15 minutes a man can walk one mile and here the hon. members are to take only a few steps in order to enter the lobbies. (*Laughter*).

### DEMANDS FOR GRANTS

#### GRANT NO. I

(7.—Land Revenue)

**The Hon'ble the SPEAKER** : We disposed of cut motion No. 13. Then we are to take up cut motion No. 17 standing in the name of Srijut Sarveswar Barua.

**Srijut SARVESWAR BARUA** : Mr. Speaker, Sir, I beg to move that the provision of Rs. 5,09,200 under Grant No. I, Major head—7.—Land Revenue, Minor head—D.—Charges on account of Land Revenue collections (total), at page 32 of the Budget, be reduced by Rs. 2, *i.e.*, the amount of the whole grant of Rs. 15,21,000 do stand reduced by Rs. 2.

Sir, before I enter upon a discussion of this motion I would like to know from the Hon'ble Revenue Minister if the point which has been raised as regards deferred enhancement of land revenue falling due in the Lakhimpur district during the current year is correct. I tabled a short notice question to this effect, but along with several other short notice questions which were tabled by me, this question has also not yet been replied to. I do not know if the Hon'ble Revenue Minister was by in any way inconvenienced in the way of answering this question. It was a question which, in my opinion, could have been answered without referring to the district which it concerns. It could have been answered simply by reference to his own office here. But, Sir, he has not been kind enough to vouchsafe an answer and therefore I have been bound to table this motion in order to raise a discussion.

Sir, the re-settlement operations in the Lakhimpur district were not completed till the year 1933. In 1932 re-settlement operations in certain mouzas were completed but the work was left unfinished in other mouzas in the North Lakhimpur subdivision. The re-settlement operations in the Sadar subdivision were completed after the completion of the re-settlement operations in the North Lakhimpur subdivision. The re-assessment of land revenue must have been done in the year following the year of completion of re-settlement. Therefore, I think, the fifth year from the year of first re-assessment in the North Lakhimpur subdivision did not fall before 1939, because the first revenue under the doles as arrived at after the re-settlement operations was due in 1934. And if we allow five years from that year the fifth year will fall in 1939 and as such the revenue for the first year will fall due next year and not in the current year. As a matter of fact I made enquiries in the North Lakhimpur Settlement Office in this regard and my information was that deferred enhancement was not due in that Subdivision even in the current year. But the Hon'ble Chief Minister has stated in the Memorandum of the budget estimate at page 10, that the decrease in land revenue in the revised budget was due to further remission of land revenue granted and postponement of deferred enhancement in the Lakhimpur district. I do not understand how it can be said that deferred enhancement was due in the Lakhimpur district this year and that its postponement was responsible for this fall in the revised estimate. Sir, there was a statement made by the Hon'ble Revenue Minister also at the time of discussion of the land revenue resolution in one of the last sessions of this Assembly. He also made the same incorrect statement that deferred enhancement of land revenue was due during the current year in the Lakhimpur district.

That also led me to make enquiry in the North Lakhimpur subdivisional office whether it was really due during the current year and from information supplied it was found that it was not due during the current year, but due next year. Therefore, I do not understand how this fall can in any way be attributed to the alleged postponement of deferred enhancement in that district.

**The Hon'ble the SPEAKER:** The motion moved is that the provision of Rs. 5,09,200 under Grant No. 1, Major head—7.—Land Revenue, Minor head—D.—Charges on account of land revenue collections (total), at page 32 of the Budget, be reduced by Rs. 2, i.e., the amount of the whole grant of Rs. 15,21,000 do stand reduced by Rs. 2.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, the point that has been raised by my hon. friend from North Lakhimpur is quite correct. A slight confusion occurred in the office of the Finance Department on account of the fact that the revenue year began from June whereas the financial year began from April. It was on account of

this that this unfortunate slip took place. My hon. friend is quite correct in saying that the re-assessment in certain parts of the district came into effect from the 1st April 1933 and therefore the deferred enhancement fell due from the 1st April 1938. At the time when local officer reported to us, he thought about the revenue year. That slight point was lost sight of in the Finance Department and therefore the statement complained of has been made in the explanatory Budget Memorandum. But I do not find that the Government can be censured for that curt statement. This House does not discuss the revised estimates at all; that does not form part of the future estimates. Revised estimates are placed in the estimates to show the progress of actuals during the current year. So far as the estimates of next year is concerned the Memorandum is perfectly correct and up till the end of January our land revenue collections were down by more than 4 lakhs and we are afraid that this figure which we have shown in the revised statement will be reached.

I think after this explanation my hon. friend will kindly excuse the slip made by the Finance Department on account of the confusion in the dates of the revenue and financial year and not censure the Government. If any body is to be censured I will take the responsibility upon myself.

**Srijut SARVESWAR BARUA:** Sir, as the Hon'ble the Finance Minister has honestly admitted that there has been a slip in presenting this account in the revised budget, I think I should not press the motion—and so I hope I shall have the leave of the House to withdraw my motion.

**The Hon'ble the SPEAKER:** I hope the hon. member has the leave of the House to withdraw the motion.

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

**Srijut RAJENDRA NATH BARUA:** I beg, Sir, to move that the provision of Rs. 5,09,200 under Grant No. 1, Major head—7.—Land Revenue, Minor head—D.—Charges on account of Land Revenue Collections (total), at page 32 of the Budget be reduced by Re 1, i.e., the amount of the whole grant of Rs. 15,21,000 do stand reduced by Re. 1.

**Srijut RAJENDRA NATH BARUA:** সভাপতি ডাঙৰীয়া, এই প্ৰস্তাবটোৰ বিষয়ে কালি Hon'ble Revenue Minister মহোদয়ে কৈছিল যে তেওঁ ইয়াত কংগ্ৰেচৰ ছুটা নীতি দেখে। এটা নীতি হৈছে তেখেত সকলে grazing reserve নকটাতো আৰু এটা নীতি হৈছে grazing reserve কটা। এইটো reference কৰি তেওঁ কালি কৈছে কিন্তু মোৰ বৰ্তমান প্ৰস্তাব একেধাৰে বেলেগ। মই প্ৰথমতেই তেখেতক কব খোজোঁ যে মই যিটো প্ৰস্তাব ডাঙি ধৰিছোঁ তাত মই grazing reserve কটাব লাগে বা পৰিমান কমাব লাগে সেইটো কোৱা নাই। কিন্তু কি প্ৰকাৰে কাটব লাগে বা অলু কোন প্ৰকাৰে সেই বিজ্ঞাৰ্ভৰ ব্যৱস্থা কৰিব পাৰি সেইটোয়েই হৈ প্ৰথম কথা হৈছে।

**Maulavi MUHAMMAD AMJAD ALI:** May I refer to rule 9 of the Assembly Rules. The hon. member is addressing in Assamese; but there are certain sections in this House who do not understand Assamese at all. It is an important motion in which I think an intelligible language has got to be spoken.

**The Hon'ble the SPEAKER:** I think the hon. member knows Assamese also (*Laughter*).

**Maulavi MUHAMMAD AMJAD ALI:** I know. But I took my Degree in Urdu. It would be better still if he addresses in Hindusthani. The hon. member is proficient in English and, I want that he should speak in English. He is addressing in Assamese and some of my hon. friends on his side of the House do not know Assamese at all.

(A Voice—They are not complaining.)

**Maulavi MUHAMMAD AMJAD ALI :** I am in charge of the group. I speak for them.

**The Hon'ble the SPEAKER :** Assamese speeches are allowed in this House. The question is, I am to see whether the hon. member is proficient in English or he is proficient in Assamese. If I find that the hon. member is more proficient in Assamese, I will allow him to speak in Assamese. Does the hon. member admit that he is more proficient in English ?

**Srijut RAJENDRA NATH BARUA :** I know English, but I think I shall be more proficient in Assamese.

**The Hon'ble the SPEAKER :** I think if the hon. member chooses to speak in Assamese he will do well also to give a substance of his speech in English, so that all members may understand.

**Srijut RAJENDRA NATH BARUA :** মই অসমীয়াত কৈছোঁ এই কাৰণে যে আমাৰ কিছুমান সভ্য আছে যাৰ এই প্ৰস্তাবটো, দৰকাৰ—তেখেত সকলে ইংৰাজী বুজিব নোৱাৰে।

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI :** We want a full translation.

**Maulavi MUHAMMAD AMJAD ALI :** There will then be two sets of speeches of the same hon. member. Once he will address the House in Assamese and then the translation of the whole thing in English.

**The Hon'ble the SPEAKER :** He will have to manage somehow ; because he will have to keep himself within the time limit.

**Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURI :** The hon. member delivered his budget speech in English and so I think he is proficient in English.

**The Hon'ble the SPEAKER :** But he considers that he is more proficient in Assamese than in English.

**Maulavi MAQBUL HUSSAIN CHAUDHURI :** I think, Sir, he can speak English well.

**The Hon'ble the SPEAKER :** If there are subjects on which he can speak better in Assamese than in English, then I think, he will do justice to himself if he speaks in Assamese. The speaker, has, under the Rules, power to call upon a member to speak in any language in which he is known to be proficient.

**Srijut PURNA CHANDRA SARMAH :** When the Hon'ble Revenue Minister spoke in Assamese, there was no objection.

**The Hon'ble the SPEAKER :** Very well the hon. member may speak in Assamese but he will have to translate it in English, within the time that is allotted to him.

**Srijut RAJENDRA NATH BARUA :** মই প্ৰথমতে কৈছোঁ যে মই grazing reserve সমুদায় কৰাব খোজা নাই। সভাপতি ডাঙৰীয়া, আইতগুৰি, অথ ঠাইৰ নিছিনা নহয় ! আইতগুৰিত বহুত নদ-নদী, জান-জুৰি, স্তুতী আছে আৰু বাৰিষা হলেই সেই ঠাই পানীৰে সমুদায় ডুবি যায় আৰু খেতিৰ উপযুক্ত নহয়। তাৰপাছত ব্ৰহ্মপুত্ৰ আগেয়ে যি পিনে বৈ গৈছিল তাৰপৰা বহুত আঁতৰি আহিছে। আগেয়ে ব্ৰহ্মপুত্ৰ আৰু কলাকটা স্তুতীৰ ভিতৰত ব্যবধান ৩৪ মাইল আছিল আৰু তাত যি মাটি আছিল সেই মাটি ৰায়তৰ নিমিত্তে যথেষ্ট হৈছিল কিন্তু এতিয়া কলাকটা স্তুতী আৰু ব্ৰহ্মপুত্ৰৰ ভিতৰত ১২-১৩ নল মাত্ৰ ব্যবধান

আছে। কাৰেই যি বিলাক মাটি নৈয়ে খঁহায় লৈ গৈছে সেই বিলাক মাটি grazing ৰ লগত যোগ হৈ সেই মাটি আগতকৈ বেছি হৈ গৈছে। সেই হেতু মই কব খোজোঁ যে যি বিলাক মাটি নৈয়ে ভাৰি নি চাপৰি কৰিছে সেই বিলাক মাটি grazing কৰি, আগেয়ে যি grazing আছে আৰু ব'ত খেতিৰ নিমিত্তে সুবিধা আছে সেই বিলাক ঠাই ৰায়তৰ নিমিত্তে খুলি দিব লাগে। আচল কথা হৈছে আগৰ দি grazing অৰ্থে তাত কৈ বেছি মাটি নৈয়ে এইফালে পতিছে। এই বিষয়ে ৰোৱাৰ ৰায়ত সভাই টেলিগ্ৰাম আৰু বহুত দৰখাস্তও দিছিল। এইবাবে এখন দৰখাস্ত ৰায়ত সভাৰ পক্ষৰ পৰা আহিছে। মই সভাপতি ডাঙৰীয়াৰ আদেশ লৈ এই দৰখাস্ত পঢ়িব খোজোঁ। এই দৰখাস্ত মাননীয় মন্ত্ৰী ডাঙৰীয়াই আইতগুৰিৰ ৰায়ত সভাৰ সম্পাদকে পঠাইছিল—তাৰিখ ২১.১০.৩৭।

১। আইতগুৰি গৰা খহনীয়া ৰাইজে যোৱা বছৰৰ পৰা মাননীয় গোলাঘাট মহকুমাধিপতি চাহাব মহোদয়ক গৰা খহোৱা আৰু মাটিৰ বিষয়ে আপত্তি কৰি থকা হৈছে। তত্পৰি ১৯২৯ গাৰ্বৰ হৈ ১৮৮১.১৯৩৭তাং, ২৮৮১.১৯৩৭তাং, ২৮৮১.১৯৩৭তাং বিশেষৰূপে গভৰ্ণমেণ্টক আপত্তি জনোৱাতো এই পৰ্য্যন্ত কোনো সুসিদ্ধান্ত নকৰাত অতিশয় দুখিত হৈছোঁহক !

২। মাজুলীয়ে মাহ অৰু সৰিয়হ খেতিৰ ওপৰতেই খাজনা, বনকৰ, বছৰেকক খোৱাকী শোন তেল কাপোৰ আৰু অন্যান্য যাবতায় খৰছ নিস্কাহ কৰা হয়। গভৰ্ণমেণ্টে এই পৰ্য্যন্তও মাটিৰ ব্যৱস্থা নকৰাত এখন গাওঁৰ মাহ সৰিয়হৰ খেতি লোপত একেবাৰেই মৰা পৰিছে। এই স-ৰ জৰিয়তে দিয়া দৰখাস্তে মাননীয় চৰকাৰ বহুদূৰ মনোযোগ আকৰ্ষণ কৰা হ'ল।

৩। এই অঞ্চলৰ বাকী এখন গাওঁ বৰটোপৰ মুখত থকা দি থকা হৈছে ; কাৰণ আগেয়ে কলাকটা স্তুতীৰ পৰা ব্ৰহ্মপুত্ৰলৈ (ডাক বঙ্গলাৰ পোনে) প্ৰায় ৩ মাইল ব্যবধান আছিল ; এতিয়া প্ৰায় ২১.৩০ নল মাত্ৰ ব্যবধান আছে। ব্ৰহ্মপুত্ৰ ইচ্ছা হলে ১১.১২ ঘণ্টাৰ ভিতৰত খহাই কলাকটা স্তুতীত পৰিব পাৰে। তেতিয়া এই এখন গাওঁৰ হঠাতে বিধম বিপদ ঘটিব। সময় থাকোতে এই ৰায়তৰ গৰু মই ঘৰ তৰাৰ বক্ষাৰ হেতু সমিপদ বকুলি আদি পুৰনা গ্ৰেজিং কেইটা খুলি দিবলৈ পুনঃ পুনঃ চৰকাৰক গোহাৰী কৰা হৈছে।

৪। ককিলামুখৰ পৰা এখন মুখলৈ বহুত নতুন চাপৰি পৰিছে। গ্ৰেজিয়াৰে গৰু মই বৰ্তমান এই নতুন চাপৰিত চৰাই। বকুলি আদি পুৰনি গ্ৰেজিং বিলাকত গুৰল আছে। গভৰ্ণমেণ্টে অনায়াসে নতুন চাপৰি গ্ৰেজিং কৰি পুৰনা চাপৰি বিলাক ৰায়তৰ কাৰণে খুলি দিব পাৰে বুলি বিবেচনা কৰি এই সভাই গোহাৰী জনায়।

সম্পাদক

শ্ৰীদত্তৰাম ফুকন,

আইতগুৰি ৰায়ত সভা।

**Srijut RAJENDRA NATH BARUA :**

গভৰ্ণমেণ্টে এই পৰ্য্যন্ত একোঁ ব্যবস্থা নকৰাত ১০ খন গাওঁৰ ৰায়ত সভাৰ জৰিয়তে এই দৰখাস্ত কৰি এই বিষয়ে গভৰ্ণমেণ্টৰ দৃষ্টি আকৰ্ষণ কৰা হৈছে।

**The Hon'ble the SPEAKER :** The hon. member has almost exceeded his time limit. He will also have to translate it in English.

**Srijut RAJENDRA NATH BARUA :** বৰ্তমানে কলাকটা স্তুতীৰ গৰা ব্ৰহ্মপুত্ৰৰ ব্যৱধান মাত্ৰ ১০০০ নন আছে। সেই নিমিত্তে এই অঞ্চলৰ ১০ খন গৰাৰ মাহুৰ বক্ষাৰ হেতু বোকুলি, আলনি, নাক কাটি ইত্যদি পুৰনি grazing এতিয়া খুলি দিবলৈ গভৰ্ণমেণ্টক অনুৰোধ জনাইছোঁ। মাননীয় Revenue Minister লৈকো এই বিষয় বহুত দৰখাস্ত দিয়া হৈছে কিন্তু আৰ্জিলৈকেও তাৰ কোন সন্ধান হোৱা নাই। অসমতে গৰামৰা চাপৰী খুলি দিয়া হৈছে। তাত প্ৰায় ১,০০০ বিঘা মাটিত মাহুৰ বগিছে আৰু ১,০০০ বিঘা মাটি আছে। তাত যি ৰায়ত সভা আছে তাৰ সভাপতিয়ে টেনিগ্ৰান কৰি জনাইছে—মেকো জনাইছে আৰু মৰা ডাঙৰায়কো জনাইছে যে সেই মাটি খেতৰ নিমিত্তে নিতান্ত অনুপযুক্ত অৰু মাটিও বগেই নহয়। এতিয়া মই কব খোজো যে এই মাটিও গ্ৰেজিংৰ নিমিত্তে বাখি আগেয়ে কোণা গ্ৰেজিং কেইটা ৰায়তৰ নিমিত্তে খুলি দিব লাগে। যদি এই গ্ৰেজিং কেইটা খুলি দিয়া নহয় তেন্তে অষ্টপুৰিৰ ৰায়ত সকলৰ বৰ হাইকাৰ হব ও সময়ত তেওঁলোকে চৰকৰ বা হো দিব নোৱাৰিব। অষ্টপুৰি আন মৌজাৰ দৰে নহয়। এই মৌজাত এবৰ মাহুৰক অন্ততঃ অষ্ট মৌজাৰ তুলনাত ১০গুণ মাটি বেচি লাগে। এই বিষয়ে প্ৰশ্ন আদিত মই বিশেষকৈ বুজাই কৈছোঁ—সেই বিষয়ে ইয়াত এতিয়া নকল্পেও হব। মই আশা কৰোঁ এই প্ৰস্তাবটো যেন সকলোৱে সমৰ্থন কৰে।

**The Hon'ble the SPEAKER :** The hon. member should also speak in English.

**Srijut RAJENDRA NATH BARUA :** Mr. Speaker, Sir, the sum and substance of the whole cut motion is that there are few grazing reserves, viz., Bakuli, Alami, Nakkati in the Ahatgauri Mauza. My intention is not to reduce the area of the grazing reserves but to point out that as the Brahmaputra has receded towards the north a vast portion of the lands has become available.

**Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURI :** Sir, is it the real translation?

**The Hon'ble the SPEAKER :** It seems the hon. member understands Assamese and can say whether this is a real translation or not (*laughter*).

**Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURI :** Sir, we cannot persuade ourselves to believe that he is not proficient in English. He is, I think, more proficient in English than in Assamese.

**Srijut RAJENDRA NATH BARUA :** Sir, my contention is that the existing reserves should be thrown open to the villagers and those areas which have been made available by the Brahmaputra receding towards the north should be made reserves as grazing grounds. Sir, there is an acute distress and certain representations and telegrams have been sent from the people of Ahataguri to the Hon'ble Revenue Minister and if this small bit of courtesy is not shown to these people then about 300 people will be absolutely without any land and in no time they will be reduced to utter ruin and destruction and will not be able to pay even land revenue to Government. So I hope that these grazing reserves should be opened and an equal portion of the area which has been added to the grazing reserves may be kept as grazing reserves for the graziers and other people. With these words I commend my motion to the acceptance of the House.

**The Hon'ble the SPEAKER :** The motion moved is that the provision of Rs.5,09,200 under Grant No.1, Major head—7.—Land Revenue, Minor head—D.—Charges on account of Land Revenue collections (total), at page 32 of the budget, be reduced by Re.1, i.e., the amount of the whole grant of Rs.15 21,000 do stand reduced by Re.1.

**Khan Bahadur Maulavi SAYIDUR RAHMAN :** Mr. Speaker, Sir, I am glad to find that the hon. mover does not subscribe to the view that a grazing reserve is always a grazing reserve (*hear! hear!*) as was advanced by another hon. member from the same bench yesterday. There are places where the areas reserved for hon. member from grazing reserves should be examined and it should be ascertained whether all the area is required for the purpose or not.

**Srijut SARVESWAR BARUA :** He does not want to cut it down but he wants to substitute it.

**Khan Bahadur Maulavi SAYIDUR RAHMAN :** He wants alteration of the area. That comes to the same thing. I think time has come when the question of these grazing reserves should be examined by Government. There are places, as I said yesterday also, where the grazing reserves have become unsuitable and are not required. In this connection, I refer to one line in the Report of the Line Committee—paragraph 8 on page 1—“We also think that the professional grazing reserves which are under encroachment should be carefully examined to see if they are all necessary for grazing purposes which most of us are inclined to doubt.”

**The Hon'ble the SPEAKER :** I wish to know whether the hon. members have got a copy of the report.

**Khan Bahadur Maulavi SAYIDUR RAHMAN :** I am told that it has been placed on their tables.

**The Hon'ble the SPEAKER :** I don't know whether the Ministry want to place this matter before the House formally for discussion. If they want to do so, then I think the hon. members should not refer to the report now.

**Khan Bahadur Maulavi SAYIDUR RAHMAN :** Apart from that, Sir, I beg to submit that my hon. friend has also suggested that the boundaries of the grazing reserves should be altered now and more land thrown open to settlement. I think I should agree with that and I humbly request the Government not only to agree to what he has asked for but also to examine the whole question whether the existing grazing reserves are now necessary for the purpose for which they were created.

**Srijut KARKA DALAY MIRI :** সভাপতি মহোদয়, বকৌলী, অলামী ও নাক-কাটি এই কেইটা চাপৰি পূৰ্বে মিৰি ৰায়তৰ বসতি ঠাই আছিল। কিন্তু আজি ১৯১৫ বছৰৰ আগত অসম ছৰকাৰে শান্তি প্ৰিয় মিৰি সকলৰ ঘৰ বাৰী জুই দি পুৰি খেদি দিয়ে—আৰু নেপালী দেহুৱালীক বহুৱা হয়। আমাৰ খান বাহাদুৰে কৈছে যে Grazing Reserve খুলিব নেলাগে—বন্ধ কৰা উচিত। কিন্তু বৰ্তমানে যিখিনি Grazing Reserve খুলিবলৈ অনুৰোধ কৰা হৈছে সেইটো মিৰি ৰায়তৰ পূৰ্বাৰণ বসতি ঠাই। সেই reserve মিৰি ৰায়তৰ প্ৰাপ্য। তেওঁবিলাকে তেওঁবিলাকৰ প্ৰাপ্য ঘূৰাই দিবলৈ অনুৰোধ কৰিছে। বৰ্তমানে ব্ৰহ্মপুত্ৰ গৰা খহনীয়াত পৰি উক্ত ৰায়তৰ মাটি বাৰা নাটনি হৈছে আৰু ছুখৰ সোমা নাইকিয়া হৈছে। উক্ত ৰায়তৰ ছুখৰ মেচনাৰ্থ যেন অতি সোনকালে উক্ত grazing খুলি দিয়ে এই Revenue বিভাগৰ মন্ত্রী ডাঙৰীয়াৰ ওচৰত অনুৰোধ।



**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** আইতত্ত্বৰ মৌজাৰ পানীয়ে যি বিলাকৰ মাটি বাদী ভাঙ্গি নিছে আৰু যি বিলাকক এই মাটি দিবলৈ কোৱা হৈছে, সেই বিলাক মিৰি নে ?

**Srijut KARKA DALAY MIRI:** অসমীয়া নতুন হও আছে মিৰিও আছে কিন্তু তু ভাগ মিৰি হব। আগেয়ে মিৰিৰ পাৰ্শ্ব চোৱা উচিত। যি বিলাকৰ মাটি বাদীৰ মাটনি হৈছে আৰু দুখৰ সীমা নোহোৱা হৈছে।

**Srijut SANKAR CHANDRA BARUA:** সভাপতি মহাশয়, এই ভূমি reserve খোলাৰ সম্বন্ধে শ্ৰীযুত বৰদা ডাঙ্গৰীয়াই যি কৈছে তাৰ লগত চাৰিঘৰ মান যোগ দিব খুজিছোঁ। গাঁৱ বাহাদুৰ সৈয়দুৰ বহমান ডাঙ্গৰীয়াই এইটো কপাত আপাক কবাত আৰ্চাৰিত হৈছোঁ।

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** মই আপত্তি কৰা নাই। মই আপোনাসকলৰ লগত এক হৈছোঁ।

**Srijut SANKAR CHANDRA BARUA:** আইতত্ত্বৰ মৌজাৰ বায়তৰ মাটি ব্ৰহ্মপুত্ৰে খহাই লৈ থোতিব যি অনিষ্ট কৰিছে সেই সম্বন্ধে চৰকাৰে বিচাৰ কৰি বায়তৰ পতি কৰ্ত্তব্য কৰা গৰণমেটৰ কৰ্ত্তব্য নহয় নে? চৰকাৰক এইটো বিচাৰ কৰিব কোৱা হৈছে। আমি খাম খেয়ালি কৰি একো কৰা নাই। সচাকৈয়ে বায়তৰ বৰ দুখ হৈছে সুবন্ধ সেইটো বিচাৰ কৰি reserve খুলিবলৈ কোৱা হৈছে। বাইজৰ ইমান আবেদন নিবন্ধন কৰা স্বত্বেও সুবন্ধ কৰা হোৱা নাই। এইটো বৰ দুখৰ বিষয়। এই বিষয়ে অতি শীঘ্ৰে বিচাৰ কৰা দৰ্কাৰ সেই কাৰণে মই এই প্ৰস্তাবলৈ সমৰ্থন কৰিছোঁ।

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir, I am in entire agreement with what the hon. member has suggested, *viz.*, in deserving cases we must not hesitate to reduce the area of grazing reserves and must throw land open for cultivation to persons who are in absolute need of it. But in this particular case, I think, the criticism which has been levelled against the Government is rather out of place. Because, Sir, it will appear from the answers which were given to the questions put in the last December session that Government have been all along trying to help the people who were affected by the flood.

**Srijut RAJENDRA NATH BARUA:** May I ask the Hon'ble Minister whether it is a question of flood? It is a question of our rivers and erosion.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Yes, when there is erosion, there is suggestion of flood in it.

**Mr. BAIDYANATH MOCKERJEE:** A new explanation indeed.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** Does the hon. member want that the people who have been affected by the flood, should not be helped?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** It is the same thing. In erosion flood is needed.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** I quote here the questions and answers of the December session of the Assembly.

**Question.**—Has the Hon'ble Revenue Minister received representations, dated the 26th August 1937, 25th September 1937, 9th October 1937, and telegram, dated the 26th October 1937, from the people of Ahotguri Mauza praying for opening of certain grazing reserves named Bokuli Chapri, Nakkati, Tinchuki Chapri and Alami Chapri for cultivation? "

**The reply was.**—Yes.

**Question.**—Are Government aware that the Chapris of the Brahmaputra river in Ahotguri Mauza comprising cultivable lands of the villagers have been eroded by the Brahmaputra since about 20/25 years and the Chapris on the southern bank have been turned into grazing lands, and as a result people have no cultivable lands now?

**The general reply was.**—About 2,000 *bighas* of land have been provided in the Garumara Chapri in Missamora Mauza; 992 *bighas* have been cleared by the Ahotguri people of which 509 *bighas* have already been settled with them and the rest of the area will be settled with them according to possession. If this Chapri is found insufficient, the quest of reducing the grazing reserves in the locality will be considered.

**Question.**—Have the Government received any representation about their grievances after the report of the Deputy Commissioner?

**The reply was.**—If this Chapri is found insufficient. We shall consider the question of reducing the area of grazing reserves elsewhere. To-day also we have replied to a question No.196. "Is Government aware that lands in Garumara Chapri made available to the Ahotguri sufferers are not sufficient to relieve the distress of the people of the whole mauza?"

**The answer was.**—No: out of 2,000 *bighas* made available only about 1,000 have been taken up."

Now, Sir, that is based on the report of the Subdivisional Officer. He says that there are lands still available in Garumara Chapri and they are cultivable lands, and some Ahotguri people have already settled there—as a matter of fact about 1,000 *bighas* have already been taken up there.....

**Srijut RAJENDRA NATH BARUA:** What is the date of that information?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** That is the reply which is given to-day. Our information is that land is still lying waste there and has not been occupied. I am not prepared to believe that the entire 1,000 *bighas* that is yet to be taken up is unfit for cultivation. That is not the report of the Subdivisional Officer. As my hon. friend knows the Subdivisional Officer is Mr. N. N. Phukan and he takes very prompt steps during floods and in other matters where the question of relief to people in distress is concerned, and he says that he is trying to persuade the people to occupy that land, and if he finds that the land that is fit for cultivation is not sufficient he will recommend the cutting down of reserves elsewhere. The question of graziers is also to be considered in this connection. If these graziers are turned out we must find some other place for them, and we should not cut down grazing reserves if it is not absolutely necessary to do so. What is the use of troubling these graziers if cultivable land is found elsewhere without difficulty? After all grazing is very important in as much as its proximity supplies milk to the indigenous population there, and if it is shifted these people will again suffer. We must not try to give preference to one class at the cost of the other; we must try to accommodate both classes of people if possible. Cannot my hon. friend wait for sometime till the Subdivisional Officer gives his report?

In this connection I would draw the attention of the hon. member to a fact which is very well known to him, that is that about 600 square miles of land is lying waste in North Lakhimpur just opposite Ahotguri mauza, and

these people can easily go over to North Lakhimpur and occupy that land. That land I know is available, and I am told that it is very fertile. Why not persuade these people to go there—just a little distance across the river. They will find much land there, and they should be persuaded to go there and take up the land otherwise that land may be occupied by somebody else, and there may be cause for regret. I would therefore ask the hon. member not to press his motion. We have got a very sympathetic Subdivisional Officer, Mr. Phukan and he has promised to see that these people do not suffer on account of want of land.

**Srijut RAJENDRA NATH BARUA :** On a point of information, Sir. The Subdivisional Officer personally told me that the Garumara Chapori is not quite sufficient. As a matter of fact he is willing to open up these grazing reserves if he gets encouragement from Government.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** If what my hon. friend says is correct I shall make a further reference. As the hon. member suggests that some grazing reserves ought to be cut down for giving shelter to those people we will certainly do so if it is unavoidable, but I want to make a further enquiry.

**Srijut RAJENDRA NATH BARUA :** On the assurance given I beg leave of the House to withdraw my motion.

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

**Srijut RAJENDRA NATH BARUA :** Mr. Speaker, Sir, I beg to move that the provision of Rs.5,09,200 under Grant No.1, Major head—7.—Land Revenue, Minor head—D.—Charges on account of Land Revenue collections (total), at page 32 of the Budget, be reduced by Re.1, *i.e.*, the amount of the whole grant of Rs.15,21,000 do stand reduced by Re.1.

(To criticise the action of Government for realising full demand of revenue from Mauzadars by not allowing deductions of revenue involved in lands annulled or advertised for sale, at the time of paying final *kist*).

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** I would like to point out, Sir, that 27 is the next motion.

**The Hon'ble the SPEAKER :** I pointed out yesterday that starred motions should be allowed to-day, because they are not barred to-day for want of sufficient notice although they were so yesterday.

**Mr. F. W. HOCKENHULL :** No.27 is unstarred.

**The Hon'ble the SPEAKER :** Although No.21 is starred it will be allowed to-day, as I pointed out yesterday.

The hon. member will please remember that he has got only 5 minutes time for which he can speak.

**Srijut RAJENDRA NATH BARUA :** Mr. Speaker, Sir, this motion relates to the system of not allowing deductions of revenue involved in lands annulled or advertised for sale at the time of paying the final *kist*. I can inform the House that the mauzadars have to pay a lot of money out of their own pockets at the time of paying the final *kist* sometimes by borrowing, and it is a real hardship on the part of the mauzadars, and there are pertinent complaints from that quarter. So I beg to move this cut motion so that the Government might change their procedure and allow the mauzadars some relief in the shape of giving this reduction at the time of the paying of the final *kist*.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI :** Mr. Speaker, Sir, I welcome this change of heart on the part of the hon. mover of this motion. Hitherto that particular group to which the hon. member belongs has been always trying to censure the Government for showing some indulgence towards the mauzadars. As regards this particular grievance even the Mauzadars' Association has not moved very much,

and the difficulty is that if we allow them to draw commission without seeing the result of the sales or without satisfying ourselves that the *pattas* are actually cancelled there may be some loss to Government. At the same time it is well known to the hon. member that no mauzadar, whose balance can be made up either through proceeds of the sales or through refunds given on account of annulment of settlements, is dismissed or otherwise proceeded against. No action is taken against him provided that the money which is to be realised on account of the sale-proceeds and refunds cover the amount of his dues to Government and I do not see how the mauzadars suffer on this account. Even the mauzadars themselves have not made much of the grievance. After all what is the percentage of such deficits? It is only about 5 per cent. and it is probably for that reason that the mauzadars have not complained much about this particular grievance. If, however, the hon. mover thinks that there is a real grievance I shall have further enquiry made, and if I find any justice in it, I shall be glad to allow the relief asked for.

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

The substantive motion that a sum not exceeding Rs.15,21,000 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 "7.—Land Revenue" was then put and agreed to.

#### GRANT No.10

#### (27.—Administration of Justice.)

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY :**—On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.6,60,000 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 "27.—Administration of Justice".

**Srijut KAMESWAR DAS :**—Mr. Speaker, Sir, I beg to move—

That the provision of Rs.37,106 under grant No.10, Major head.—27—Administration of Justice, Minor head—B—Law Officers (total), at page 75 of the Budget be reduced by Rs.2 *i.e.*, the amount of the whole Grant of Rs.6,60,000 do stand reduced by Rs.2.

In moving this motion I wish to draw the attention of the House to one aspect of the administration of criminal justice. The present system of awarding sentences to the accused does not take into account the severity of the punishment. Punishment may reasonably be expected to vary from individual to individual. What is a lenient sentence in the case of one man may be an extremely severe one in the case of another. What is justified in the case of one with a certain kind of upbringing would be extremely unjustifiable in the case of another. It seems to be not enough if the judge confines himself to the narrow limits of the Evidence Act and to certain Rules and Regulations. He should be appraised of the circumstances of the accused, his previous character and the conditions in life. These circumstances are not exactly judicial circumstances. They are more or less alien to the actual merits of the case in question; but it seems reasonable to make a reference to these circumstances and conditions of life. Suppose for instance in a particular case a Magistrate fines a man Rs.100, whether the man fined has got the capacity to pay it, whether on account of non-payment of the fine he has to go to jail, these are matters which the Magistrate is under the present system absolutely unaware of. There are no means, no procedure and no opportunity for the Magistrate to acquaint himself of these facts. Yet

there are any number of cases of people who are sentenced to fines and have to go to prison on account of the non-payment of fine owing to their inability to pay. I ask, have the Government taken statistics of cases of imprisonment for lack of means to pay the fines imposed? There should be some sort of provision by which the Government can in proper cases excuse non-payment of fines. If a man is sentenced to pay a fine and if he is unable to pay it, he is put in jail. Of course he is given time on his furnishing surety. Yet there are people who can neither furnish surety nor can pay the fine. The more objectionable feature is that the sentences of fines also are kept outstanding even though the accused have suffered out their sentences of imprisonment. The fines are realised by attachment of property. Sir, even though the man has suffered the penalty for non-payment of the fine the Government are not prepared to remit the fine and excuse the non-payment. Surely the provisions of a system like this ought to be modified and amended to remove these features.

With these remarks I commend my motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** The motion moved is—"That the provision of Rs.37,106 under grant No.10, Major head 27.- Administration of Justice, Minor head-B.—Law Officers (total) at page 75 of the Budget be reduced by Rs.2, i.e. the amount of the whole grant of Rs.6,60,000 do stand reduced by Rs.2."

**Maulavi MUHAMMAD AMJAD ALI:**—Mr. Speaker, Sir, this is a motion in which my hon. friend Srijut Kameswar Das has sought to criticise the policy of Government for not taking any steps to amend the rule of realisation of criminal fines in cases where the persons are unable to pay. Sir, this matter we had occasion to discuss during the time when we were considering the Good Conduct Probationers Probationary Release Bill in the Select Committee and at that time this question has been thoroughly gone into. I believe it would be open to the House to criticise this measure as Government has already undertaken to do. I believe, Sir, the hon. Mover has got this bit of information also that there are High Court Rulings. Very recent rulings also to this effect that if somebody is unable to pay, it is open to the Court to say that at the end of the term of imprisonment it would be remitted. I would further quote the High Court Ruling to that effect. Under the heading "Court should exercise its discretion whether fine should be recovered even after imprisonment" it says "the law is merely permissive and not imperative. When efforts have been made to realise a fine by distress and sale and when the offender has undergone the imprisonment awarded in default of payment of fine, the court should exercise its discretion, according to the circumstances of each particular case, as to whether, after the release of the prisoner any further steps should be taken towards the realisation of the fine within the period allowed by law." Herein, Sir, six years ago formerly the law within which even if the prisoner had undergone the imprisonment in default of payment of fine the amount was recovered by distress and sale. It has been cut down now and the law is changed giving discretion to the Court and if it appears to the court "that the fine was not paid for want of means, or that its realisation would be ruinous to the offender or his family, it is not desirable that further steps should be taken". So the common law is there and there are rulings to this effect also. I do not know what other things are required to be done and what other things he wants this Government to do, for not doing which the hon. mover has brought this motion to censure the Government. With these words I beg to oppose the motion.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, there are many legal luminaries in this House and I thought I shall hear something helpful from them on this motion. But I find that excepting my hon. friend Maulavi Amjad Ali nobody has obliged us and, therefore, I have to take my stand now to deal with the subject.

Sir, Section 386 of the Criminal Procedure Code lays down the law as regards the processes to be issued to these persons who are sentenced to pay fine and has failed to pay. All practitioners of the Criminal Courts know that the state of facts enumerated by the hon. Mover of this motion existed before the year 1923.

But after the amending Act of 1923 a proviso has been entered under clause 386 (1)(b) which runs to this effect:—

"Provided that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the hold of such imprisonment in default, no Court shall issue such warrant unless for special reasons to be recorded in writing it considers it necessary to do so."

So, since that particular proviso to sub-clause (b) of clause (1) of section 386 was put in the Statute Book, the question of realisation of fines from those who had elected to suffer imprisonment has become an exception rather than the rule. My friend also said that Government should have some powers so that they can remit fines in fit cases. They have got the power under section 401 as regards remission of sentences. Fine is also a sentence and therefore in suitable cases Government do interfere and remit the payment of fine. In a recent case, Sir, Government did interfere and remit the fine on two boys. Because they were of tender age and could not pay the fine, Government thought that it was a fit case to exercise their powers and that the boys should not be imprisoned and they were thus prevented from coming in contact with hardened criminals. Therefore, Sir, the present law is what my hon. friend wants it to be and Government is also following in the same direction as my hon. friend recommends.

If my hon. friend recommends that the Government should go one step further and utilise the powers which have been granted to provincial legislatures under the Concurrent List of the Government of the India Act, Schedule VII, then a Bill shall have to be introduced to amend that particular section of the Criminal Procedure Code. For my hon. friends know that by item 2 of the Concurrent Legislative List [List III of Schedule VII of the Government of India Act, 1955] all matters included in the Criminal Procedure Code on the date of passing of this Act, and the power of amending the Criminal Procedure Code is given to the Local Legislature from the 1st of April 1937. Up till now so far as my information goes no Provincial Government has undertaken to amend that particular section. And unless we are convinced that section 386 has been abused by our Courts, this Government has no intention to undertake legislation just now. As the law already is as my hon. friend wants it to be, I hope, after the explanation which I have given, he will see his way to withdraw his motion.

**Srijut KAMESWAR DAS:** Sir, in view of the Hon'ble Minister's statement I beg leave of the House to withdraw my motion.

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

**Srijut KAMESWAR DAS:** Sir, I do not like to move motion No.2\* by which I intended to raise the question of the copyists and not typists as it appears from the note underneath the motion.

I beg to move Motion No.3 which runs as follows:—

That the provision of Rs.3,05,791 under Grant No.10, Major head—27.—Administration of Justice, Minor head—Civil and Sessions Courts—D.—Districts and Sessions Judges (total) at page 78 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.6,60,000 do stand reduced by Rs.101.

It is my intention in moving this motion to draw the attention of the Government to the unsatisfactory state of things in respect of accommodation to lawyers in the court rooms in certain parts of the province in general and in my own subdivision of Barpeta in particular. The general tendency of the Government seems to be to provide residences for their officers. Of course this is not grudged by anybody. But what I would like the Government to look to with interest are the matters in which the public in general or a large and influential section of it are involved. There are court rooms, I am told, in the province and this is particularly the case in my own subdivision, in which the lawyers have to be huddled up in the little spaces available to them there, especially during the hearing of important cases. For want of proper accommodation lawyers have often to sit on the arms of chairs occupied by other and on many occasions arms of occupied chairs also are not available and the lawyers have to remain standing as the crowds of people do in a weekly market. It is not fair that they should be allowed to be like that, more especially when they are a great help to Government in the field of administration of justice. Under the circumstances, I hope, the House will accept my motion.

**The Hon'ble the SPEAKER:** The motion moved is "that the provision of Rs.3,05,791 under Grant No.10, Major head—27.—Administration of Justice, Minor head—Civil and Sessions Courts—D.—Districts and Sessions Judges (total), at page 78 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.6,60,000 do stand reduced by Rs.101".

I think the hon. member should move that the amount be reduced by Re.1.

**Srijut KAMESWAR DAS:** Yes, Sir, I make it Re.1.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY:** Sir, my hon. friend, Mr. Kameswar Das, has drawn the attention of the House to the fact that in some courts in the province, and particularly in his subdivision, Barpeta, the court room has insufficient accommodation for the lawyers. He has complained that the lawyers are sometimes huddled up for want of accommodation and sometimes have to sit on the arms of occupied chairs. Government had no information that there was such want of accommodation in any particular court. If that was the case, I had expected to hear from other hon. members also the complaint that there is no sufficient accommodation in the court rooms in their localities. Now that only my friend Mr. Kameswar Das has drawn attention to one particular case, we shall make enquiry into the matter and see that as far as possible it is remedied, if the local officers report that that is the case.

**Srijut DEBESWAR SARMAH:** There is difficulty in our Jorhat subdivision, Sir.

\* That the provision of Rs.3,05,791 under Grant No.10, Major head 27—Administration of Justice, Minor head—Civil and Sessions Courts—D.—Districts and Sessions Judges (total) at page 78 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.6,60,000 do stand reduced by Rs.101.

(To criticise Government for not treating the Typists as members of the permanent establishment.)

**Many other MEMBERS:** There is difficulty in all subdivisions.

**The Hon'ble Mau'avi ABDUL MATIN CHAUDHURY.** But, Sir, no complaint was made from other subdivisions.

**Srijut DEBESWAR SARMAH:** In Jorhat also, Sir, there is complaint.

**Srijut KAMESWAR DAS:** In view of the reply of the Hon'ble Minister, Sir, I beg leave of the House to withdraw my motion.

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

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Mr. Speaker, Sir, I beg to move that the provision of Rs.21,000 under Grant No.10, Major head—27.—Administration of Justice, Minor head—D.—District and Sessions Judges, Sub-head—5.—Contingencies, Detailed head—Allowances to jurors and assessors at page 78 of the Budget be reduced by Rs.5, i.e., the amount of the whole grant of Rs.6,60,000 do stand reduced by Rs.5.

Sir, the institution of trial by jury was obtained by the English people after fighting over two centuries. This healthy institution has always brought equity to justice. The institution is meant for applying strong common sense to the questions of fact in relation to particular case. Life and death of a person depends on what they decide. Under the circumstances it is urgently necessary that selection of jurors should very carefully be made. But, Sir, here in the unfortunate land of ours what ought to have been the instrument of justice has become the engine of oppression. Owing to bad principles of selection there is negation of justice. Complaints of bribery, want of rudimentary knowledge are heard every day. The institution has become a farce. People are found loitering in front of the court precincts to be called as jurors. We hear that many underhand means are often taken to be enlisted as a juror. There is no particular educational qualification or any other qualification for the enlistment of jurors.

Again, Sir, there is another fact. Even the special jurors are given a daily allowance of Rs.3 and that too not on holidays. While in the midst of a trial there are holidays for two or three days, no allowance is paid to the jurors for those days even though they are made to stay at the headquarter station during these days. How they are to manage their meals, etc., for those days if no allowance is given? This rate does not obtain anywhere and is most unfair and absurd on the face of it.

I, therefore, leave it to the good sense of the Hon'ble Judicial Minister to take proper steps so that a minimum qualification may be fixed for the enlistment of jurors and due care is taken for their enlistment and their allowance be increased to Rs.5. They should also be allowed allowance for the holidays which intervene between two sittings of a trial. 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.24,000 under Grant No.10, Major head—27.—Administration of Justice, Minor head—D.—District and Sessions Judges, Sub-head—5.—Contingencies, Detailed head—Allowances to jurors and assessors at page 78 of the Budget be reduced by Rs.5, i.e., the amount of the whole grant of Rs.6,60,000 do stand reduced by Rs.5.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Mr. Speaker, Sir. I want to make a few observations on the motion moved by my friend Babu Dakshinaranjan Gupta Chaudhuri. The hon. member has mentioned that property qualification and educational qualification are not taken into consideration in selection of jurors. But as far as I know Government have now accepted the principle of considering education and property qualification (4 voice: by which Government?). By the present Government of Assam. The present Government as far as I know—probably I am correct—have fixed the educational qualification of a juror at Matriculation and final Madrassa passed. And as for property qualification it is

decided that those who pay a local rate up to Rs.50 can be enlisted as jurors. Sir, I simply mention these facts for the information of the House and the hon. mover.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY :** My friend Mr. Dakshinaranjan Gupta Chaudhuri has complained that the system of selection of jurors has become an engine of oppression and underhand methods are adopted in their selection. Sir, sections 319-324 of the Criminal Procedure Code lay down the procedure for the selection of jurors and I think the method followed by our District Judges and district authorities are same as those laid down in the Criminal Procedure Code. However, any suggestion that the hon. member has made will receive the consideration of Government. I confess, that I am not aware of the law about the qualification of a juror as at present to which my hon. friend Mr. Maqbul Hussain Chaudhuri has referred. As regards allowance, I think in Sylhet the maximum amount is Rs. 5 and when there is a holiday intervening they are paid for that also. (Babu Dakshinaranjan Gupta Chaudhuri :—No, Sir). Very well, we shall look into this matter and consider the question sympathetically.

**Babu HARENDRA NARAYAN CHAUDHURI :** On a point of information, Sir: Are the Assembly members exempted from acting as jurors ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY :** That I cannot say definitely. Sections 319-324 of the Criminal Procedure Code lay down the procedure.

**Babu HARENDRA NARAYAN CHAUDHURI :** I am not a lawyer, Sir.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** In view of the assurance given by the Hon'ble Judicial Minister, I beg leave of the House to withdraw my motion.

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

**Srijut GAURI KANTA TALUKDAR :** Mr. Speaker, Sir, I beg to move that the provision of Rs. 1,09,028 under Grant No. 10, Major head 27.—Administration of Justice, Minor head—Civil and Sessions Courts D.—District and Sessions Judges, Sub-head—1.—Pay of Officers (total), at page 78 of the Budget be reduced by Re. 1, *i. e.*, the amount of the whole grant of Rs. 6,60,000 do stand reduced by Re. 1.

Sir, my object for moving this cut motion is to urge upon the Government to take early steps for establishing a Munsif's Court at Nalbari.

The Gauhati Sadar Subdivision with a population of 6,61,491 is, I think, the biggest and most unwieldy subdivision in the province. And it was, for this reason, observed by His Excellency Sir Michael Keane, our *ex-Governor*, that the work of the Gauhati Sadar Subdivision was heavier than it ought to be. He also remarked that Nalbari, Tihu and Rangia circles with their headquarters at Nalbari would, from the administrative point of view, make a good subdivision and he was surprised to find that the subdivision was not constituted long ago.

Our present Government have also accepted this view, but have pleaded inability to give effect to the scheme for want of funds. But I submit, Sir, having regard to the huge saving that will follow in consequence of the establishment of the subdivision, our Government should not grudge the initial expenditure that may be necessary for opening the subdivision. And I hope they will soon see their way to give effect to the scheme.

But in the meantime the Government may give some relief to the people if they please. The people of the said three circles, Sir, who number 3,19,157 have to undergo great inconvenience and immense economic hardship, travelling long distances of 40 to 50 miles by railway and on foot to

attend to Civil, Criminal and Revenue Courts and the Registration office at Gauhati, which is situated at the south-eastern corner of the subdivision. Our Government have, I am glad, recognised the difficulties which our people are undergoing. And they have, therefore, Sir, conceded to our demands and have been placed to establish a Criminal Court and are going to open a Sub-Registry office at Nalbari. Now so long as a subdivision is not established the Government may alleviate the grievances of the people to a great extent if they establish a Munsif's Court also at Nalbari. And this the Government can most economically do by simply transferring the Second Munsif from Gauhati to Nalbari.

With this object of drawing the pointed attention of the Government to this matter of urgent necessity, Sir, that I have tabled this cut motion which, with these few words, I commend for the acceptance of this Hon. House.

**The Hon'ble the SPEAKER :** The motion moved is that the provision of Rs. 1,09,028 under Grant No. 10, Major head 27.—Administration of Justice, Minor head—Civil and Sessions Courts—D.—District and Sessions Judges, Sub-head 1.—Pay of Officers (total), at page 78 of the Budget be reduced by Re.1, *i. e.*, the amount of the whole grant of Rs. 6,60,000 do stand reduced by Re. 1.

#### Adjournment

The Assembly then adjourned for 15 minutes.

#### After adjournment

**Maulavi MUHAMMAD AMJAD ALI :** Mr. Speaker, Sir, this is a motion tabled by my hon. friend Srijut Gauri Kanta Talukdar to urge upon the Government to take steps for establishing a Munsif's Court at Nalbari. At the outset I must say that I am in sympathy with the mover of the motion. As I understand there has been an agitation for a long time to establish a Court at Nalbari and Government is giving the part time service of an Extra Assistant Commissioner there. To my knowledge there is no court building even now and that Extra Assistant Commissioner has got to do certain registration work also. People of the locality are surely handicapped for litigation. They always have to come to Gauhati with regard to their civil cases. Sir, at Nalbari possibly, criminal courts have not got much work even now to justify two Extra Assistant Commissioners to work on criminal side.

(A voice : There are sufficient work).

But I do not understand that there are sufficient works for criminal side. There have been questions and interpretations on the floor of this House and Government have already admitted that there is a necessity for it and they are giving some facilities for establishing a Munsif's court at Nalbari. I believe the hon. mover will be satisfied on an assurance given by the Government that a Munsif's court at Nalbari is practically in the making.

**Srijut GAURI KANTA TALUKDAR :** I want an assurance from the Hon'ble Minister.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURY :** With regard to Nalbari, Government recognises that it is an important place in the district of Kamrup and that it is a big trade centre. There have been agitation from amongst the public for the establishment of a Munsif's court and Extra Assistant Commissioner's court in order to raise it to a status of subdivision. In response to that agitation, Government have appointed as an experimental measure an Extra Assistant Commissioner to do criminal work there and it is under consideration of the Government to give him some more work of registering the documents also, but I do not think I can hold out any hope to my hon. friend Srijut Gauri Kanta Talukdar of the immediate chance of establishing a Munsif's court there. Government will

examine the feasibility of that scheme after watching the progress of the work done there by the Extra Assistant Commissioner and then will come to a final decision on this matter. Of course, Government realises the difficulty of the litigant public to come to Gauhati for civil cases. Nalbari being a big trad- centre, it is fairly obvious that there must be a good number of civil cases also. However, Government will take all this matter into consideration before coming to a final decision with regard to this matter. I think in view of this assurance from me that Government will sympathetically examine this case, the hon. mover will not press this motion.

**Srijut GAURI KANTA TALUKDAR:** In view of the assurance given by the Hon'ble Minister, 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 Maulavi Ashrafuddin Md. Chaudhuri. He may move it.

**Maulavi ASHRAFUDDIN MD. CHAUDHURI:** I beg, Sir, to move that the provision of Rs. 1,24,804 under grant No. 10, Major head—27.—Administration of Justice, Minor head—Civil and Sessions Courts.—D.—District and Sessions Judges, Sub-head—2—Pay of Establishment (total), at page 7 of the budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 6,60,000 do stand reduced by Re. 1.

The object of moving this motion is to raise a discussion regarding inadequate number of Muhammadans in the establishment of the Civil and Sessions Courts at Sylhet.

Mr. Speaker Sir, I want to bring to the notice of the Hon'ble Ministers that the percentage of Muhammadan population in the Sylhet district is nearly 60. It is rather ridiculous to find in the replies given to certain questions put in the last session of the Assembly by my hon. friend Maulavi Muhammad Maqbul Hussain Chaudhuri that out of 113 posts we have got only 35 Muhammadan clerks in the office of the District Judge of Sylhet. Further, what is most disappointing—I should say—is that during the last 10 years 54 appointments were made of which only 25 were given to the Muhammadan to fill up the disparity. If in this way Government want to make up the disparity, I am afraid, they will never be able to make up the deficiency. In the case of promotion also, we find that promotions are not made by the Judges themselves but are made by materials supplied by the ministerial head.

(A voice—Who is a Hindu).

We have been told that Government have issued a circular that 56 per cent. of the posts must be given to the Muhammadans. But this circular is more honoured in the district of Sylhet in its breach than in observance. There is no good in issuing circulars unless the district officers are conscious of the fact that the circular is to be actually carried into action. Occasionally we hear also that even for Constabulary suitable Muhammadans are not available. Sir, I am afraid that in these days of unemployment nobody will ever believe that suitable Muhammadan candidates are wanting. If Government want to shut out the Muhammadan candidates from employment on this most lame excuse, then of course we have nothing to say. But I can say that the Muhammadan officers will certainly prove efficient if suitable opportunities are given them. The only thing is that suitable scope is not given to the Muhammadan candidates for recruitment and promotion. Sometimes when the occasion of recruitment comes proper notice is not given to the Muhammadan candidates nor the opportunity to have an interview with the District Judges. There are some intermediate officers who must be pleased before they can see the District Judges. This practice, I should say, must be dispensed with. So, I bring it to the notice

of the Hon'ble Minister to see that the deficiency and disparity among the Muhammadan communities in the matter of appointment in the office of the District Judge of Sylhet are in no time done away with. In this connection I refer to the reply given to question 717 in the last December session of the Assembly. "Steps are taken to rectify such disparities whenever suitable members of the community in question are available." The words—"suitable members of the community"—are very important to keep out Muhammadan candidates. During the last 10 years 54 appointments were made of which 26 were given only to Muhammadans. If the Government were at all serious to see that a proportionate recruitment is made from the Muhammadan community, there should have less recruitment from the over-represented communities and more from the Muhammadan community.

Then again, Sir, we find from the Government reply to question No. 720 put in the last December session that "There are qualified Muhammadan clerks in the lower division, and the claims of such clerks are always considered at the time of promotion." But we find that actually on the points of seniority and merit also the suitable Muhammadan candidate's case is neglected. (Hear! hear!). If the Hon'ble Minister will please take the number of appointments made during the last 10 years and the number of applicants, he will find that the Muhammadans were neglected and graduates from other communities were taken. Sometimes it is also that in the matter of appointment somebody already in the office help the candidate and give the appointment.

**Mr. BAIDYANATH MOOKERJEE:** Whose fault is this?

**Maulavi ASHRAFUDDIN MD. CHAUDHURI:** It is for you to say.

**Mr. BAIDYANATH MOOKERJEE:** Is it the fault of the European

Judges?

**Maulavi ASHRAFUDDIN MD. CHAUDHURI:** The European Judges are not to be blamed alone.

Now, in matters like this I would ask the Hon'ble Minister to see that a provision be made in the rule so that appeals may be made to the Local Government in cases where there have been injustices done to candidates.

With these words I draw the attention of the Hon'ble Minister in charge to look into the disparity between the Muhammadan and other communities in the matter of appointments in the office of the Sylhet District Judge and to urge upon the Judges of Sylhet to remove this disparity in no time.

**The Hon'ble the SPEAKER:** The motion before the House is that the provision of Rs. 1,24,804 under Grant No. 10, Major head—27.—Administration of Justice, Minor head—Civil and Sessions Courts—D.—District and Sessions Judges, Sub-head—2.—Pay of Establishment (total), at page 78 of the Budget, be reduced by Re. 1, i.e., the amount of the whole grant of Rs. 6,60,000 do stand reduced by Re. 1.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I endorse every word spoken of by my hon. friend Maulavi Ashrafuddin Chaudhuri. Sir, in answer to my question asked in the last December session Government admitted that there are qualified Muhammadans in the lower division but at the time of promotion they did not consider the case of those qualified Muhammadan clerks. I may point out that out of 10 Sharistadars in the Munsifs' courts, only two are Muhammadans. This only goes to show how the case of the Muhammadans is suffering. Sir, I put some questions in the last Assembly session about the way in which clerks were recruited in some offices and Government gave replies to those questions, that those questions would serve no purpose. I was simply astonished to hear those replies. There was no

time for me to put any supplementary questions at that time. Sir, I bring to the notice of Government that there are grievances among the lower grade Muhammadan clerks in the office of Sylhet District Judge and that their cases are not at all considered by appointing authorities. My hon. friend Maulavi Ashrafuddin Chaudhury has lucidly and adequately discussed the matter, and I simply endorse his remarks and whole-heartedly support his motion.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Mr. Speaker, Sir, my hon. friend Maulavi Ashrafuddin Chaudhury has pointed out that out of 113 clerks in the Civil Courts in Sylhet district only 37 are Muhammadans. The figures that he has given are fairly accurate. He has also complained that though the Muhammadan population is 59 per cent. the average of Muhammadans in ministerial posts in Civil Courts is only 33 per cent. in the district of Sylhet. I agree with him that there is no dearth of qualified Muhammadan candidates, but I think that he will recognise that as the Muhammadans entered service rather late the process of equalisation will naturally be gradual. He has complained that in filling up vacancies the claims of suitable Muhammadan candidates are not taken into consideration. I can assure him that if any specific instances are brought to my notice I will certainly make an enquiry into the matter. With regard to the suggestion of issuing a circular to all District Officers on the subject I think my hon. friend will agree with me that I need no reminding in this matter. I may tell him when I was in the Central Assembly I directed my special attention to the question of employment of suitable educated Muhammadans in Government services. I can assure the hon. member that as far as lies in my power the cause of Muhammadans will not be neglected. In view of the assurance that I have given I hope the hon. member will withdraw his motion.

**Maulavi ASHRAFUDDIN MD. CHAUDHURI:** In view of the assurance given I beg leave of the House to withdraw my motion.

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

**Mr. ARUN KUMAR CHANDA:** Mr. Speaker, Sir, I beg to move—That the total provision of Rs.6,60,000 under Grant No. 10, Major head—27.—Administration of Justice, at page 75 of the Budget, be reduced by Re.1.

(To criticise Government for failure to repeal Repressive Laws.)

I have tabled this motion to criticise the Government, but I see that the time at my disposal is very limited indeed. I cannot, therefore inflict a lengthy speech on the House. But I feel happy, Sir, that I am speaking upon this subject in a very friendly atmosphere to-day because the half of the Cabinet is composed of members of a political organization which has accepted the repeal of repressive laws as one of the principal items of their political programme. Besides this, I see from speeches which were delivered by the Hon'ble Mr. Chaudhuri and the Hon'ble Maulavi Munawwar Ali in the now-defunct Assam Council that they criticised the repressive legislative measures as "Black Acts" (*Hear! hear!*) The Hon'ble Srijiit Rohini Kumar Chaudhuri said on one occasion "To-day the blackest Act which has been passed in Assam is going to be enacted" and the Hon'ble Maulavi Munawwar Ali said on another, "We shall go away from the capital of the province with this scathing sense of grief that we have not been able to give our best thought to the blackest law that is going to be placed on the Statute Book". So, Sir, in the face of these statements made by such distinguished men as the Ministers for Revenue and Education and the opinions held by them, I feel that not many words are needed from a humble individual like myself to commend the acceptance of this motion by the House.

With these few words, Sir, I beg to place my motion before the House.

**Mr. JOBANG D. MARAK:** Mr. Speaker, Sir, I wish to say a few words about the enforcement of the repressive laws in the Garo Hills. I refer to the enforcement of free labour and also the *begar* system, and free *begar* system also. Another thing that I would like to bring to the notice of the Government is that when the police officers report anything the Deputy Commissioner accepts their report very readily, and for this reason last year some 80 or 90 people were put to trouble—they were hauled up in court and were asked why they should not be turned out from Tura town and its vicinity. And also in the interior there are repressive laws. There are Rules for the Administration of Justice and Police framed by His Excellency the Governor, but these laws are not observed by the local authorities. Then some of the laws are not at all suitable; I refer to Rules 22 and 35(a) which I read out in my budget speech. So I beg the Hon'ble Minister in charge to look into these matters and give instructions so that the rules may be amended or repealed and these repressive laws may be at once withdrawn from the district (*applause*).

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The hon. member said from the district (*laughter*).

(No other member rose to speak on the subject.)

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, I said in 1934 that it was a black day and a black spot for me as I had to introduce the Assam Criminal Law (Amendment) Act in 1934 in the then House (the Council).

**Mr. BAIDYANATH MOOKERJEE:** Get rid of it to-day.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** But I was compelled to bring that black Act into the Statute Book of the province when the members of the terrorist organization being driven by the Bengal Police began to take shelter in the neighbouring district of Sylhet, and also in some districts of the Assam Valley. So in order to preserve the fair name of the province I had with great reluctance to bring that measure on the Statute Book .....

**Mr. BAIDYANATH MOOKERJEE:** You can remove it to-day.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I hear many interruptions from a particular individual in this House, but I can silence him with one sentence, and that is that his revered friend and leader Rai Bahadur Promode Chandra Dutt had moved and carried in the previous House in 1935 and 1936 two amendments which made the provisions of the Act more stringent. (*Hear! hear!*)

Sir, in this matter it appears that myself and the group from whom these interjections are so frequently coming are of one opinion. But I can assure this Hon'ble House that, although for the present we do not propose to repeal the laws, it will be the blackest case that will draw the operations of these laws so long as I am in charge of it. I wish I could repeal them all; but experience of the better organised provinces—or shall I be incorrect in saying better administered provinces like the Congress administered provinces of Bombay and the United Provinces—do not encourage us to do away with them wholesale, because in Bombay we all know that the Congress Premier had recourse to the application of this law in Ahmedabad and Sholapur. Similarly in the United Provinces one of the Congress leading lights who guides the destinies of that province as her Premier had to make use of coercive law in Cawnpore. If it had been found that such Governments like that of the United Provinces and Bombay found necessity for utilising the provisions of these Acts, and with all their avowed policy to repeal these Acts and not to encroach upon the civil liberties of the people, they were constrained to resort to these laws for the peace and safety of the

province, the warning for Assam is ever present when we happen to be the closest neighbours of Bengal which province has a record for terrorist activities. This Government or any other Government in its place will indeed be well advised to keep these Acts on in the Statute Book ready if there be an unavoidable need. Keeping of a law in the Statute Book does no harm: it is only an indiscriminate application of it that will be reprehensible. We must not be carried away by mere sentiment. I give the House again the solemn assurance that these Acts will not be taken advantage of or brought into operation unless there is a really black outlook in the province. I hope I have been able to satisfy my hon. friends of the correctness of the attitude taken by the Ministry.

**Srijut DEBESWAR SARMAH:** Considering the normal and quiet atmosphere prevailing in Assam, do not Government consider that the ordinary penal laws are sufficient if and when any black act is committed?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, as I said yesterday that this is not a question time,.....

**Srijut DEBESWAR SARMAH:** No, Sir. This I asked on a point of information.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not here to give information unless it is properly sought.

**Srijut DEBESWAR SARMAH:** I think the Hon'ble Minister is paid to do it?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI:** It appears, that the hon. the Leader of the Opposition is not able to control that Member.

**Srijut DEBESWAR SARMAH:** What about the Hon'ble Rev. Minister himself? I am only imitating him.

**Mr. ARUN KUMAR CHANDA:** There are many unruly Members in that group as well.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I will mention only about two points at this stage. I shall go into particular sections of these Acts, I am referring to the sections about proscription and also the point whether the ordinary presumption of criminal jurisprudence is to be reversed. And if necessary I shall come with an Amending Bill of these sections (*hear! hear! and applause*). But I am not prepared for the present to bring in a Bill to repeal the entire set of laws.

(As the Hon'ble Speaker was putting the motion to the House).

**Mr. ARUN KUMAR CHANDA:** Sir, may I submit that we do not propose to press the motion?

**The Hon'ble the SPEAKER:** The hon. member is late.

(The motion of Mr. Arun Kumar Chanda that the total provision of Rs 6,60,000 under Grant No. 10, Major head—27.—Administration of Justice, at page 75 of the budget, be reduced by Re.1 was then put to the House and the Hon'ble Speaker declared in favour of the Ayes. This decision being challenged the division bell rang).

**Mr. F. W. HOCKENHULL:** On a point of information, Sir, may I know if when the time is up the guillotine falls on all business and the total grant is put to the House?

**The Hon'ble the SPEAKER:** The guillotine will come in on the last day when the time would be up; because 5 p.m. is fixed for the last day of the budget and not on other days.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI.** If I may submit, Sir, what the hon. member Mr. Hockenhull means is that after the one hour fixed for this Demand is over the guillotine would automatically fall on the particular motion.

**The Hon'ble the SPEAKER:** When a question has been sufficiently discussed I cannot dispense with the voting of the House because only of the fact that the time is just up.

The motion was again put and lost.

The original motion that a sum not exceeding Rs.6,60,000 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—“27.—Administration of Justice” was then put and agreed to.

#### Revised time-table

**The Hon'ble the SPEAKER:** I propose to place before the House the altered time-table which has been prepared on the basis of the agreement that has been arrived at between the different sections of the House that 28th February should be observed as a holiday and that the House should sit for one hour more on four days subsequent to the 28th in order to make up the time that would thus be lost. Now I may point out to the Hon'ble House that this time-table which I have arranged will not at all affect the items of business as put down in the list of business for to-morrow. But we shall have an additional item of business to be taken up to-morrow, namely the presentation of the supplementary statement of expenditure for the year 1937-38. It is from the 1st of March to 4th of March that we shall have to sit for one hour more after 5 p.m.

**Mr. F. W. HOCKENHULL:** We have asked your consideration whether we may not have some alternative accommodation in order to adjourn the House at about 4-30 p.m. on the 1st of March.

**The Hon'ble the SPEAKER:** Yes, on the 1st of March we shall sit upto 4-15 p.m. That is the arrangement I have made.

**Mr. F. W. HOCKENHULL:** Thank you, Sir.

**The Hon'ble the SPEAKER:** I may now point out to the Hon'ble House before I place the entire time-table that some hours already allotted to some grants will have to be curtailed. As for instance, on the 28th February 2½ hours are allotted for Forest. Of course this grant would be taken up on the next day but we cannot allow more than two hours for the discussion on this grant. Then for Education on the 1st March, three hours are allowed and I have curtailed it to 2½ hours, then on the 2nd March two hours are allowed for Agriculture. I have curtailed it to 1½ hours. Then on the third of March 1½ hours are allowed for Civil Works. I have curtailed it to 1 hour. The Hon'ble House will realise that, without such curtailment, it would not have been possible for me to arrange for the accommodation that has become necessary. With regard to other details printed and copies would be placed on the table of hon. members to-morrow. I may also announce to the House that the Supplementary Demand for 1937-38 will be presented to-morrow after lunch.

**Mr. GOPI NATH BARDOLAI:** We understood we might be able to do something on Saturday, as on that day we have not got much to do. In that case so much curtailment is not necessary.



The Hon'ble the SPEAKER: I think the hon. members should agree to give up half an hour in each case. It is only a curtailment by half an hour in each case.

### Adjournment

The Assembly then adjourned till 11 a.m. on Saturday, the 26th February 1938.

Shillong,

The 9th April 1938.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.