

Proceedings of the Sixth Session of the First Assam Legislative
Assembly, assembled under the provisions of the Govern-
ment of India Act, 1935

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m., on
Thursday, the 9th March, 1939

OATH OF ALLEGIANCE

The following new members were sworn in :—

1. Mr. W. J. Gray.
2. Mr. A. H. Ball.

PANEL OF CHAIRMEN

The Hon'ble the SPEAKER: The following members will constitute
the panel of Chairmen for this session :—

1. Khan Bahadur Maulavi Sayidur Rahman.
2. Mr. W. R. Faull.
3. Mr. Baidyanath Mookerjee.
4. Rev. J. J. M. Nichols-Roy.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

(Starred questions Nos.1 and 3 standing in the name of Mr. Kedarmal
Brahmin were not put and answered as the member was absent.)

(Starred question No.2 standing in the name of Maulavi Abdur Rahman
was not put and answered as the member was absent.)

**Corrupt practices in courts and offices in Assam and sitting accom-
modation in the Goalpara courts**

Maulavi MUHAMMAD AMJAD ALI asked :

- *4. Will Government be pleased to state—
 - (a) Whether they propose to remove the corrupt practices, if any, prevalent in Courts and Government offices in Assam ?
 - (b) If so, whether they propose to constitute at an early date a committee to make a thorough enquiry into—
 - (1) The nature and extent of the corruption prevalent in the Courts and offices of the province ? and
 - (2) To suggest measures for the eradication of the evils, if any ?
- *5. Will Government be pleased to state the number of Courts in the town of Goalpara ?
- *6. Are Government aware that there is no arrangement for proper sitting accommodation for the pleaders in any of these Courts ?
- *7. Is it a fact that several representations were made by the members of the Goalpara Bar Association to provide proper sitting accommodation in all the Courts ?
- *8. Do Government propose to provide 5 chairs and a cane bench with back in each of the said Court rooms ?

*9 Will Government be pleased to state the places where the 3rd Magistrate (Sub-Deputy Magistrate) and the Honorary Magistrate at Goalpara hold their respective Courts ?

*10. Are Government aware that there is no Ejlaz in any one of these two Courts ?

*11. (a) Are Government aware that the pleaders there find it very difficult to conduct their cases in the Courts of the 3rd Magistrate and the Sub-Deputy Magistrate for want of proper accommodation and sitting arrangements ?

(b) If so, do Government propose to remove the defects at an early date ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

4. (a)—Government will make every endeavour to eradicate those abuses.

Maulavi MUHAMMAD AMJAD ALI: May I know the nature of the measures Government want to take for the eradication of corrupt practices ?

The Hon'ble Babu KAMINI KUMAR SEN: I think, the answer will come in reply to question No 4(b).

The Hon'ble Babu KAMINI KUMAR SEN replied :

(b) (1) and (2)—Government have already invited suggestions from all Heads of Departments and the local and public bodies as well as Members of the Legislature for the removal of corrupt practices. After receipt of their reply, the question will be considered.

Srijut ROHINI KUMAR CHAUDHURI: The question is whether Government proposes to constitute a committee at an early date or not.

The Hon'ble Babu KAMINI KUMAR SEN: I have already replied, Sir. After I get the reply from the Heads of Departments as well as from the Members of the Legislature, the question of appointing a Committee will be considered.

Khan Bahadur Maulavi KERAMAT ALI: May I ask whether the question of appointment of the Committee will depend on the recommendations of the district officers ?

The Hon'ble Babu KAMINI KUMAR SEN: Not only of district officers but of everyone who has been communicated with. As I have said I have invited suggestions from Members of the Legislature and local and public bodies as well.

Dr. MAHENDRA NATH SAIKIA: Has the Hon'ble Minister fixed any definite time to obtain replies from those persons from whom replies are expected ?

The Hon'ble Babu KAMINI KUMAR SEN: No time has been fixed.

Dr. MAHENDRA NATH SAIKIA: Then, when, it is expected ?

The Hon'ble Babu KAMINI KUMAR SEN: I think, as early as possible. If I do not get early replies, I shall have to issue a reminder.

Maulavi JAHANUDDIN AHMED: Government have said that Members of Legislature and other important bodies have been asked. May I know when the time for receiving the opinions will be closed ?

The Hon'ble Babu KAMINI KUMAR SEN: We should like to issue reminders if we do not get the replies soon.

Srijut ROHINI KUMAR CHAUDHURI: Are we to understand that the Hon'ble Minister is now waiting for the replies from the Heads of Departments and Members of this House ?

The Hon'ble Babu KAMINI KUMAR SEN: From all to whom the letter was addressed.

Srijut ROHINI KUMAR CHAUDHURI: Is not the Hon'ble Minister aware that there is a resolution which was given notice of by a member which may be coming up for discussion ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, but the letter was issued long before the resolution was tabled.

Dr. MAHENDRA NATH SAIKIA: Supposing the replies do not come in proper time as expected, then will Government take any initiative in the matter to form an Enquiry Committee from among the Members of this House ?

The Hon'ble Babu KAMINI KUMAR SEN: Certainly the question will be considered. I do not expect that all the replies would come. But at least some of the replies must come.

Srijut ROHINI KUMAR CHAUDHURI: Did the Hon'ble Minister address any letter to the Members of this House inviting their opinions ?

The Hon'ble Babu KAMINI KUMAR SEN: Government did not address the letters direct but they have asked the District officers to have the opinion of the members of the Legislature and other public bodies. I think that all the members of the Legislature have already got such a letter from District officers.

Dr. MAHENDRA NATH SAIKIA: May I know whether any replies have so far been received ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, some have been received.

Maulavi MUHAMMAD AMJAD ALI: May I know if the Hon'ble Minister has taken note of what other Congress provinces have done in regard to this matter ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir. They have also followed the same procedure as the Government of Assam is doing just now. For instance the North-West Frontier Province has followed exactly the same procedure because the questionnaire that we have issued is exactly the same as that were issued in that province.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Minister aware that in the United Provinces and Bihar they have adopted a resolution which was a measure from the Government itself ?

The Hon'ble Babu KAMINI KUMAR SEN: No, Sir. The United Provinces appointed a Committee and we have before us the recommendations of that Committee.

The Hon'ble Babu KAMINI KUMAR SEN replied :

5.—Four.

6.—Better arrangements could be made if funds were available.

7.—Government are unable to trace such representations.

8.—The Deputy Commissioner has undertaken to look into the matter.

9.—The 3rd Magistrate sits in one of the rooms of the Court house building and the Honorary Magistrate holds his court once a week in the office of the Divisional Inspector of Police when the latter performs his duties for the day elsewhere.

10.—Yes.

11.(a) and (b)—Reference is invited to the reply to question No.6,

Release of Political prisoners

Maulavi MUHAMMAD AMJAD ALI asked :

*12. Will Government be pleased to state—

- (a) The names of the Political prisoners who have been released by the present Government ?
- (b) The names of the home districts to which each of them belongs ?
- (c) The offence for which each of them was convicted ?
- (d) The terms of imprisonment for which each of them was convicted ?
- (e) The period each of them served on the date of release ?
- (f) The date of release and the jail in which each of them was last kept confined ?
- (g) Whether any undertaking or bond for future good behaviour has been taken from any of them ?
- (h) The steps, if any, that have been taken by this Government to make all or any of them good and useful citizens and also for their future provision ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

12. (a) to (f)—A statement is laid on the table.

Statement placed on the table in reply to starred question No.12 (a to f) asked by *Masrabi Muhammad Amjad Ali, M.L.A.*

Name of the political prisoners who were released by the present Government	Name of the district to which the prisoner belongs (b)	Nature of the offence for which the prisoner was convicted (c)	Terr. of sentence (d)	The period served upto the date of release (e)	The date of release and the jail in which last kept confined (f)
12(a)					
1. Gouranga Mohan Das ..	Sylhet ..	Dacoity with murder (under section 396, Indian Penal Code).	Transportation for life.	Y. m. d. 4 6 20	13th December 1938, Gauhati Jail.
2. Bidyadhar Saha ..	Tippera ..	Dacoity with murder (under section 396, Indian Penal Code).	Ditto ..	4 6 20	Ditto.
3. Sachindra Kumar Das ..	Mymensingh ..	Conspiracy to commit robbery with attempt to cause death or grievous hurt and illegal possession of arms (under sections 392, 397/120-B, Indian Penal Code and 19 (f), Arms Act).	Seven years' rigorous imprisonment.	3 10 28	Ditto.
4. Bipulananda Kar Chau-dhury.	Sylhet ..	Ditto ..	Ditto ..	3 10 28	Ditto
5. Rama Kanta Das ..	" ..	Ditto ditto ..	Ditto ..	3 10 28	Ditto.
6. Benoy Bhusan Laskar ..	" ..	Conspiracy to commit robbery (under sections 392 and 120-B, Indian Penal Code).	Ditto ..	4 4 5	Ditto.
7. Motilal Roy ..	" ..	Conspiracy to commit robbery and voluntarily causing grievous hurt in committing robbery (under sections 394, 392 and 120-B, Indian Penal Code).	Five years' rigorous imprisonment.	4 4 5	Ditto.
8. Ajit Kumar Chakravarty..	" ..	Voluntarily causing hurt in committing robbery (under section 394, Indian Penal Code).	Seven years' rigorous imprisonment.	3 6 6	15th February 1938, Nowgong Jail.
9. Satyendra Chandra Roy ..	" ..	Robbery and illegal possession of arms (under sections 392, Indian Penal Code and 19(f) of Arms Act).	Six years' rigorous imprisonment.	4 4 23	13th December 1938, Gauhati Jail.
10. Gopendra Nath Roy ..	" ..	Robbery (under section 392, Indian Penal Code).	Ditto ..	4 5 23	Ditto.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

(g)—No.

(h)—A scheme to start an agricultural colony for them is under consideration.

Maulavi MUHAMMAD AMJAD ALI: Can Government give an idea as to where the colonies have been established ?

The Hon'ble Srijut GOPINATH BARDOLOI: Two places have been suggested by the Director of Agriculture—one is somewhere near Silchar and the other is Barpathar.

Maulavi MUHAMMAD AMJAD ALI: May I know the nature of the occupations the political prisoners are likely to have ?

The Hon'ble Srijut GOPINATH BARDOLOI: They are supposed to be given a parcel of land and all assistance from the Head of the Department in the nature of seeds, instructions and things of that kind, and in extreme cases it might be that some pecuniary assistance in the shape of loan might also be given.

Maulavi MUHAMMAD AMJAD ALI: May I know, Sir, if any money has been allotted in this year's budget for the purpose ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not quite sure, but I have it from the Director of Agriculture that he has got allotment already in his budget for the scheme to function.

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, how they are employed in the meantime ?

The Hon'ble Srijut GOPINATH BARDOLOI: They are not at present employed in any way. The Government are trying to employ them otherwise by offering them facilities in private service as also in Government service. But they do not seem to be taking well to the facilities that are offered to them by Government.

Maulavi MUHAMMAD AMJAD ALI: Has the Government taken steps to employ them immediately after their release ?

The Hon'ble Srijut GOPINATH BARDOLOI: As I said just now, we will engage them if they will be amenable to take advantage of the facilities offered.

Maulavi MUHAMMAD AMJAD ALI: I want to know whether Government have taken any action to employ them soon after they were released ?

The Hon'ble Srijut GOPINATH BARDOLOI: Every action is being taken.

Appointment of Sub-Inspectors of Police

Maulavi JAHANUDDIN AHMED asked :

*13. Will Government be pleased to state for how many years Muhammadan candidates from the Goalpara district have not been appointed as Sub-Inspectors of Police ?

*14. Will Government be pleased to state—

(a) Whether there were any Muhammadan candidates and if so, how many for the same from the district of Goalpara in this year, *i.e.*, 1938-39 ?

(b) How many of them were selected for the said post ?

(c) If none, why not ?

*15. Will Government be pleased to lay on the table a statement showing the number of appointments of Sub-Inspectors and Assistant Sub-Inspectors of Police in the Assam Valley Division made during the last five years stating the names, home districts and the community to which each of the candidates belongs ?

*16. Will Government be pleased to state—

(a) The number of appointments made in the post of Sub-Inspectors and Assistant Sub-Inspectors of the Police Service in the district of Goalpara from the year 1936 up till now mentioning the names and the home districts of each candidate?

(b) Whether advertisements were issued for those posts?

(c) If so, how many petitions did the authority receive and to which districts and castes the petitioners belong?

*17. Will Government be pleased to state whether they considered the cases of the Muhammadan candidates of the district of Goalpara at the time of making those appointments?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

13.—For the last four years.

14. (a)—Yes, seven.

(b)—None.

(c)—The Selection Board considered the fitness of the Muhammadan candidates from the whole of Assam and selected 3 for appointment. Selection and also communal representation of Sub-Inspectors of Police are on a provincial and not on a district basis.

Maulavi JAHANUDDIN AHMED: May I know, Sir, what was the standard of selection adopted by the Selection Board?

The Hon'ble Srijut GOPINATH BARDOLOI: It is very difficult for me to say what that standard is. But there is a Selection Board and they decide the standard by which the fitness of the candidates are judged.

Maulavi JAHANUDDIN AHMED: Is there only one Selection Board for the whole Valley?

The Hon'ble Srijut GOPINATH BARDOLOI: There are two stages. There is a preliminary nomination from districts. Then there is the final Selection Board which is presided over by the Inspector General of Police.

Maulavi JAHANUDDIN AHMED: May I know whether it is a fact that one of the standards is the relationship of the candidates to a member of the Coalition party?

The Hon'ble Srijut GOPINATH BARDOLOI: Of that I am not aware, Sir.

Mr. BAIDYANATH MOOKERJEE: Are there any such fortunate members in this House, Sir?

Maulavi JAHANUDDIN AHMED: Is it a fact that one of the relations of one of the Ministers has been appointed as such?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware of that, Sir.

Mr. ARUN KUMAR CHANDA: Is it a disqualification, Sir, to be a relation of a Minister?

Maulavi GHYASUDDIN AHMED: It appears from the list, Sir, that during the last several years there has not been a single candidate from the Goalpara district appointed. May I know, why?

The Hon'ble Srijut GOPINATH BARDOLOI: The reply is already here, Sir, in the answer given.

Maulavi GHYASUDDIN AHMED: Will the Hon'ble Minister repeat the answer?

The Hon'ble Srijut GOPINATH BARDOLOI: The selection is made on a provincial basis and whoever is considered best by the Selection Board is selected.

Maulavi JAHANUDDIN AHMED: May I draw the Hon'ble Minister's attention to the fact that in Goalpara there is an overwhelming majority of Muhammadan population?

The Hon'ble Srijut GOPINATH BARDOLOI: I believe it is so.

Khan Bahadur Maulavi KERAMAT ALI: May I know whether any Muhammadan was selected during the last four years?

The Hon'ble Srijut GOPINATH BARDOLOI: I think not.

Maulavi JAHANUDDIN AHMED: Is it not surprising, Sir, that no candidate from Goalpara was selected where the Muhammadan population is greater than the other communities?

The Hon'ble Srijut GOPINATH BARDOLOI: As I have already said, Sir, the whole thing depends on the fitness of the candidates.

Maulavi JAHANUDDIN AHMED: Am I to understand that for several years no fit candidates were found there?

The Hon'ble Srijut GOPINATH BARDOLOI: Apparently not.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is there any non-official in the Selection Board?

The Hon'ble Srijut GOPINATH BARDOLOI: I believe there is none.

The Hon'ble the SPEAKER: I think the hon. member should call out the other questions so that supplementary questions may be asked to all these questions.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

15.—Two statements are laid on the table.

STATEMENT PLACED ON THE TABLE IN REPLY TO STARRED QUESTION, No.15 ASKED BY MAULAVI JAHANUDDIN AHMED, M.L.A.

Statement showing the number of appointments of Assistant Sub-Inspectors of Police in the Assam Valley Division made during the years 1935 to 1939

Year	Name of Assistant Sub-Inspectors	Home district	Community
1935—	No direct recruitment to the rank of Assistant Sub-Inspector was made		
1936—	1. Srijut Bhadra Kanta Das...	Lakhimpur	Ahom.
	2. „ Govinda Chandra Das.	Nowgong...	Assamese Hindu.
	3. „ Bhuban Chandra Sarma.	Lakhimpur	„
	4. „ Premadhar Bordoloi	Sibsagar ...	„
	5. „ Banamali Keot ...	„ ...	„
	6. Maulavi Nazibur Rahman	„ ...	Muhammadan (resigned).
	7. Srijut Khoneswar Das ...	Goalpara...	Assamese scheduled caste.
	8. „ Manik Chandra Kakoti.	Darrang ...	Assamese Hindu.
	9. „ Dim Chand Das ...	„	„
1937—	10. „ Uma Kanta Bhorali	Sibsagar ...	Ahom.
	11. „ Bapukon Phukon ...	„ ...	„
	12. „ Rajkumar Kumudeshwar Gohain.	Kamrup ...	Ahom (resigned).
	13. „ Umesh Chandra Das	„ ...	Assamese scheduled caste (resigned).
1938—	14. „ Kumud Chandra Das	„ ...	Assamese Hindu.
	15. Md. Habibullah ...	Sibsagar ...	Muhammadan.
	16. Maulavi Afzal Ali Bora ...	„	„
1939—	No direct recruitment to the rank of Assistant Sub-Inspector of Police was made.		

STATEMENT PLACED ON THE TABLE IN REPLY TO STARRED QUESTION No.15, ASKED BY MAULAVI JAHANUDDIN AHMED, M.L.A.

Statement showing the number of direct appointments of Sub-Inspectors in the Assam Valley Division made during the years 1935 to 1939

Serial No.	Name of Sub-Inspectors	Home district	Community
1935			
1	Srijut Rajendra Nath Barua ...	Sibsagar ...	Assamese Hindu.
2	„ Lakshmi Kanta Borah ...	Nowgong...	„ „
3	„ Hirendra Nath Das ...	Lakhimpur	Assamese Hindu (Ahom, Sonwal Kachari).
4	Maulavi Kamaruddin Ahmed ...	„	Muhammedan.
5	Srijut Bhadra Kanta Das ...	„	Ahom. Discharged and reappointed as Assistant Sub-Inspector next year due to failure in the College Final Examination.
6	„ Bhuban Chandra Sarma...	„	Assamese Hindu. Discharged and reappointed as Assistant Sub-Inspector next year due to failure in the College Final Examination.
7	„ Gobinda Chandra Das ...	Nowgong	Assamese Bania. Discharged and reappointed as Assistant Sub-Inspector next year due to failure in the College Final Examination.

Serial No.	Name of Sub-Inspectors	Home district	Community
1935—concl'd.			
8	Maulavi Azimuddin Ahmed ...	Goalpara...	Muhammedan. Joined College but afterwards resigned as secured an appointment in the Education Department.
1936			
9	Srijut Narendra Nath Hazarika...	Nowgong...	Assamese Hindu, Sut.
10	„ Sricharan Barua ...	Kamrup ...	„ „
11	„ Harendra Nath Saikia ...	Nowgong...	Assamese Hindu, Kaibarta.
12	Maulavi Abdul Hakim ...	Lakhimpur	Muhammedan.
13	Srijut Amode Chandra Barmedhi	Sibsagar ...	Tribal, Kachari.
1937			
14	Srijut Indu Bhusan Hazarika ...	Nowgong...	Assamese Hindu.
15	„ Dimbadhar Konwar ...	Lakhimpur	Hindu Ahom.
16	„ Tuleswar Saikia ...	„	Hindu, Tribal caste.
17	Maulavi Nurul Hussain ...	Sibsagar ...	Muhammedan.
18	Srijut Ghana Kanta Laskar ...	Nowgong...	Hindu, Tribal.
19	„ Padmeswar Saikia ...	Lakhimpur	Hindu, Tribal caste.
20	„ Mahodar Chandra Nath ...	Kamrup ...	Assamese, Schedu- led caste.
1938			
21	Srijut Girindra Kumar Bhuyan ...	Kamrup...	Assamese Hindu, Kalita.
22	Maulavi Abdul Majid ...	„	Muhammedan.

Serial No.	Name of Sub-Inspectors	Home district	Community
1938—concl'd.			
23	Babu Sunil Kumar Mukherjee ...	Kamrup (domiciled).	Bengali Hindu, Brahmin.
24	Srijut Chandra Nath Bor-Gohain	Sibsagar ...	Assamese Hindu, Ahom.
25	Maulavi Safawat-Din Ahmed ...	"	Muhammedan.
26	Srijut Prabhat Chandra Sarma Phukan.	"	Assamese Hindu, Brahmin.
27	" Promode Kumar Das ...	Darrang ...	Assamese Hindu, Kalita.
28	" Purna Kanta Saikia ...	"	Assamese Hindu, Sut.
29	Maulavi S. M. Anowar Hussain	Lakhimpur	Muhammedan.
30	" Muhibur Rahman Hazarika.	"	"
31	Srijut Jitendra Nath Saikia ...	S a d i y a Frontier Tract.	Assamese Hindu, Keot.
32	" Upendra Nath Saikia ...	Nowgong...	" "
33	" Uma Nath Sarma ...	S i b s a g a r (recruited from Khasi and Jaintia Hills).	Assamese Hindu, Brahmin.
1939			
34	Maulavi Giasuddin Ahmed ...	Kamrup ...	Muhammedan.
35	Srijut Amrit Chandra Talukdar	"	Assamese Hindu.
36	Maulavi Azizur Rahim ...	Sibsagar ...	Muhammedan.
37	Srijut Taranath Hazarika ...	"	Assamese Hindu.
38	Sirdar Pratap Singh ...	Goalpara (domiciled),	Sikh.

16. (a)—The question is not quite intelligible but if by appointments from Goalpara people is meant then one only this year—

Protap Singh, a Sikh domiciled in Goalpara.

(b)—Yes.

(c)—

	1936	
Sixteen applications—		
11 Hindus	}	All belonged to Goalpara.
5 Muhammedans		

	1937	
Seven applications—		
4 Hindus	}	Goalpara.
3 Muhammedans		

	1938	
Nine applications—		
2 Hindus	}	Goalpara.
7 Muhammedans		

The above relate to the Sub-Inspectors. No record of applications for Assistant Sub-Inspectorship is available.

Maulavi GHYASUDDIN AHMED: Who was last appointed, Sir?

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Protap Singh in 1939.

Maulavi GHYASUDDIN AHMED: May I know who granted him a domicile certificate?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware of that, Sir.

Maulavi GHYASUDDIN AHMED: Will the Hon'ble Minister enquire about it?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, but it will serve no useful purpose.

Maulavi JAHANUDDIN AHMED: Surely, Sir, it will serve our purpose.

Maulavi GHYASUDDIN AHMED: Is the Hon'ble Minister aware that this Mr. Protap Singh has not even a homestead in the Province?

The Hon'ble Srijut GOPINATH BARDOLOI: All that we know is that he had the domicile certificate and that he had been chosen by the Selection Board.

Maulavi GHYASUDDIN AHMED: May we know from the Hon'ble Premier how he got the domicile certificate?

The Hon'ble Srijut GOPINATH BARDOLOI: As I said, no useful purpose will be served by inquiring into this matter but if the hon. member wants then an enquiry may be made.

Maulavi GHYASUDDIN AHMED: Are Government aware that this certificate was not granted according to rules?

Mr. BAIDYANATH MOOKERJEE: May I know, who generally grant these domicile certificates?

The Hon'ble Srijut GOPINATH BARDOLOI: I think, I should answer the question of Mr. Mookerjee. It is the Government who generally, on the recommendation of the Commissioner, who looks into the whole question, grant the domicile certificates.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that the Deputy Commissioner also grants the domicile certificates?

The Hon'ble Srijut GOPINATH BARDOLOI: I don't think, the Deputy Commissioner has the right of granting the domicile certificate.

Dr. MAHENDRA NATH SAIKIA: Is it not the policy of the Government to give first preference in matters of appointments to the local candidates of the province ?

The Hon'ble Srijut GOPINATH BARDOLOI: Does that question arise ?

Dr. MAHENDRA NATH SAIKIA: Yes, Sir, it arises. Because when the domiciled candidate got the appointment, his case might be equally considered along with the other local candidates.

The Hon'ble Srijut GOPINATH BARDOLOI: We cannot anticipate the conclusion of the Selection Board.

Srijut ROHINI KUMAR CHAUDHURI: I think, Sir, rule 319 of the Executive Manual says that the Deputy Commissioner is competent to grant the domicile certificates. May I know whether that rule has been revised or not ?

The Hon'ble Srijut GOPINATH BARDOLOI: That rule has not been revised. Generally all cases of domicile certificates come to Government.

Srijut ROHINI KUMAR CHAUDHURI: May I know under what rule of the Executive Manual all cases of domicile certificates come to Government ?

The Hon'ble Srijut GOPINATH BARDOLOI: The final authority in this matter is the Government.

Srijut ROHINI KUMAR CHAUDHURI: Are we to understand that the present position with regard to this matter is that every case of domicile certificate has to be granted with the approval of the Government ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir.

Srijut ROHINI KUMAR CHAUDHURI: May I draw the attention of the Hon'ble Prime Minister to the list which has been laid on the table and know whether an inquiry was made as to why these Sub-Inspectors resigned ? My question is with regard to Nos. 6, 12 and 13 and I want to know whether any substitutes have been taken and if so from which community ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not in a position to reply to that question, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Are these posts still vacant ?

The Hon'ble Srijut GOPINATH BARDOLOI: I don't think that they are still vacant.

Maulavi JAHANUDDIN AHMED: Sir, I have not heard the reply to question No. 16 (c).

[The Hon'ble Prime Minister again read the reply to question 16(c).]

The Hon'ble the SPEAKER: To which district they all belong ?

The Hon'ble Srijut GOPINATH BARDOLOI: They all belong to Goalpara. I have replied in an assumption that the hon. member who asks the question wants to know about the appointments from the district of Goalpara.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

17.—Yes. The Selection Board considered the qualifications of candidates from Goalpara together with those of Muhammedans from all parts of Assam.

(Starred question No.18 standing in the name of Maulavi Abdur Rahman was not put and answered as the member was absent.)

Rules framed under the Criminal Procedure Code

Maulavi MUHAMMAD AMJAD ALI asked.

*19. Will Government be pleased to state—

- (a) Whether during the adjourned Session of the Assembly held in December last, the Hon'ble Minister-in-charge admitted in reply to starred question No 285 a that the rules required by section 544 of the Criminal Procedure Code have been framed?
- (b) Whether copies of the said rules have been given to all Criminal Courts in Assam, particularly to the Goalpara Court?
- (c) Whether the Hon'ble Minister-in-charge agreed to issue a circular to all the Criminal Courts in Assam for allowing witnesses, for the defence in Crown prosecutions, their expenses?
- (d) If so, whether such a circular has since been issued?
- (e) Whether it is a fact that in spite of instructions from Government, the Criminal Courts at Goalpara are still not paying the defence witnesses in Crown prosecutions, their expenses?

The Hon'ble Babu KAMINI KUMAR SEN replied:

19. (a)—Yes.

(b)—Yes. Pages 599-601, Manual of Local Rules and Orders, Volume II.

(c)—No.

(d)—Does not arise.

(e)—It is not a fact.

Maulavi MUHAMMAD AMJAD ALI: With regard to answer to question 19(e), may I ask the Hon'ble Minister to give the report which has been received from the Local Authority regarding this?

The Hon'ble Babu KAMINI KUMAR SEN: I cannot give him the report, but I have got definite instruction from the Subdivisional Officer of Goalpara that the expenses are being paid to the defence witnesses in Crown cases.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Minister prepared to take it from me that till the date when I sent notice of these questions, the defence witnesses have not been paid their expenses?

The Hon'ble Babu KAMINI KUMAR SEN: If the hon. member can give me any specific instance, I shall be glad to inquire about this but my information is that the witnesses are being paid.

Transfer of Officers

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

- *20. Will Government be pleased to state—
- The expenditure incurred during the last three years, year by year, in paying travelling allowance bills to officers of all the Departments on account of transfers made from one station to another in the interest of public service ?
 - Whether there are any standing rules governing the transfer of officers from one station to another or whether the transfers depend upon the will and pleasure of the Departmental Heads and the Secretariat ?
 - Do the present Government propose to make rules to dispense with the personal element and probable waste of public money involved in such transfers ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

20. (a)—Government regret that the information asked for cannot be supplied as it will take time to find out the exact figures and will involve prolonged enquiry.

(b)—There is no standing rule. Transfers are made according to the exigencies of public requirements.

(c)—Does not arise.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Are Government aware that some officers are posted in their home districts whereas others move from place to place outside their home districts ?

The Hon'ble Srijut GOPINATH BARDOLOI: Instead of putting a general question, I should be obliged to the hon. member if he can acquaint us with any particular case so that we may answer the question in greater detail.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Are Government aware that some officers are kept in one station for a great length of time whereas others are transferred within a very short time.

The Hon'ble Srijut GOPINATH BARDOLOI: That might have happened in some cases. As I have already said, there is no standing rule about this. Transfers are made according to exigencies of public requirements, and administrative necessities.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do Government admit that such anomalies exist ?

The Hon'ble Srijut GOPINATH BARDOLOI: We cannot admit that there have been anomalies because there is no specific rule by which a particular officer has to be kept in a place for a longer period or a particular officer has to be transferred from one place to another within a particular period.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do Government consider the desirability of having some rule about this ?

The Hon'ble Srijut GOPINATH BARDOLOI: There will always be difficulty in that, Sir. It would never be possible to have specific rules.

Khan Bahadur Maulavi KERAMAT ALI: Will the Hon'ble Minister be pleased to inquire as to why a particular officer is being stationed in a particular place for a number of years and why others are being transferred at the end of every six months ?

The Hon'ble Srijut GOPINATH BARDOLOI: All that I can say is that, transfers are made according to the exigencies of public requirements.

Srijut ROHINI KUMAR CHAUDHURI: May I know from the Hon'ble Minister in this connection whether any representation from the public against the transfer of a particular officer is taken into account?

The Hon'ble Srijut GOPINATH BARDOLOI: I cannot understand what my hon. friend means.

Srijut ROHINI KUMAR CHAUDHURI: The Hon'ble Prime Minister was just now saying that the transfers are made in the interest of public service. My question is whether any representation from the public against the transfer of any officer is taken into consideration by Government or not.

The Hon'ble Srijut GOPINATH BARDOLOI: That question also would come under the same answer which I have already given, namely, that any representation from the public against the transfer of any officer would be considered according to the exigencies of the public requirements.

Srijut ROHINI KUMAR CHAUDHURI: Then am I to understand that they are taken into consideration?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, they are taken into consideration.

(Starred questions Nos.21-27 standing in the name of Maulavi Abdur Rahman were not put and answered as the member was absent.)

Cement Companies in Assam

Mr. NABA KUMAR DUTTA asked :

- *28. Will Government be pleased to state—
- (a) The terms under which the newly formed Cement Companies in Assam have been granted leases?
 - (b) If there is any term reserving posts for the Assamese in these Cement Companies?
 - (c) If so, what is the proportion of posts so reserved?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

28.(a)—There are no newly formed Cement Companies in Assam. So far, Government have granted a lease for limestone to the Eastern Corporation in the Khasi and Jaintia Hills for the purpose of manufacture of cement. The main terms of the lease are briefly given below:—

- (1) The lease is for 20 years over an area of 594.40 acres known as the Kommorah area with a protection over the Durgasil area for the same period and a further protection over other areas in the Khasi and Jaintia Hills for 5 years at present with the option of extension.
- (2) The Company pays a rent of Rs.6,000 a year for two years and thereafter a rent of Rs.32,000 a year. Over and above they pay a protection fee of Rs.5,000 a year for the other areas.
- (3) The royalty is Rs.2 per 100 maunds to be paid for the quantity over that covered by the rent. The Company has paid Rs.1,00,000 as security deposit which would be forfeited if they fail to erect a factory within December 1940.

(4) They have to employ 90 per cent. British and Khasi States subjects and as far as possible they have to employ natives of the province.

(b) and (c)—Yes. *Vide* answer 28(a).

Mr. NABA KUMAR DUTTA: May I enquire whether any Assamese has so far been employed by this Company?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I require notice of this question, Sir.

Mr. NABA KUMAR DUTTA: May I enquire if any post of this Company has been advertised in any newspaper of this Province?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I require notice of these questions, Sir, but if it is the grievance of the hon. member that, in spite of the provisions made in the lease the appointments are not given to the Assamese or to the indigenous people of this Province, Government will take note of it and make an enquiry from the Company concerned.

Maulavi DEWAN MD. AHBAB CHAUDHURY: Are Government aware that at Chhatak in the district of Sylhet a Cement Company has been established?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: The Company has not been established, but a lease has been given for the manufacture of cement with an undertaking that they would erect a Company within 1940.

Maulavi DEWAN MD. AHBAB CHAUDHURY: Do the Company follow the rules and regulations issued by the Assam Government regularly?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Yes, they will have to follow these rules.

Mr. NABA KUMAR DUTTA: Are Government prepared to take steps against the Company immediately if they do not fulfil the terms of the contract?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: If specific instances of irregularity are brought to the notice of the Government, I can assure the hon. member that steps will be taken to see that the Company enforces the rules and conditions laid down in the lease.

Mr. NABA KUMAR DUTTA: Will Government take it from me that the Company has not yet advertised any post in any newspaper of the Province?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I take it from the hon. member that this is so, but no specific grievance has yet been brought to the notice of the Government.

Mr. BAIDYANATH MOOKERJEE: Is it one of the terms of the contract that posts should be advertised?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: No, the term is that they should employ 90 per cent. of the Assamese and British and Khasi States subjects.

Mr. BAIDYANATH MOOKERJEE: If they do get people without advertisement, then is it necessary for them to advertise?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: It is not necessary as long as they employ people who belong to the Province and to the Khasi States.

Dr. MAHENDRA NATH SAIKIA: Are these Companies required to furnish securities?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I should be glad to know, Sir, what the hon. member means by 'securities'?

Dr. MAHENDRA NATH SAIKIA: By 'security' I mean the deposit money which is liable to be forfeited if the Company commits any breach of terms of the contract.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: There is no such provision that if the Company break any of the terms of the contract they will have to give money; but if they in fact break any of the terms of the contract it will be at the option of the Government to terminate the lease.

Dr. MAHENDRA NATH SAIKIA: Are not Government aware that for electric licenses security money is demanded? Therefore I asked whether any security was demanded from these Companies?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I am not aware, Sir, what happens about electricity and electric licenses.

(Starred question No. 29 standing in the name of Maulavi Abdur Rahman was not put and answered as the member was absent.)

Government Officers completing 30 years' service

Mr. NABA KUMAR DUTTA asked:

*30. Will Government be pleased to state the names of Government officers who have completed 30 years' service?

*31. Do Government propose to retire those officers who have completed 30 years' service?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied:

30.—Government regret that they are unable to collect the information in the time available.

31.—The Retrenchment Committee have made certain recommendations in the matter which are under the consideration of Government.

Khan Bahadur Maulavi KERAMAT ALI: With regard to question No. 30, could not this information be collected from the Civil List?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: As the hon. member will see, the information is required with regard to all persons who are Government servants, and this will necessarily imply that Government should collect information from all the subdivisions and districts of the Province. It was therefore not possible to do so within the short time available.

Maulavi JAHANUDDIN AHMED: Are Government prepared to take notice of this question and collect the necessary information afterwards?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: When the reply to the next question is to the effect that the matter is under the consideration of Government, I can assure the hon. member that all these facts and statements will be taken into consideration by the Government at the time of reaching the decision in the matter.

Mr. BAIDYANATH MOOKERJEE: May I know when the recommendations of the Retrenchment Committee will be published?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: For the information of the hon. member, I may say that the recommendations were signed only recently, and they are being printed. After they have been examined in the departments, the decision of Government will be taken.

Maulavi JAHANUDDIN AHMED: Has Government decided anything about the age or the length of service at which the Government servants will have to retire?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Government have not yet come to any decision.

Khan Bahadur Maulavi KERAMAT ALI: May I know whether copies of the report of the Retrenchment Committee, when they come out of the Press will be distributed among the members of this Assembly before any action is taken by Government ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Not till the Government have decided what action they are going to take on the recommendations made by the Retrenchment Committee.

The Hon'ble Srijut GOPINATH BARDOLOI: With your permission, Sir, may I state that the recommendations of the Retrenchment Committee are supposed to be confidential documents till Government think it desirable to publish them, after such scrutiny and consideration as may be required ?

Srijut ROHINI KUMAR CHAUDHURI: The report is not confidential, the proceedings are confidential.

The Hon'ble Srijut GOPINATH BARDOLOI: That is what I mean. The recommendations may not be confidential, but the rest is confidential.

Maulavi JAHANUDDIN AHMED: We do not want the recommendations of the Committee, what we want to know is whether Government have decided anything about them

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, as I said, the matter is under consideration. Government will discuss the whole matter and come to some conclusions after they have duly considered the recommendations.

Maulavi MUHAMMD AMJAD ALI: Will they place their views before the House for discussion ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is not proposed to put those views before the House.

Maulavi JAHANUDDIN AHMED: May I know how long Government will take to decide about the matter ?

The Hon'ble Srijut GOPINATH BARDOLOI: As a matter of fact I may tell the hon. member that we are discussing the recommendations in almost every Government meeting.

Khan Bahadur Maulavi KERAMAT ALI: Is it the desire of the Government to allow this House a chance to discuss the recommendations of the Retrenchment Committee ?

The Hon'ble Srijut GOPINATH BARDOLOI: Perhaps it is not. The Retrenchment Committee is the representative of the legislatures and it represents every section and party in the House. Therefore, it is not necessary to put the recommendations of the Retrenchment Committee before the House for discussion.

Kit allowances of Police Officers

Maulavi MUHAMMAD AMJAD ALI asked :

*32. Will Government be pleased to state—

- (a) Whether it is a fact that Police Officers above the rank of Inspector of Police are given kit allowances and those below the rank of Sub-Inspector of Police are given free-kits ?
- (b) The annual kit allowance given to (1) each Superintendent of Police, (2) each Assistant Superintendent of Police and (3) each Deputy Superintendent of Police ?

- (c) Whether Government ever considered the desirability of providing Inspectors and Sub-Inspectors of Police with free-kits or kit allowances?
- (d) If so, with what results?
- (e) The principle followed for depriving these two classes of Police Officers, the privilege of free-kits or kit allowances so long?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

32.(a)—Yes.

(b)—The kit allowance granted to (1), (2) and (3) is not annual, but is as shown below :—

Indian Police Officers appointed in the United Kingdom receive on first appointment a grant of £ 30 towards the cost of uniform and those appointed in India a grant equivalent to this amount at the current rate of exchange, except that those promoted to the Indian Police from the Assam Police service are only given it if they did not receive it as Deputy Superintendents of Police. This grant is renewed at intervals of ten years.

Deputy Superintendents of Police are eligible for the grant of an allowance of Rs.400 for the purchase of uniform. This allowance is not renewed.

(c)—Yes.

(d) and (e)—This could not be given effect to owing to paucity of funds. Government is considering the desirability of treating all Police Officers of all grades alike in respect of kit and uniform allowance.

Maulavi MUHAMMAD AMJAD ALI: Is any sum given annually for the maintenance of the kits?

The Hon'ble Srijut GOPINATH BARDOLOI: No, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand the Hon'ble Premier to say that the Government are going to treat alike all Police Officers of all grades in respect of kit and uniform allowance?

The Hon'ble Srijut GOPINATH BARDOLOI: We consider that the kit and uniform allowance should be given also to Inspectors and Sub-Inspectors of Police.

Maulavi MUHAMMAD AMJAD ALI: May I know how long it will take for Government to give effect to the proposal?

The Hon'ble Srijut GOPINATH BARDOLOI: It is very difficult to foresee the state of things in future. It may be possible for Government to give effect to the proposal in the near future or it may not be possible at all to do anything on financial grounds. In that case, Government will have to decide what action they will take.

Srijut ROHINI KUMAR CHAUDHURI: Why do not the Government cut the allowance of the superior officers and give it to the subordinate officers?

The Hon'ble Srijut GOPINATH BARDOLOI: That is a matter which has to be looked into.

Maulavi MUHAMMAD AMJAD ALI: Has any attempt been made to provide funds for kit allowances to these officers in the next year's Budget?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Nothing has been done.

Maulavi MUHAMMAD AMJAD ALI: Why not?

The Hon'ble Srijut GOPINATH BARDOLOI: As the condition of the finances is very bad,

Agricultural loans sanctioned by the Bijni Raj Ward's Estate

Maulavi MUHAMMAD AMJAD ALI asked :

*33. Will Government be pleased to state—

(a) Whether it is a fact that in a Press Note issued by this Government, a sum of Rs.25,000, was mentioned to have been sanctioned from the Bijni Raj Ward's Estate for agricultural loans to the flood-affected tenants of the Bijni Court of Ward's Estate ?

(b) If so, on what date, the above mentioned amount of Rs. 25,000 was sanctioned ?

(c) What sum, out of this sum of Rs. 25,000, was issued as agricultural loans by the Bijni Estate, since the date of order up to the 2nd of December, 1938 ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

33. (a)—Yes.

(b)—On the 15th September, 1938.

(c)—Rupees 9,000.

Re Assam-Bengal Railway and Dibru-Sadiya Railway

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

*34. (a) Are Government aware that great inconvenience had been caused to the Indian passengers of Upper Middle class by the discontinuance of 2nd class compartments in the Assam-Bengal Railway and Dibru-Sadiya Railway ?

(b) Are Government aware that in the Eastern Bengal Railway and other Railways of India, 2nd class compartment is still considered a necessity for the convenience of a certain section of passengers ?

(c) If the replies to questions (a) and (b) above are in the affirmative, do Government propose to ask the Assam-Bengal and Dibru-Sadiya Railway authorities to restore the 2nd class accommodation in the above two Railways ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

34 (a)—No, Government have received no complaints.

(b)—Government are aware that 2nd class accommodation is available on other Railways.

(c)—No, Government would point out that the Railways provide a machinery for the representation of the grievances of the travelling public, namely, the Advisory Committees.

Government have been unable to trace this complaint having been raised in the Advisory Committee of either Railway referred to. Until the matter has been so placed before the Railway authorities, Government are not prepared to take any action in the matter.

Khan Bahadur Maulavi KERAMAT ALI: Is the Hon'ble Minister aware that the members on the Railway Advisory Board representing this Assembly protested against the abolition of the 2nd class compartment but their protest was not considered at all ? In view of this fact, is the present Government prepared to refer the matter to the authority ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN : We are not aware whether this point was raised or not. But still we have no objection to refer the matter to the proper authority.

Improvement of road to Hojai

Mr. KEDARMAL BRAHMIN asked :

*35. (a) Is the Hon'ble Minister-in-charge of the Public Works Department aware that about 7 or 8 lacs maunds of paddy is sold at Hojai in the district of Nowgong ?

(b) Is it a fact that the cultivators have to sell all their paddy during the winter season as they cannot bring it at Hojai during the rainy season due to knee deep mud on the road ?

(c) Is the Hon'ble Minister-in-charge aware that the cultivators can obtain higher price if they can sell the paddy throughout the year ?

(d) If so, will Government be pleased to state what steps they have taken for improving the road to Hojai ?

(e) Are Government aware that there are 4 rice mills at Hojai and the road from the Railway station down to Dobokt becomes knee deep in mud and unpassable in the rains ?

(f) If so, do Government contemplate to make this road *pucca* in the next year ?

The Hon'ble Maulavi MD. ALI HAIDAR KHAN replied :

35. (a) to (f)—Government admit the necessity for the improvement of this road. The project has been included in the Communications Board programme, and the rough estimate has been approved by the Government of India. A detailed estimate is now under preparation.

Re the Manual on Indian Etiquette

Mr. ARUN KUMAR CHANDA asked :

*36. (a) Is it a fact that there is a book of etiquette for officers belonging to the Indian Civil Service which instructs them as to how they should grant interviews to and receive Indian non-official visitors ?

(b) Will Government be pleased to state if there are any instructions still in force regarding interviews to be granted by these officers to non-official Indians ?

(c) When was the book originally printed and at whose expense ?

(d) Is the book meant for private circulation only ?

(e) Will Government be pleased to place a copy of the same on the table ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

36. (a) and (b)—There is a Manual on Indian Etiquette but apparently publication has been discontinued. There are no other instructions in force.

(c) and (d)—Government have no information. From preface of the book it appears that it was first printed in 1910 ; but this is not a certainty.

(e)—A copy is laid on the Library table.

Mr. ARUN KUMAR CHANDA : May I know since when it was in force ?

The Hon'ble Srijut GOPINATH BARDOLOI : It was published only once and after that we do not know if anything was done.

Mr. ARUN KUMAR CHANDA : May I assume, Sir, that the book is responsible for the etiquette which we receive from members of the Indian Civil Service ?

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

Mr. ARUN KUMAR CHANDA : Do Government appreciate the necessity for imparting some instruction to these officers in view of the altered political atmosphere of the province ?

The Hon'ble Srijut GOPINATH BARDOLOI : All that I can say is that the book of etiquette has been discontinued and I expect that the officers will conduct themselves better without the book.

Mr. ARUN KUMAR CHANDA : Is the Hon'ble Premier aware that some of these officers have manners which have not the sanction of either European or Indian Code of etiquette ?

The Hon'ble Srijut GOPINATH BARDOLOI : I am not aware of that. The book was published somewhere in the United Provinces as it will appear from the words "Rais", "Maharajas", etc., which are not common vocabularies in this province.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Charitable Dispensary at Umpanai

Rev. L. GATPHOH asked :

1. Will Government be pleased to state—
 - (a) When and why the Government Charitable Dispensary at Umpanai in Jowai subdivision was closed down ?
 - (b) The nearest Government Dispensary to Umpanai in the subdivision ?
 - (c) The total population within a radius of 16 miles from Umpanai ?
 - (d) The diseases from which the people of that area continually suffer ?
 - (e) Whether Government propose to re-open the Dispensary at Umpanai ?
2. (a) Are Government aware that the people in the Jaintia Hills are prepared to contribute according to their means towards the proposed Government Charitable Dispensary buildings at Sutnga and at a place near Raliang ?
 - (b) Do Government under the present financial circumstances propose to avail themselves of the offers ?
 - (c) If not, what they intend to do to meet the medical needs of the people in the interiors ?
3. (a) Are Government aware that the Welsh Mission Hospital at Jowai is the only well established Hospital in the subdivision ?
 - (b) If so, do Government propose to make a liberal grant towards the proposed Mission hospital buildings at Jowai ?

(c) Are Government aware that the Government medical grant-in-aid given to the Welsh Mission Hospital at Jowai where there is no Government Charitable Dispensary is inadequate ?

(d) If so, will Government be pleased to state what they propose to do, to adequately meet the medical needs of the poor people in the subdivision ?

The Hon'ble Srijut RAMNATH DAS replied :

1. (a)—In 1929, because it was unpopular with the people of the locality, who appeared to have at that time no faith in western medicine, and the attendance was very poor, a daily average of less than 5 patients.

(b)—The only other Government dispensary in the subdivision is at Nongtalang in the extreme south.

(c)—Government have no particulars on this point; they will make enquiries if the hon. member thinks that it would serve a purpose.

(d)—The common diseases treated while the dispensary was in existence were malaria, worms, diseases of the respiratory system and diseases of the digestive system.

(e)—Government have not considered such a proposal, but they have been examining the question of starting a dispensary at Sutuga or near Raliang.

Rev. L. GATPHOH: The reply to my question 1(a) is that the dispensary was closed down in 1929. Since then, for the last 10 years, how the Government has been utilising the money saved by closing down the dispensary ?

The Hon'ble Srijut RAMNATH DAS: Government have utilised that money by giving facilities to the people for western medicine where it is greatly appreciated. The amount has been distributed to other parts of the Subdivision.

Rev. L. GATPHOH: To what parts of the subdivision the money has been allotted ?

The Hon'ble Srijut RAMNATH DAS: I cannot definitely state to what part of the subdivision that amount has been allotted but Government has been giving what they can as medical help to the subdivision.

Rev. L. GATPHOH: I want the Hon'ble Minister to be more definite. My question is whether that money saved by closing down the dispensary has been utilised for the advantage of some other parts of the subdivision ?

The Hon'ble Srijut RAMNATH DAS: I think so.

Maulavi MUHAMMAD AMJAD ALI: May I know whether any alternative to the western medicine was suggested ?

The Hon'ble Srijut RAMNATH DAS: Not yet.

Maulavi MUHAMMAD AMJAD ALI: Then are we to take it that the people of that locality went without any treatment for these years ?

The Hon'ble Srijut RAMNATH DAS: We cannot compel anybody to take a particular medicine.

Maulavi MUHAMMAD AMJAD ALI: My question is whether any medical aid was given to these people ? There is no question of forcing somebody to take medicines.

The Hon'ble Srijut RAMNATH DAS: Up till now Government have been giving aid only in western medicines and the people of that locality have no faith in western medicines.

Khan Bahadur Maulavi KERAMAT ALI: May I know when this dispensary was closed down ?

The Hon'ble Srijut RAMNATH DAS: In 1929, because the people of that locality had no faith in western medicines.

Khan Bahadur Maulavi KERAMAT ALI: According to the reply, the people of that locality had no faith in 1929 in allopathic medicines—Are Government aware whether these people have faith in allopathic medicines now?

The Hon'ble Srijut RAMNATH DAS: If their faith has grown in western medicines now, Government will consider that.

Rev. L. GATPHOH: Will the Hon'ble Minister be pleased to state whether the Government dispensary building at Umpanai was built in the village or in the jungle?

The Hon'ble Srijut RAMNATH DAS: I want notice of that question, Sir.

Rev. L. GATPHOH: Will the Hon'ble Minister take it from me that it was built about one mile away from the village in the jungle?

The Hon'ble Srijut RAMNATH DAS: It may be so. It was not done by the present Government.

Khan Bahadur Maulavi KERAMAT ALI: May I point out to the Hon'ble Minister that although it is said that the people of that locality have no faith in allopathic medicines, from the next question it appears that these people take medicines from the Welsh Mission Hospital?

The Hon'ble Srijut RAMNATH DAS: As I have said that the dispensary was closed down in 1929, because at that time people of that locality had no faith in allopathic medicines. If their faith in allopathic medicines has grown now, that will be considered by Government.

Rev. L. GATPHOH: May I point out to the Hon'ble Minister that the dispensary was closed down not because that the people had no faith in western medicines but because of the loneliness of the doctor?

The Hon'ble the SPEAKER: The Hon'ble Minister has replied that the dispensary was closed down in 1929 and he has no information whether the building was built in a jungle or in a populous place.

Rev. L. GATPHOH: Are Government aware that the people of that locality have submitted a representation to the Subdivisional Officer for opening a dispensary at Umpanai?

The Hon'ble Srijut RAMNATH DAS: I am not aware of that.

Rev. L. GATPHOH: Will the Hon'ble Minister please ascertain that?

The Hon'ble Srijut RAMNATH DAS: Yes, I will do that.

Khan Bahadur Maulavi KERAMAT ALI: In view of the fact that the people have been taking medicines from the Welsh Mission Hospital there, are Government prepared to give grant-in-aid to that hospital?

The Hon'ble Srijut RAMNATH DAS: Government have given aid to that Welsh Mission Hospital.

Rev. L. GATPHOH: Will Government be pleased to give grant-in-aid to the proposed Mission Hospital buildings?

The Hon'ble Srijut RAMNATH DAS: If any application is made for grant-in-aid Government will consider that.

The Hon'ble Srijut RAMNATH DAS replied:

2. (a)—Yes.

(b) and (c)—The matter is engaging the attention of Government.

3. (a)—Yes.

(b)—Government will consider any application for a grant in the

light of the financial position at the time.

(c)—It cannot be admitted that the grant is inadequate, save to the extent that Government would gladly make larger grants to institutions doing such excellent work, if they had the means.

(d)—It has already been stated that Government are considering the question of a dispensary at Sutnga or Rahaing. A subsidised dispensary has already been sanctioned and is only postponed for lack of a doctor at present.

Re Assam Agricultural Income-tax Bill

Maulavi ABDUL BARI CHAUDHURY asked

4. Will the Hon'ble Minister-in-charge be pleased to state who were the persons consulted in framing the proposed Bill for taxing the agricultural income of Assam?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied:

4.—Mr. Baidyanath Mookerjee, Kumar Ajit Narayan Dev, Mr. F. W. Hockenull, and the officers of the Income-tax Department.

Mussalman cook in the Dhubri Dispensary

Maulana ABDUL HAMID KHAN asked:—

5. Will Government be pleased to state if there is any Mussalman cook in the Dhubri Dispensary?

6. Will Government be pleased to state the percentage of Mussalmans of the total indoor patients of the said Dispensary?

The Hon'ble Srijut RAMNATH DAS replied:

5.—No.

6.—47·41 per cent. of total indoor patients treated during 1938 and 42·08 in 1937.

Khan Bahadur Maulavi KERAMAT ALI: In view of the fact as many as 47·41 per cent. of total indoor patients are Muhammadans, will Government please consider whether any Muhammadan cook be appointed for the Muhammadan patients?

The Hon'ble Srijut RAMNATH DAS: I think there is no provision to compel the Local Board to provide a Muhammadan cook there.

Khan Bahadur Maulavi KERAMAT ALI: May I know whether Government think it desirable that a Muhammadan cook should be appointed there?

The Hon'ble Srijut RAMNATH DAS: We can recommend it to the Local Board if that be the desire of the House, but we cannot compel them.

Maulavi MUHAMMAD AMJAD ALI: Will the Hon'ble Minister please say whether he is prepared to interfere if the religious susceptibilities of the Muhammadan patients are affected?

The Hon'ble Srijut RAMNATH DAS: We cannot help that.

Maulavi MUHAMMAD AMJAD ALI: May I know how does the Hon'ble Minister become very helpless in this matter?

The Hon'ble Srijut RAMNATH DAS: I think there are Muhammadan members in the Board and they can take up this matter.

Maulavi MUHAMMAD AMJAD ALI: May I know what the Hon. Minister considers to be his duties as he presides over the portfolio of Local Self-Government?

The Hon'ble Srijut RAMNATH DAS: There is no statutory provision enabling the Government to compel a semi-Government institution like a Local Board to do this sort of work. The hon. member should know that I am not in charge of the Local Self-Government portfolio.

Adjournment motion on the question of music before mosque

The Hon'ble the SPEAKER: I have got a notice of an adjournment motion* from Maulavi Abdur Rahman. Is he in the House?

A voice: No.

Adjournment motion for granting permission to Maulavi Muhammad Amiruddin, M.L.A., to occupy 250 bighas of land in the district of Nowgong.

The Hon'ble the SPEAKER: I have received notice of another Adjournment Motion from Srijut Rohini Kumar Chaudhuri.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I would ask for your consent to allow me to move this motion which I read before the House.

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance, *viz.*, the grave situation arising out of permission granted by Government to Maulavi Muhammad Amiruddin, M.L.A., in Kalikajari village in Mikirbheta Mauza of district Nowgong in which area exists an ancient 'Than' (place of worship) of Lalungs".

The Hon'ble the SPEAKER: The hon. member is to show how it is in order.

Srijut ROHINI KUMAR CHAUDHURI: Sir, I received yesterday a copy of proceedings of a public meeting held at Nowgong on the 4th March last and if I only read out the proceedings it would be clear to you and the House that it is in order.

The Hon'ble the SPEAKER: Was it published in any newspaper or communicated to Government?

Srijut ROHINI KUMAR CHAUDHURI: I have received a copy and copies have gone to the Hon'ble Revenue Minister and some other members of this House.

Mr. BAIDYANATH MOOKERJEE: May I know whether it was printed?

Srijut ROHINI KUMAR CHAUDHURI: As I said, Sir, the proceedings of the meeting will show that this is a definite matter of urgent public importance. I read the copy received by me.

"The meeting of public of Nowgong protests against the order passed by the Hon'ble Revenue Minister of Assam granting permission to Maulavi Muhammad Amiruddin, M.L.A., and Deputy Speaker of Assam Assembly to occupy about 250 bighas of lands within the Assamese lines in the Kalikajari village of Mikirbheta Mauza and urges upon the Government to immediately withdraw the order.

Secondly this meeting considers the order of the Revenue Minister as unwise in view of the existence of an old and ancient place of worship (Than of Lalungs) within this area, the desecration of which is likely to give rise to serious communal conflicts.

Thirdly that if the Hon'ble Revenue Minister refuses to give order, this meeting requests the Members of Legislative Assembly of Nowgong to resign in a body from the Assembly as a protest against this pernicious order.

Fourthly that copies of the above resolutions be sent to Premier, the Hon'ble Minister of Revenue, Members of Legislative Assembly of Nowgong and to the Secretary of the Assam Provincial Congress Committee and Press for necessary action".

* "That this Assembly do now adjourn to discuss a definite matter of urgent public importance, *viz.*, the inadequacy of time published in the *Assam Gazette* for the purpose of prayer of Muslims regarding the question of music before mosque".

The Hon'ble the SPEAKER: How is it urgent ?

Srijut ROHINI KUMAR CHAUDHURI: This matter is certainly urgent. If this order is not withdrawn immediately, the result will be as stated in the second paragraph of the resolution of the meeting, i.e., it may result in communal conflict and in that sense it is very urgent. Sir, there is a place of worship and if the land is allowed to be occupied, this may give rise to communal conflict between the Lalung community and Maulavi Amiruddin.

The Hon'ble the SPEAKER: What is the area occupied by the place of worship ?

Srijut ROHINI KUMAR CHAUDHURI: I have no definite idea about the extent of the area.

The Hon'ble the SPEAKER: But the hon. member is making a point and so he ought to give an idea of the area.

Srijut ROHINI KUMAR CHAUDHURI: I may say this: that there exists a place of worship but I cannot give the exact area there; however there should be an understanding that this " *Than* " would not be occupied but as right of occupation to the entire 250 bighas that has been granted to Maulavi Amiruddin, he can occupy any plot in this area. There is nothing to prevent him from occupying the place of worship. So the question of area is not at all important so long as he has the right to occupy.

The Hon'ble the SPEAKER: He may not occupy that.

Srijut ROHINI KUMAR CHAUDHURI: He may or may not occupy, that is a different matter but he has the right to occupy that land and we cannot prevent him from occupying that particular plot of land where the place of worship exists. The whole trouble is there. That right ought not to have been given at all.

The Hon'ble the SPEAKER: Is it the grievance then that the part of the lands occupied by the ' *than* ' ought not to be given ?

Srijut ROHINI KUMAR CHAUDHURI: Sir, the grievance is three-fold. It must be within the recollection of the House that there was a resolution for abolition of the Line System and that resolution was withdrawn on the assurance that a Committee would examine the whole question. A Committee was then appointed to enquire into the Line System. That was a roaming Committee moving from place to place. They formulated their report and it was understood, Sir, that this House will have an opportunity of considering that report and before that report was discussed in this House, or any conclusion has been arrived at by the Government, this method of breaking the Line by the Revenue Minister himself is very dangerous. Here he has broken the Line in one place and in another place another thing may take place, even houses allowed to exist might be burnt according to his whim and people evicted. The whole position is this, Sir, that the Line question was gone into by a Committee. The Committee's report was placed before the House and I think the discussion was postponed and before any decision has been arrived at either by the House or by the Government, in one place the system has been done away with and in another place the stay of eviction may also be done away with. That is the danger. The danger is the breach of the Line. The Government attitude of disregarding the wishes of this House in abolishing the line is the burning grievance. Then the question of religious feeling is there. I understand that for refusal to permit occupation of this plot of land there was an appeal before the Deputy Commissioner and Commissioner and both the Deputy Commissioner and the Commissioner as well as the Governor in

preautonomous days disallowed this appeal and had not allowed this right to Maulavi Amiruddin and now the Government has intervened quite illegally in this matter and has given him the right.

The Hon'ble the SPEAKER: When was this permission given to him ?

Srijut ROHINI KUMAR CHAUDHURI: I do not know the exact date.

The Hon'ble the SPEAKER: I want the date. The date is necessary.

Srijut ROHINI KAMAR CHAUDHURI: The exact date I cannot say, Sir, but it must be some time before the session. I think, Sir, I have not been able to make my position quite clear yet. I should be allowed to explain my position.

The Hon'ble the SPEAKER: The hon. member has got to give me the definite date with reference to which I have to decide whether this motion is urgent or not.

Srijut ROHINI KUMAR CHAUDHURI: Sir, I want to criticise the Government for creating this situation.

The Hon'ble the SPEAKER: That situation must be a recent one.

Srijut ROHINI KUMAR CHAUDHURI: The situation has been created quite recently. There is an apprehension of breach of peace and communal fracas. This order was passed after the last December session and before this session. And I think my Hon'ble friend the Revenue Minister can tell us exactly the date when he passed the order. We did not know of it before but the public of Nowgong came to know of this order in the first week of March when probably possession was taken.

The Hon'ble the SPEAKER: Let me hear from the Hon'ble Minister for Revenue what he has got to say.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, it is an irony of fate that the hon. member who initiated these proceedings has been called upon now to move for permission for the adjournment of the House to discuss action what he himself at the time considered proper and just (*Hear, hear*). More curious is the fact.....

The Hon'ble the SPEAKER: The Hon'ble Minister will please give the facts straightaway.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: More curious is the fact that the entire situation has been misstated and misrepresented by him. This Government has not given any new settlement to Mr. Amiruddin (*shame*). What has happened is that Mr. Amiruddin having purchased the plot of land in question sometime ago was in possession of the same. Later proceedings against him were started for eviction on the ground that he had purchased lands within the Assamese Line. I think the hon. member will bear me out that it was one of the recommendations of the Line Enquiry Committee that, till the policy is settled, no one should be disturbed, no one should be evicted. In accordance with this recommendation and until the policy of the Government is settled with regard to the question of Line System, what the Government has done is nothing else but to maintain a *status quo*. If later it is found that this plot should be reserved for the Assamese people, Mr. Amiruddin will be evicted. It is the policy of maintaining the *status quo* enunciated by this House that has been followed by this Government till we have decided what we should do with regard to the Line System and the settlement of land to the immigrant people. The possession of land by Mr. Amiruddin has been continuing not only for the last two months or one month but for over a period of one or two years ever since Mr. Amiruddin purchased this land. What Government has done is only to stay the order of eviction against him.

Dr. MAHENDRA NATH SAIKIA: Sir, that is not the whole history of the case as the Hon'ble Revenue Minister has stated. However, when he has stated that Government will maintain *status quo* for the present, till any decision is arrived at regarding the whole Line System question, how could it be that just after the Revenue Minister's recent visit to Nowgong, Mr. Amiruddin did go to take possession of the land by engaging his men to plough over the land in his presence which land was not in his possession before?

Rai Bahadur PROMODE CHANDRA DUTT: Are these matters relevant?

Dr. MAHENDRA NATH SAIKIA: Unless the whole fact is stated the matter will not be clear. The history of the land is that it originally belonged to some Lalungs.....

The Hon'ble the SPEAKER: I hope this will do.

Dr. MAHENDRA NATH SAIKIA: The House has understood the position differently. That is that Mr. Amiruddin purchased this plot of land and subsequently an eviction order was issued against him and that in the meantime the Line Enquiry Committee came in and the matter was kept pending. But the fact is not that. Formerly the land belonged to some Lalungs who had annual *pattas* and it is on the Assamese side of the Line. Somehow Mr. Amiruddin managed to purchase some portion of the land from some of them knowing full well that he was running the risk as he is not allowed to occupy land on the Assamese side of the Line.

Mr. BAIDYANATH MOOKERJEE: Is he questioning the title?

The Hon'ble the SPEAKER: Order, order. Has the hon. member (Srijut Rohini Kumar Chaudhuri) anything more to say?

Srijut ROHINI KUMAR CHAUDHURI: My point is this. This land was situated in the Assamese Line and purchased by Mr. Amiruddin. He was prohibited under the existing land law and although he nominally got a document for purchase of this land, as a matter of fact the sale was illegal and he was never in possession of the land. There was an unauthorised sale and he had been able to get possession of the land only on account of the recent permission granted by the Hon'ble Revenue Minister. There was no possession before when the lines were strictly maintained although he secured a sale deed. Now after permission was granted by the Hon'ble Revenue Minister, on the strength of that permission he has been trying to get possession. That is where the urgency comes in and the motion becomes important. If he did not want possession there was no necessity for the permission to be granted by the Hon'ble Revenue Minister. My complaint is that the Revenue Minister has now granted permission to occupy the land.

The Hon'ble the SPEAKER: The Revenue Minister says that it was in pursuance of the policy of maintaining the *status quo* that he did it.

Srijut ROHINI KUMAR CHAUDHURI: Whether he can defend his policy or not is a different question. But the point now is that he has actually granted the permission and allowed him possession.

Khan Bahadur Maulavi KERAMAT ALI: The question is very simple, Sir. It was pointed out that Mr. Amiruddin after purchasing that land wanted to take possession but failed to get it. He came to the Commissioner and filed an appeal which was rejected. The Revenue Tribunal which was approached also rejected the petition. Now by an executive order, Government put him in possession of the land.

The Hon'ble the SPEAKER: He has not as yet been put in possession of the land.

Khan Bahadur Maulavi KERAMAT ALI: As Dr. Mahendra Nath Saikia has stated, Mr. Amiruddin was put in possession in the presence of the Hon'ble Revenue Minister. That is what the hon. mover proposes to protest.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: It is very easy to understand for the hon. member that if a land is sold by a particular person, the possession is delivered by him to the new purchaser. In this particular case no new settlement was given by the Government but Mr. Amiruddin had purchased the plot of land from a certain person who after the sale was complete delivered the possession to him. As a result of his occupation of the land, proceedings were started by a number of people against him, on the basis that the sale took place within the Assamese lines where Mr. Amiruddin had no right to buy land or occupy land. Eviction orders under these proceedings were passed against him. What has been done now is to stay this order till the question involving the Line System policy is settled by the Government.

The Hon'ble the SPEAKER: I have heard the hon. member who has asked for leave and also the Hon'ble Revenue Minister. The facts have been practically fully stated by both sides, and having regard to what has been said by the Hon'ble Revenue Minister, I think the matter is not one of urgent public importance and it is not also of recent occurrence. It has not been denied that it was in pursuance of maintaining the *status quo* pending the discussion of the Line System Committee's Report that the orders complained of have been passed. (Srijut Rohini Kumar Chaudhuri: I deny that). I think therefore, that the motion is not in order.

Now comes the next motion of Maulana Abdul Hamid Khan.

Adjournment motion on the question of music before mosque

Maulana ABDUL HAMID KHAN: মসজিদের সামনে বাজনা বাজানো সম্বন্ধে গবর্নমেন্টের নির্দেশে যে অবস্থার উদ্ভব হইয়াছে তৎসম্বন্ধে আলোচনা করিবার জন্ত আমি মূলতুর্নী প্রস্তাব আনয়ন করিতেছি।

The Hon'ble the SPEAKER: With regard to this motion, I may point out that I have already received notice of an ordinary motion from Maulavi Muhammad Amjad Ali. To that motion the Hon'ble Minister in Charge has given his consent, and some day will have to be fixed to discuss that motion. As the 4th of April is the non-official day, the motion will be taken up on that day. So according to the rules, the motion will be not in order, as it is anticipating a matter which has been previously fixed for discussion. I do not think the hon. member will have any grievance.

Maulavi MUHAMMAD AMJAD ALI: May I move that motion? **The Hon'ble the SPEAKER:** Not now; the motion will be discussed on the 4th April next.

(The adjournment motion standing in the name of Maulana Abdul Hamid Khan was then withdrawn.)

Adjournment motion for the eviction of immigrants from village Gumarpathar in Barpeta Subdivision

The Hon'ble the SPEAKER: Then there is another motion standing in the name of Maulavi Syed Abdur Rouf,

Maulavi Syed ABDUR ROUF: Sir, I beg leave to move the following adjournment motion.

"That this House do now adjourn to discuss a definite matter of urgent public importance, that is, the situation arising out of the eviction of immigrants from the village gumirpathar in BARPETA subdivision."

Sir, in the BARPETA subdivision gumirpathar is a village in which 32 families had been living. In the first week of January last—if I remember aright, it was on the 6th January—the Deputy Commissioner went there and evicted these persons by burning their houses and their belongings. Subsequently the Government have not taken any steps to provide them with land or shelter or even food. These persons are on the very verge of starvation. Therefore, Sir, it is a matter of public importance.

The Hon'ble the SPEAKER: When did the eviction take place?

Maulavi Syed ABDUR ROUF: On the 6th of January or it may be on the 8th. The matter is urgent, because if, these persons are not provided somewhere in the province, very soon, many of them will perish. I, therefore, hope that the Government will have no objection in allowing this adjournment motion to be moved.

The Hon'ble the SPEAKER: Will the Hon'ble Minister explain the position?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Sir, this is the first time that this matter has been brought to my notice. I wish however, to make it clear that, if there is any truth in what has been stated by the hon. member, the eviction must have taken place under the rules framed by the previous Government, the eviction of which I am not aware. This is a matter which should have been pressed forward by the hon. member when such rules were framed and conferred by the previous Ministry or by their predecessors. If, however, the hon. member had cared to bring this specific case of eviction to my notice, I would have maintained the *status quo* under the same principle which I have been following in other cases till some land was found elsewhere for these evicted people. I think the hon. member should have no grievance against the present Government on an action about which they are not aware and about which the hon. member did not take any steps to acquaint either me or any member of this Government.

The Hon'ble the SPEAKER: When was the order for eviction passed by the Government?

Maulavi Syed ABDUR ROUF: The public had no opportunity to know whether any order was at all passed by any Government. Suddenly the Deputy Commissioner has taken this action. The situation arose on the 6th of January and now those people are on the verge of starvation. It is therefore the duty of the present Government to put a stop to their misery.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: As far as this Government is concerned, neither the hon. member nor any one on his behalf informed me or any member of this Government that such an eviction was about to be carried out. If that had been done, we would have tried to take proper step.

The Hon'ble the SPEAKER: If on that fact stated by the hon. member, the Government will say what they are going to do in the matter, the whole question may be set at rest for the present.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I have already made it clear, Sir, that I shall make an enquiry into this affair, and if what the hon. member states is true, we shall see that these people are not disturbed until some land is found for them. I think the hon. member will agree to this.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, from the speech of the Hon'ble Revenue Minister it appears that he does not know the procedure in the matter of these evictions. It is the district authorities who pass these orders. I can tell him that the previous Government never passed such an order. On the other hand during the pendency of the Line System Enquiry Committee the then Government had passed an order that any one who had settled even in unauthorised areas prior to the 1st of January 1937 should not be disturbed. And if I understand aright, the settlers mentioned in this motion were in that particular village for the last four years, and it is incorrect to say that this matter was not ventilated in the press. I myself have seen an elaborate report of this occurrence in this particular village which appeared both in the vernacular as well as in the English press of Assam. My Hon'ble friend the Revenue Minister, who was busy with the Budget preparation or his peregrinations through the country might have missed it.

The Hon'ble the SPEAKER: The Hon'ble Minister has already said that he will enquire into the matter and do the needful.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: If he says so, my thanks are due to him.

The Hon'ble the SPEAKER: The Hon'ble Minister has given this assurance.

Maulavi Syed ABDUR ROUF: These people, Sir, are moving from village to village begging from door to door and have got no shelter. If the Hon'ble Minister in charge of Revenue can ask the local authority to allow the immigrants to remain in their village then I will absolutely have no objection. They must be given permission to remain there till the Hon'ble Revenue Minister has inquired into the matter.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I have already said, Sir, that this is the first time that this matter has been brought to my notice. About two weeks ago I saw something mentioned in a Newspaper called "Assam Herald" that the immigrants were subjected to oppressions. It is within our contemplation to write to the local officers to get at the truth of such news and to find out details as to under whose orders the immigrants are being evicted from their lands, and subject to such oppressions. I can assure the hon. members that it is the policy of the present Government that unless we are able to find lands elsewhere for the people who have purchased lands in the Assamese Line, they shall not be disturbed. I suppose this assurance should suffice and hon. members should depend on it.

The Hon'ble the SPEAKER: Does the Hon'ble Minister give definite assurance that they will try to give relief to these people?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Yes, Sir. I suppose Sir, that the Hon'ble Minister will issue orders to the effect that the immigrants who are being evicted from their lands will be allowed to remain there till lands are found?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Yes, Sir. I have already said that, Sir. I hope the hon. members will trust me.

Maulavi Syed ABDUR ROUF: In view of the assurance given by the Hon'ble Revenue Minister that order will be issued to the local officers very soon, I beg to withdraw the motion.

The Hon'ble the SPEAKER: When the hon. mover wants to withdraw the motion, it is not necessary for me to decide whether the motion is in order or not.

Srijut ROHINI KUMAR CHAUDHURI: Now when the Hon'ble Revenue Minister is in such a happy frame of mind, may I request him to rescind the order which he passed about the other motion? (Laughter).

42 GOVERNOR'S MESSAGE *RE*: ALLOTMENT OF DAYS FOR VARIOUS STAGES OF DISCUSSION OF BUDGET [9TH MAR.]

Governor's message communicating allotment of days for the presentation of Budget, general discussion of Budget, voting on Demands for grants, etc.

The Hon'ble the SPEAKER: Order, order: I shall now place the message from His Excellency the Governor.

"For the purposes of sub-section (1) of section 78, section 79, sub-section (2) of section 80 and section 81 of the Government of India Act, 1935, and in pursuance of Rules 12, 14 (1), 15(1), 16, 17 (1), 17 (2) and 19 of the Assam Legislative Assembly Rules, I, Henry Joseph Twynain, hereby appoint the following days for the presentation to the Legislative Assembly of the Statement of Estimated Receipts and Expenditure of the province for the year 1939-40 and for the subsequent stages in respect thereof and for the presentation to the Legislative Assembly of the Supplementary Statement of Expenditure for the year 1938-39 and for the subsequent stages in respect thereof in the Legislative Assembly during its March-April Session, 1939, namely:—

Thursday, the 9th March—Presentation in the Legislative Assembly.

Saturday, the 11th March

Monday, the 13th March

Tuesday, the 14th March

Saturday, the 18th March

Monday, the 20th March

Tuesday, the 21st March

Thursday, the 23rd March

Friday, the 24th March

Saturday, the 25th March

Monday, the 27th March

Tuesday, the 28th March

Thursday, the 30th March

Saturday, the 25th March up to 1 p. m.

Thursday, the 30th March up to 3 p.m.

1. General discussion in the Legislative Assembly.

2. Discussion, if any, of estimates of expenditure charged upon the revenues of the province other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of section 78 of the Act.

Voting on Demands for Grants in the Legislative Assembly.

Presentation of Supplementary statement of Expenditure for 1938-39 in the Legislative Assembly.

1. Further Demands for Grants, if any.

2. Discussion, if any, of supplementary statement of expenditure charged upon the revenues of the province during 1938-39.

3. Voting on Demands for supplementary grants for 1938-39.

Friday, the 31st March Placing of the authenticated schedules of authorised expenditure before the Assembly.

This order shall be subject to my revision, if necessary, from time to time.

H. J. TWYNAM,
Governor.

Allotment of days for private members' business by the Hon'ble Speaker.

The Hon'ble the SPEAKER : In pursuance of Rule 17 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Prime Minister the following days for private members' business during the present session of the Assam Legislative Assembly, 1939.

Tuesday, the 4th April	...	...	1. Private Members' bills.
Friday, the 10th March	...	...	2. Private Members' resolutions.
Friday, the 17th March	...	...	} Private Members' Bills and resolutions (if time permits after disposal of Government business).
Monday, the 3rd April	...	...
Thursday, the 6th April	...	...

This order shall be subject to my revision, if necessary, from time to time.

Statement *re* course of Government business

The Hon'ble Srijut GOPINATH BARDOLOI : With your permission, Sir, I desire to make a statement about the course of Government business during this session.

2. The Government business which is to be taken up to-day and to-morrow is already shown in the day's agenda, a copy of which has been placed on each member's table. I need not detail it again. If the motion for referring the Assam Agricultural Income-tax Bill to a Select Committee is passed by the House, we propose to hold the Select Committee consideration of the Assam Municipal (Amendment) Bill, 1938, clause by clause and then for passing the same. Hon. members will remember that this Bill was introduced by the former Government and the motion for its consideration was adopted by the House during the last September Session. Then we propose to make the motion for referring the Temporary Postponement of Execution of Decrees Bill, 1938 to a Select Committee. This Bill was also introduced by the last Government at the September Session, 1938. We also propose to take up on these days the motions for introduction and consideration of the following Bills :—

3. On the 16th and 17th March, we propose to take up the motion for consideration of the Assam Municipal (Amendment) Bill, 1938, clause by clause and then for passing the same. Hon. members will remember that this Bill was introduced by the former Government and the motion for its consideration was adopted by the House during the last September Session. Then we propose to make the motion for referring the Temporary Postponement of Execution of Decrees Bill, 1938 to a Select Committee. This Bill was also introduced by the last Government at the September Session, 1938. We also propose to take up on these days the motions for introduction and consideration of the following Bills :—

- (i) The Assam Sales of Motor Spirit and Lubricants Taxation Bill, 1939.
- (ii) The Assam Amusements and Betting-tax Bill, 1939.
- (iii) The Assam Motor Vehicles Taxation (Amendment) Bill, 1939.

- (iv) The Assam Prohibition Bill, 1939
- (v) The Assam Excise (Amendment) Bill, 1939
- (vi) The Assam Speaker's and Deputy Speaker's Salaries and Allowances Bill, 1939.

(ii) The Civil Procedure (Assam Amendment) Bill, 1939

The Goalpara Tenancy (Amendment) Bill, 1939, the Select Tenancy (Amendment) Bill, 1939, the Assam Revenue Tribunal Bill*, 1939, and the Assam Embankment and Drainage Bill*, 1939 will also be introduced on one of these days.

4. If the motion for taking into consideration of the Bills included in the agenda for the 9th, 10th, 16th and 17th March are accepted by the House on the respective days, we propose that those Bills be considered clause by clause on the 31st March, 1st April, 3rd April 1939 and then to move that they be passed.

On the 31st March, we propose to present the Report of the Select Committee on the Assam Agricultural Income-tax Bill, 1939 and then to move for consideration of the Bill, as reported by the Select Committee.

5. If the motion for consideration of the Assam Agricultural Income-tax Bill, 1939 as reported by the Select Committee is accepted by the House, on the 31st March 1939, we propose that the Bill be considered clause by clause on the 6th April and then to move that the same be passed.

We also propose to consider the Assam Finance Bill clause by clause on the 6th April and after it is passed to take up any other Government business which may remain unfinished.

6. The House is aware that the Assam Commissioners' Powers Distribution Bill, 1939, will be introduced by Government in the Upper House to-day and we expect to have the Bill through that House by the 13th latest. If copies of the Bill as passed by the Upper House are sent out in time and laid on the table of this House under Assembly rule 127 on the 16th, we propose, subject to the consent of the Chair under Governor's rule 15(3), to take the Bill into consideration on the 23rd before voting on the demands for that day are taken up. The consideration of the measure is not likely to take more than an hour.

Committee on petitions relating to Bills

The Hon'ble the SPEAKER: Under the rule 112(1) of the Assam Legislative Assembly Rules, I nominate the following members to constitute a committee on Petitions relating to Bills for the current session of the Assembly:—

Khan Bahadur Maulavi Sayidur Rahman, Rai Bahadur Promode Chandra Dutt, C.I.E., Mr. F. W. Hockenhull and Srijut Rabi Chandra Kachari. Under the rules, the Deputy Speaker will be the Chairman of the Committee.

House Committee

The Hon'ble the SPEAKER: Under rule 126 of the Assam Assembly Rules, I nominate the following members to constitute a House Committee for the current session of the Assembly:—

Khan Bahadur Maulavi Mufizur Rahman.
Mr. Arun Kumar Chanda.
Maulavi Badaruddin Ahmed.
Mr. R. A. Palmer.
Babu Bipin Behari Das.
Srijut Karka Dalay Miri.

* Provisional.

Governor's assent to the Assam Provincial Legislature (Removal of Disqualifications Bill, 1937)

The Hon'ble the **SPEAKER**: Information has been received from the Secretary to His Excellency the Governor that under the provisions of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bill, which was passed by both the Chambers of the Assam Legislature during the September Session, 1938 of the Council, and the December Session 1938 of the Assembly:—

The Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937.

Condolence on the death of Sir Laurie Hammond and Lord Brabourne

The Hon'ble **Srijut GOPINATH BARDOLOI**: Mr. Speaker, Sir, before the next item in the agenda is gone through I desire to make mention of a very melancholy event, namely, the death of Sir Laurie Hammond, once the Governor of this Province. I was not privileged to know him personally, and as regards his administration also, I had not the opportunity of associating myself with it, but Governor of this Province, as he was, it is our duty to pay homage to the memory of such a ruler, who is deceased.

Along with that, Sir, I also beg to mention the death of Lord Brabourne, the Governor of our neighbouring Province, and once our acting Governor-General. Here also I cannot claim to have any personal acquaintance with him so as to be able to say anything in that regard. But from what we heard about him and from what other Provinces spoke about his great administrative capacity, we think, Sir, that we have lost in him a great and good ruler. Our homage is also due to the departed.

I want to make a proposal in this connection. It will be just befitting that in honour to the memory of these departed souls, we should adjourn the House for some time. In view of the pressing business we have before us and the many subjects in the agenda that we have yet to go through, I do not think we are in a position to adjourn the House for the whole day. But I propose that after we rise for the lunch the House stand adjourned till 3 O'clock, when we sit again to take up other business.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, indeed it is a very melancholy tale that we have got to mourn the loss of Sir Laurie Hammond, who was the Governor of this Province from the year 1927 to 1932. A cruel fate seems to have been pursuing all our retired Governors, for three of them with whom I had the privilege of working, died very shortly after retirement. I refer to late Sir John Kerr, the late Sir Michael Keane and now Sir Laurie Hammond.

Sir Laurie Hammond was a great and good administrator, a man who was imbued with the idea of improving Assam in all branches of administration, and particularly in regard to road communication, a man who road which now connects the headquarters of the Province from the loss of Valley, was due to his initiative as well as his power of imagination. The magnificent though the idea was mooted as early as 1910 to connect the two valleys of Assam through the headquarters by a road communication, no Governor or Chief Commissioner had the vision to start work on such a gigantic proposition compared to Assam's revenues. It was left to the late Sir Laurie Hammond to start this road with borrowed capital, which has saved the Province quite a large amount of money in travelling allowance, etc. It has made it possible for the people of Sylhet to reach Shillong in three hours against the old Railway travel of 36 hours. Sir, I was very intimate with the late Sir Laurie Hammond, but this is neither the time nor the place to speak about his qualities of head and heart. But the nobility of his charac-

ter will be apparent if I mention only one incident. A proposal was afoot that this magnificent road should be named, after him, Hammond Road. But he refused that honour with extreme modesty and politeness. He said that it would not look well to have this road connected with him as he did not spend a single farthing from his private purse for its construction. So, we should mourn the loss of such a good friend of Assam.

I had not the privilege of personal contact with late Lord Brabourne. But ever since he came to India as Governor of Bombay I have noticed from the Press and also heard from the politicians who had the honour of meeting him personally, about the nobility of his character, his intense love for Indians and their aspirations. Indeed he was so popular in Bombay that when he was sent to Bengal as the Governor of that Province, the people of Bombay regretted his departure. In Bengal, during the short term of his office, he received official and public encomiums, and he has left his mark in that Province. It was my misfortune that my ill-health as well as that of late Lord Brabourne robbed me of an opportunity of meeting that great and noble soul. While I was last in Calcutta during last January, I suffered in the earlier part of the month and, therefore, could not arrange to have an interview but in the second fortnight when I wrote to the Military Secretary for an interview with His Excellency Lord Brabourne I was first intimated that under medical advice His Excellency had been compelled to curtail all public engagements and interviews. But I say with all emphasis that I can command that he possessed a noble mind and as an indication of his nobility, he authorised his Military Secretary to inform me that he wished to see me as soon as he would feel better; and that a later intimation will issue but unfortunately the malady from which he had been suffering grew worse and ultimately he had reluctantly to cancel the interview. Indeed, he had a great and noble soul, and India is poorer by the death of such a noble man and administrator.

I whole heartedly join with the motion of condolence to be conveyed to the families of the illustrious departed ones but I don't think that the way in which my hon. friend wants to pay our homage, that is, by adjourning the House from now to 3 p.m., will be convenient. If my hon. friend agree, I may suggest, and I make this suggestion knowing full well the very hard pressure the Government is feeling for time with the Upper House also being in session, that the House be adjourned after the introduction of the budget by the Hon'ble Finance Minister.

The Hon'ble Srijut GOPINATH BARDOLOI: I have no objection.

The Hon'ble the SPEAKER: Hon. members of the Assembly, I associate myself with what has been said on the sad death of Sir Laurie Hammond and Lord Brabourne and fully share the sentiments expressed. That Sir Laurie Hammond was an administrator of ability showed itself in all branches of the administration and it is really a fact that the road projects in this province got a tremendous stimulus from him. The Shillong-Sylhet road would not have been a reality to-day if he had not taken a special interest in it. He will be long remembered in India as the author of a very useful and interesting book named "Election Petitions in India". I had the privilege of being a member of the old Legislative Council when he was the Governor of the province and we knew what interest he took in all matters of administration and legislation. He has died full of years and honours and from what we came to know from time to time about his activities in England after his retirement he could have been of great service to his country if he lived for some years more. The death of Sir Laurie Hammond has indeed been a great loss to his country and we very sincerely mourn his death.

The death of Lord Brabourne has been indeed a very tragic event. The career of an administrator of great promise has been cut short by the cruel call of death. He was only 43 years of age when he died. He has, as the Governor of Bombay and then as Governor of Bengal and for some time as Acting Governor-General and Viceroy of India, proved himself to be a very popular administrator even in the midst of political tension prevailing in the country. Although I had not the privilege of being acquainted with him, from all accounts of him published in newspapers I feel that he really endeared himself to all with whom he came in contact. We are sincerely sorry for the death of such an administrator. As it is the desire of the House members of the bereaved families, I shall take steps in that direction.

In order to show respects to the memory of the departed souls I desire that hon. members would rise in their places and remain standing for two minutes and the business of the House would be suspended in the way suggested by the Hon'ble Leader of the Opposition and agreed to by the Hon'ble Leader of the House.

[The whole House remained standing for two minutes.]

Adjournment.

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

After lunch.

Election of a member to the Assam-Bengal Railway Local Advisory Committee

The Hon'ble the SPEAKER : Before I call upon the Hon'ble Minister to present the Budget, I think, it will be convenient for the disposal of the business of this House if item No. 12 be disposed of now. That is a motion for election of members to certain committees. That will take only about two minutes.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir, My Hon'ble Colleague is not here ; may I move the motion ?

The Hon'ble the SPEAKER : Yes.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir. I beg to move that this Assembly do elect one member to the Assam-Bengal Railway Local Advisory Committee in place of Srijut Haladhar Bhuyan.

The motion was put and adopted.

Election of a member to the Eastern Bengal Railway Local Advisory Committee

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : I beg to move that this Assembly do elect one member to the Eastern-Bengal Railway Local Advisory Committee in place of Srijut Purandar Sarma.

The motion was put and adopted.

Election of a member to the Jorhat Provincial Railway Local Advisory Committee

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I beg to move that this Assembly do elect one member residing in the area served by the Jorhat Provincial Railway to the Jorhat Provincial Railway Local Advisory Committee in place of the Hon'ble Sriji Ram Nath Das.

The motion was put and carried.

The Hon'ble the SPEAKER: Under rules 1 and 2 of the Rules regarding the procedure to be followed in holding election of members to the Public Accounts Committee and other Committees, I hereby fix 2 p.m. to 4 p.m. on Saturday, the 11th March, for holding the election to the Assam-Bengal Railway and the Eastern Bengal Railway Local Advisory Committees. The voting will be held in the Secretary's Chamber between these hours.

As regards the Jorhat Provincial Railway Local Advisory Committee, Khan Bahadur Maulavi Keramat Ali being the only candidate, I declare him duly elected.

Election of members to the Public Accounts Committee

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I beg to move that this Assembly do elect seven members to the Public Accounts Committee under rule 102 of the Assembly Rules, for the year 1939-40.

The motion was put and carried.

The Hon'ble the SPEAKER: Under the Rules, I hereby fix Monday, the 13th March as the date and 2 p.m. to 4 p.m. as the hours for holding the election to the Public Accounts Committee. The voting will be held in the Secretary's Chamber within these hours.

Presentation of Budget for 1939-40 by the Finance Minister

Maulavi MUHAMMAD AMJAD ALI: As the Hon'ble Finance Minister is going to deliver his budget speech, may I refer here that the practice hitherto followed was that a copy of Hon'ble Finance Minister's budget speech, is laid on each member's table. But this time as we find the practice has been deviated from.

The Hon'ble the SPEAKER: Yes, copies will be supplied to the hon. members just now.

Maulavi MUHAMMAD AMJAD ALI: As he reads the speech it will be profitable to get the copies now.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: After the speech has been delivered by me, the copies will be supplied to the hon. members.

The Hon'ble the SPEAKER: The previous practice was that copies were given to the members beforehand, to make it convenient for the members to follow the speech.

(Then the printed copies of the Budget Speech were distributed to members.)

Budget Speech of the Hon'ble Finance Minister

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, this is the first time I have the honour of presenting the Budget to this House. At the outset I deem it necessary to offer a few remarks as preface to a consideration of my proposals. I offer these reflections because, I think, the problem of our province, as of any other province, is, among others, one of resisting the pressure either of constitutional safeguards or of vested interests, which necessarily calls for complete understanding, utmost co-operation, sacrifice and patriotism on the part of us all. Even if it be true in some measure (though it is true in less degree than is usually implied) that Provincial Autonomy has transferred responsibility to the people who, as a whole, no doubt appreciate the solid advantages of a Government responsible to themselves, such a change is not complete and is, as hon. members are aware, limited in many spheres. Over and above this it should not be forgotten that we are carrying on Government in the provinces under an irresponsible centre and almost under the shadow of a scheme of an All-India Federation which has been rejected not only by the Indian National Congress but also by other organisations and the princes and people of the States. I hope, I am not wrong in assuming that this legislature also does not want the Federation envisaged in the Government of India Act, 1935, and would urge on the British Government to take immediate steps for devising a really satisfactory solution acceptable to all. With the mentality unchanged, the old habits and the practice of subordinating the interest of the people and of the provinces to those of vested interests and needs of the Empire continuing, it is impossible for the Government of the provinces to function with dignity and self-respect under an irresponsible but increasingly active Central Government. It may be impossible for those, who desire to warn the British Government of the dangers inherent in the kind of the constitution thrust upon India, to get any adequate hearing; but it is safe to assert that, until a satisfactory solution acceptable to all is found, the political situation in the Country will remain uncertain—a state of affairs which, as it will stand in the way of the progress of the province, India, and Britain, we may still hope, will be avoided by the British Government by taking a right decision.

① While the political situation is so disquieting, the economic condition of our province is far from satisfactory. Apart from the fact that the heavy burden of the costly administration chiefly falls on the shoulders of the peasants, who are unable to bear it, the level of prices of agricultural products has not been particularly favourable. These considerations led the present Ministry to give relief to the peasants by granting reduction of revenue in excess of that given by the previous Governments. A full statement on the reduction of land revenue during the year 1938-39 was made by me on the floor of this House during the last December Session, which I need not recapitulate here. Over and above this, the province has been, during the past year, visited by a series of floods, particularly in the districts of Goalpara and Cachar. Operations of relief in the shape of gratuitous relief, test relief and agricultural loans to the flood-stricken people commenced from the month of July of last year and are still continuing. The total expenditure on flood relief operations upto the 3rd March 1939 amounts to Rs.8,05,870. In addition to this direct expenditure, land revenue has to be remitted or suspended on a liberal scale throughout the areas affected by floods. What these remissions and suspensions will amount to, it is difficult to surmise at present but, if land revenue receipts upto the 24th February, 1939, which are much below

normal, give any indication, the fall in receipts is likely to be in the neighbourhood of Rs.10,00,000. All these concessions are, of course, necessary and would go far to mitigate the distress resulting from the floods of the flood-stricken people but they all necessarily mean drafts on the tax-payers elsewhere or on the Reserve Bank.

I have been called upon within five months after assuming office to present the Budget of 1939-40 not only with the aforementioned drawbacks but also with the handicap that, just before the present Ministry came into power, the Government had to pay back to Government of India the short-term loan of Trs.30,65 which it had taken in 1936-37 to cover the deficit in that year's budget. Though, to cover this payment, provision was made in the current year's budget for a loan of Trs.35,00 but the floating of the loan was not actually carried out. Under the new financial arrangements, the Government of India were to look after and provide where necessary for our ways and means requirements during the first year of the Autonomy, but we have been made responsible for our ways and means position since April 1st, 1938. As land revenue is our principal source of income, there are seasonal fluctuations in our receipts and collections. The expenditure is, on the other hand, uniformly distributed throughout the year with the result that during certain periods in the year the demands on our resources exceed our income. In order to meet such situations, short term treasury bills are issued. We had also to resort to the issue of treasury bills for paying our consolidated debt to Government of India. The total value of treasury bills estimated to be issued in the current year and of ways and means advances are 60 lakhs and 25 lakhs respectively of which 25 lakhs, on account of treasury bills, and, 5 lakhs, on account of ways and means advances, will be outstanding on the 31st March 1939.

The purpose of the budget statement is two-fold. It should in the first place give a survey of the past and then the forecast of the future. Therefore, in accordance with the established convention, I am presenting to-day the Budget Estimate for 1939-40 with the revised estimates for 1938-39 and actuals for 1937-38.

Let me take the hon. members, first, to the accounts of the year 1937-38, the accounts of which, now, having been closed, we will be in a position to compare the results of the actual working with the original estimates. The hon. Maulavi Saiyid Sir Muhammad Saadulla, introducing the Budget Estimates for 1937-38, anticipated a revenue surplus over expenditure to the extent of about four and a half lakhs. Subsequently, in the budget session of last year, he stated that his expectations did not materialise and anticipated, instead, a deficit of Trs.2,74. The net result, however, is more unsatisfactory, as the year in question closed with a deficit of Trs.5,56. In a note which was presented to the Assembly in December, 1938, and which, for convenience of reference, is appended to the memorandum on the Budget Estimates (Appendix B), the reasons for the actual excess of expenditure over revenue have been stated. The figures given below represent the position stated above:—

	Budget Estimates 1937-38	Revised Estimates 1937-38	Actuals 1937-38
	Trs.	Trs.	Trs.
Revenue receipts	2,84,74	2,78,67	2,73,13
Revenue expenditure	2,80,28	2,81,41	2,78,69
	<u>4,46</u>	<u>-2,74</u>	<u>-5,56</u>

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Turning now to the current year, 1938-39, the hon. members will find the position as follows :—

	Budget, 1938-39	Revised, 1938-39
	Trs.	Trs.
Revenue receipts	2,64,24	2,61,88
Revenue expenditure	2,68,86	3,00,26
	—4,62	—38,38

The revenue receipts show a fall of Trs. 2,36 below the Budget Estimate but the latest receipt actuals indicate that this will be larger. Land revenue receipts upto 24th February are much below normal and, unless March shows a much better return than usual, the revenue receipt is likely to show a further fall. The variations, which account for this decrease in receipts and increase in expenditure, are described on page 10 of the Memorandum and I shall but refer here to the most important of such fluctuations. Hon. members will have noticed that there is a fall in receipts under the head land revenue to an extent of 6½ lakhs and under stamps of 1 lakh 20 thousands. The decrease in land revenue is partly due to a further increase in the percentage of remission of land revenue which has recently been granted by the present Government and partly to suspension and remission of revenue owing to the severe floods of the last monsoon. The drop in the receipts from the sale of stamps is also due to the severe floods. This big gap, however, has been to a great extent covered up by the additional receipts from two sources. The first is an increase of 3 lakhs in the receipts from the Central Government as our share of income-tax. The original budget for the current year did not provide for our share of income-tax under section 138 of the Government of India Act, 1935, as the information was received too late, though the fact was mentioned in the budget speech of the then Hon'ble Chief Minister. It will not be out of place to take the hon. members into confidence and to say that we may expect an additional sum of ½ lakh from this source in the course of the next year. Moreover, under the new Income-tax (Amendment) Act it is expected that the divisible pool will be greater in amount and our share thereon would represent a larger sum than in the current year. The second item also consists of a receipt of Trs. 2,24 from the Government of India mainly due to an increased grant from the Petrol Tax Fund for the road improvement programme. While the output of oil from the Digboi field has been increasing and thus providing a corresponding increase in revenue to the Central Government, the latter seem to be content in giving us small mercies here and there. The opinion is generally held that this can hardly be called fair when, in fact, we have been, on grounds of equity and justice, claiming a substantial share from the Excise duty on petrol and kerosine. To expect an equitable share from the Government of India, as long as the present dispensation, under which the Central Government functions, continues and the control of central finance has not been vested in the representatives of the people, is nothing else but living in dream land. It therefore seems that the solution to the financial problem of our province, as of any other province, must wait till such time. ✓

Before the first April, 1938, license fees realised under the Cinema Act, fees for testing cinema installations and fees for testing lightning conductors were credited to the heads "XXXII.—Miscellaneous Departments" and "XLVI.—Miscellaneous" but under a recent audit ruling these receipts are now credited to the head "XIII.—Other taxes and duties".

The license fees for the sale and possession of petroleum were, prior to 1st April, 1938, credited to Provincial under the head "Administration of Justice". The Government of India, having decided that the fees are Central, agreed to give in lieu thereof a contribution of an equivalent amount. This contribution, therefore, appears under the head "L. Miscellaneous adjustment between Central and Provincial Governments".

There is an increase of Trs.31,40 in the revenue expenditure. The increase is mainly due to the repayment to the Government of India of the loan (Trs.30,65) given by that Government in 1936-37 to cover the provincial deficit in that year. The balance of the increase occurs mainly under famine relief (Trs.2,20) due to the necessity of giving gratuitous relief on a large scale during the recent severe floods. The expenditure under "Civil Works" will also be higher by Trs.2,24 owing to an increased grant from the Petrol Tax Fund. This is, however, counterbalanced by savings under other heads, resulting from the orders issued by the present Ministry for curtailment of expenditure particularly on contingencies and travelling allowances.

The revised estimate for capital expenditure outside the revenue account shows an increase of over 1,87 lakhs over the Budget Estimate. The main increase in capital receipts is the outcome of the variations which the hon. members will find fully explained in the Budget Memorandum at page 10. The increase under capital expenditure is chiefly under debt and deposit heads. The net results of all the transactions of the year is likely to be an outgoing of Trs.12,25. The hon. members will, therefore, have realised that the year is expected to close with a balance of Trs.18,73 in place of the Budget Estimate of Trs.40,48. And the real position of the province at the end of 1938-39, if it were not possible to issue treasury bills and obtain ways and means advances from the Reserve Bank would have been—

	Trs.
Opening balance	30,98
Revenue receipts	2,61,88
Capital receipts	5,40,13
Total	8,32,99
Revenue expenditure	3,00,26
Capital expenditure	5,44,00
Total expenditure	8,44,26
Closing balance	—11,27

The reading of these accounts is neither happy nor satisfactory. Those who were in charge of the administration were all worthy, capable and able men. And even if they strive in the best way possible to handle the finances of the province with the sole objective in view of utilising them for the benefits of the people, it is for the hon. members and public to judge for themselves how far their efforts were attended with success. But it is obvious that the provincial finance has been left in a chaotic state of affairs. It is needless to enter here into the discussion as to how this chaos has been brought about, but it is apparent that this chaos has affected the well-being of the people and the financial integrity of the province. Thus the legacy of chaotic finance that has been left to us has indeed

placed us in an unhappy situation in which we shall certainly strive in our own way with the co-operation and support of the hon. members to acquit ourselves as best as possible. This big gap in the revised estimate for 1938-39 has to be bridged over, the treasury bills and ways and means advances outstanding at the end of 1938-39 have to be paid. Government, therefore, propose to take a loan of 50 lakhs payable after 20 years with a Sinking Fund to which an annual contribution of Trs. 2,15 will be made from the revenue in order to pay off the afore-explained outstanding dues, to enable the Government to grant loans to local bodies for their water-supply schemes, and also to start on schemes involving large capital expenditure.

Having given a survey of the past, Sir, I now want to pass on to the estimates for the coming year, 1939-40. The curious fact to be noticed here is that, up till now, in the province, there has been singularly little revision of general ideas on budgetary procedure as a result of the introduction of Provincial Autonomy. We have been so far moving in the same old way and in the same old fashion. What we have so far been following is to, first, estimate the revenue from existing sources and expenditure on standing sanctions based on existing orders and commitments and then to utilise the surplus, if any, for new commitments and new schemes. This procedure was found both convenient and natural by our predecessors as they regarded the conditions static and the system of taxation suitable for reasons best known to them. But with the land revenue as the chief source of income the incidence of which mostly falls on the toiling masses of the province, the province cannot expect to get under this method a surplus adequate for distribution on schemes and projects which will go to mitigate the miseries of our people. While we thoroughly disapprove of the Provincial Autonomy, as it does not transfer real power to the people, we have accepted the office and responsibility with a definite object and purpose, that is, of easing the burden of taxation on the poor and of providing means for the uplift and betterment of the masses. For these considerations, if not for any other, I would, depart from this old practice and conventions, however painful it may be for some to banish those methods, and follow the procedure of first determining the expenditure which is to be incurred and then devising the means of increasing the revenue adequate to cover it up. This will necessarily mean fresh and new taxation on those who can afford to bear it, which will, however, vary from year to year according to our requirements and adjustments. This method of approach is neither revolutionary nor new as it is followed by all present day Governments.

The position for 1939-40 as shown in the budget is as follows :—

Revenue receipts	...	...	Trs.
Revenue expenditure	...	...	... 2,84,45
			... 3,01,84

—17,39

The estimates of ordinary revenue for 1939-40 as compared with the revised estimates of 1938-39 show a net increase of Trs. 22,57 but there is no uniform expansion of revenue under the various heads and there is an actual fall of about Rs.5 lakhs in provincial Excise as a result of the first step to be taken by this Ministry towards its programme of total prohibition. The main increase is from land revenue chiefly the outcome of the postponed arrears from last year being bigger and the expectation that we may on the whole have a normal year free from floods and other calamities. The

increased provision under taxes on income is based on the information received from the Government of India, but the latest information shows that we would get thirty thousand rupees more in addition to what has been shown in the budget. Under the procedure in force, prior to 1st April, 1937, which was continued by section 4 of the India and Burma Transitory Provisions Order, 1937, for two years from that date, the proceeds of local rate, additional tea rates, ferry tolls, receipts from the Cattle Trespass Act, etc., were credited direct to local bodies. But, under the Government of India Act, 1935, as these receipts now form part of provincial revenue, they have been included in the budget with a corresponding grant on expenditure side to local bodies and funds. Such expenditure has for the present been shown as voted but Government is considering whether legislation should not be introduced to make such expenditure "charged". Other variations, which are of small value, the hon. members will find by a reference to the budget memorandum where they have been fully explained.

The estimates of ordinary expenditure for next year comes to Trs. 3,01,84 as against Trs. 2,68,86 budgeted and Trs. 3,00,26 revised for the year 1938-39. The expenditure is estimated to increase by about 33 lakhs over the original budget. But by this increase, it should not be judged that the increase is due to an increase in the cost of administration. What this increase is due to, I shall briefly explain to the hon. members. First, as I have explained above, this expenditure includes an equivalent amount of grant of 20 lakhs to local bodies, etc., which has been included on the receipt side. Secondly it includes an annual contribution of Trs. 2,15 which will have to be made towards the Sinking Fund for paying the loan of 50 lakhs proposed to be taken. Thirdly about Trs. 2,00 for the deferred pay of the police. Fourthly Trs. 3,25 increased expenditure on petrol tax projects. Fifthly it includes an expenditure of over Trs. 3,59 over new schemes passed by Government and included in the budget. The total of these increases comes to Trs. 31,00 leaving a balance of Trs. 2,00 which has been swallowed up in a larger provision of Trs. 1,00 for expenditure on famine relief and an increase in the guarantee to the Tangla-Belsiri-Rangapara Railway which is explained at page 74 of the memorandum. The net result of these major variations and of other variations not mentioned now by me but fully explained in the budget memorandum is that revenue expenditure is estimated to be in excess of the ordinary revenue by Trs. 17,39. I have to find means and sources to cover up this big gap.

But before tackling this question, I should like to take the hon. members to our proposals and schemes which are based on the principles of mitigating the burden of the peasants, giving relief to the poor classes and promoting such useful and progressive objects as will be conducive in raising social and material level of the masses. There is groaning poverty, ignorance, and disease in the rural areas. It has been a persistent complaint that our masses have long been crying in the wilderness unheard and uncared for for relief in all those directions. In full recognition of that complaint of long neglect we feel that their cries require an immediate response from Government. Realising that this response should neither be haphazard nor on the basis of accustomed patronage of Pre-Autonomous days, we propose to give general relief in more or less extensive form and contemplate concentrating in an intensive manner on selected centres. This method of approach, I hope will receive the support of the hon. members for, with our limited sources of income, any other way of approach will be impracticable and unsuitable. Having already spoken about the

general reduction of land revenue, which I hope has to some extent lessened the burden of the peasantry, I do not wish to say much about it here except that in due course, I shall further examine the question of reduction of land revenue of those tenants and the *Nisf-khiraj* Pattadars and decide what further relief is necessary in this direction in order to implement our pledge to the people. In order to afford a greater amount of relief and substantial concession to the tenants under permanently-settled districts, two amending Bills have been already published in the Gazette by the present Ministry for introduction in the present session of the Assembly. The hon. members are already in possession of those Bills. The legislation in this direction by the Government has been now taken in order to give the tenants in addition to relief more security and independence. Is it therefore too much to expect that in the changed surroundings the tenant will take more intelligent and wholesome interest in his land and class or people, without distinction of sect, caste or religion, closer and thus lay a foundation of a united and independent peasantry? The resettlement operations in the plains mauzas of the Garo Hills in addition to those for Cachar district, Guma, Chirang and Ripu mauzas in Goalpara district, have been postponed by me for a further period of five years from 1940. Before switching on to other matters I should like to refer here to one other matter which concerns the peasantry and that is the burning question of Line System. The late Ministry appointed the Line System Committee in January, 1938. The report of the Committee was published in February, 1938. The consideration of the report was not taken up by the previous Ministry. I must, however, confess that I have also not yet been able to give so much consideration to the matter as it deserves but I can assure the hon. members that this is not due to absence of desire on our part to tackle this question but owing to want of time. Considering the short period in which I had to deal with many important and urgent questions in addition to ordinary administrative duties, I hope, the hon. members will spare me the ordeal of criticism for this seeming laxity. We are, however, determined to tackle this question and propose to take it up in all seriousness after the Session though our approach may not be the same as many of the hon. members here would like it to be. We regard it as a fully economic question and propose to deal with it in that way. We realise that the future not only of the indigenous people but also of those who have migrated to this province depends on the careful and proper handling of this question. Those who have come here leaving their relations, homes and familiar surroundings, have been forced to do so either because they had no land for cultivation in their own places or could no longer bear the oppression of the zemindars, money-lenders and other such middlemen. We wish to take note of these things and propose to avoid as far as possible lands falling in the hands of the few for the oppression of many. Some of the peasants themselves would not like to fall back into the same snare from which they had to escape. The proper tackling of this question requires co-operation and understanding and not exploitation of communal feeling which should have no real bearing on the problem; such exploitation will not go far in helping either those who raise the cry or on whose behalf it is so raised. We have been maligned enough by some responsible persons in this connection but I make bold to say that since this Government have assumed the reins of office no oppression of any kind has been committed against the immigrants. Till a definite policy is settled upon, the *status quo* is maintained. On the other hand when cases of eviction under the orders of the previous regime were brought to my notice and I was satisfied that people

evicted would face starvation, I have passed orders directing the local officers either to find lands elsewhere for those people or to put them back in possession of the land from which they have been evicted till lands are found for them provided that such lands still remain unsettled. Government is responsible for the welfare and betterment of people and in working on this principle we can assure this House that we shall work for the progress, improvement and betterment, not to the exclusion of any class of people within our province.

It is now generally known that our intention is to pass a comprehensive measure to enable all consumption of intoxicants to be prohibited when the time is ripe in each case and, meanwhile, to make the experiment of stopping all consumption of opium in the Sibsagar and Dibrugarh subdivisions on the south side of the river Brahmaputra and accelerating the reduction of all rations of opium elsewhere with the object of stamping out the habit completely within two years. Further measures of excise control are the elimination of all persons not being natives of the province or permanently residing in the province from leases for opium and excise shops and the elimination of all lessees who have held a particular kind of shop for three years from again getting that kind of shop. The loss in revenue estimated from the opium prohibition experiment is about 5 lakhs. The *modus operandi* of the prohibition scheme for intensive activity in a particular area would involve the maintenance of a treatment or Medical Department by Government on the one hand and a vigilance department on the other. To this must be added the creation of an atmosphere conducive to the abolition of the habit among the people by the adoption of a vigorous propaganda within the area concerned. This whole process within the specified area is estimated to involve the province in an expenditure of about one and a quarter lakhs. As the scheme and its financial implications were not ready when the budget was in course of preparation, the amount of this expenditure could not be shown in the budget. Government will, however, be coming before this House for this item of expenditure with a supplementary demand. As a result of the introduction of the aforesaid prohibition the expenditure on purchase of opium will be reduced by Trs. 68. So the total loss on this account to which the Government have committed itself is estimated to be Trs. 5,67 as is worked out below:—

		Trs.
Loss in revenue ...	...	5,10
Expenditure ...	...	1,25
Total loss ...	...	6,35
<i>Deduct</i> saving on cost of opium—		·68
		<hr/>
Total loss ...		5,67

It has been argued in certain quarters that with a deficit facing us it is not the proper time to force the introduction of prohibition at the cost mentioned and thus to accentuate financial troubles. Such criticism on the face of it seems reasonable but a little deeper consideration will expose its fallacy. People who think on these lines do not realise the degradation and misery to which opium addicts and their families are condemned under the present system and would rather raise money by fostering vices among poorer people than by taxing the rich. We feel that we are justified

in sacrificing so much revenue if we can endure that what we may lose in revenue we shall more than make up in making the life better, happier, and healthier for our people.

The total of new expenditure on Education for 1939-40, as shown in the budget comes to nearly two and a quarter lakhs and though some part of this is of a non-recurring nature, the future commitments will work up to nearly this figure. Of the new expenditure a quarter of a lakh appears devoted to collegiate and over a lakh to secondary education. Provision is made for permanent affiliation of the Murarichand College in Botany and the Cotton College in Biology to the Intermediate standard. The provision of Rs. 12,000 for common rooms for ladies in the men's colleges only recognizes the situation which has grown up and which ought to be met in a proper manner without further delay. The allotment of Rs. 4,800 for aid to the struggling private colleges is only an earnest of Government's readiness to help them even in the midst of so many financial worries. Only Rs. 140 could be found to make some small addition to the facilities for poor students to read free in the colleges. Under English education in schools the bulk of the expenditure is compulsory owing to the new Matriculation Regulations which make it necessary to equip the schools for teaching Geography and elementary scientific knowledge, and providing trained teachers for the two subjects. A sum of Rs. 20,000 is, however, provided for assisting the many secondary schools which have been awaiting so long the aid they are entitled to expect under the rules. The only other provision cherished for 20 years, to give the Garo people high school education in their own district. It may be noticed that the ultimate cost of this step will be over Rs. 20,000.

Our attention is, however, mainly directed to the urgent claims of mass education and the wants of those classes who have been so long left in the cold. We propose to inaugurate a campaign for the removal of illiteracy, which will necessarily imply that we shall have seriously to consider the question of our financial resources and gradual steps. We are determined to make a beginning in this direction. We are not only for taking up more venture schools but also to enforce compulsory primary education in selected areas, a total of three-quarters of a lakh will be found to be devoted to these purposes, besides a sum of Rs. 10,000 generously promised for five years by Mr. G. D. Birla for the education of the scheduled castes and tribal people. About Rs. 25,000 of the money of the scheduled castes and tribal people. About Rs. 25,000 of the money goes to providing the people of the Mikir, Garo and Khasi Hills with non-sectarian Government schools. A sum of a quarter of a lakh is provided as new expenditure for the expansion of primary education in the province. A similar sum is provided for the spread of education among the people, scheduled castes and the immigrants. We proposed to increase each of these provisions by a further grant of quarter of a lakh and fifteen thousands respectively thus making the total of new expenditure on primary education to one and a quarter lakh excluding the sum allotted by Mr. G. D. Birla for this purpose. Among minor provisions may be mentioned Rs. 132 as a first beginning in scholarships for the Mikirs. In the short time Government have had at their command, it has not been possible to effect any extensive re-organisation of education. The questions of a University or Universities for this province, of overhauling the whole secondary system with a view to give it a more practical and morally wholesome basis and of the spread of primary education, are, however, engaging their earnest attention. One of the most urgent needs is an

attack on adult illiteracy, a detailed scheme about which is being framed and intended to be put into force in the course of the year. It is proposed to allot for this scheme a sum of thirty-five thousand rupees though no provision could be made in the budget and for the provision of this amount as of the other two aforesaid items, Government will come before the House with a supplementary demand. A provision is made in the budget also for training two teachers in the Wardha system of education, so that it may be possible to start on the organisation of rural education as soon as financial resources have been provided for expansion and to make full use of the at present often wasted-existing funds. The modern tendencies of enlightened thought are also recognized by the allotment of Rs.1,000 for the spread of the *lingua franca* of India through the Hindustani Prachar Samiti. Sums of Rs 300 and 120 are devoted to assisting private effort at coping with long-standing problems in the education of the deaf and dumb, and the provision of instruction in subjects of commercial value. There has for some years been a growing demand that the traditional system of Sanskrit learning, so long practically neglected, should be encouraged to organize itself and make its stores of learning available to the public. Here as in other provinces the indigenous systems of medicine have been awakening and trying with official aid to throw off the stigma that they are unorganized and cannot therefore be recognized. A sum of Rs.600 is therefore provided for the purpose of aiding a Sanskrit College which is being organized in Kamrup, long a stronghold of the traditional learning. Finally, the budget contains a provision of Rs. 4,500 for maintaining the Museum at Gauhati which the province largely owes to the generosity of Rai Bahadur Naupat Rai Kedia. This institution, which will serve as an inspiration to the province in the new world of education, will it is proposed, be as far as possible under non-official care and direction.

Government have however not forgotten the possibilities of retrenchment in these departments in order to divert money for more essential needs. The vacant post of Assistant Inspector has been temporarily filled by an officer of the School service, and Government propose to see how far the admitted needs of inspection can be met by a smaller and less expensive staff. During their tenure of office, the Ministry have taken several steps towards the re-organization of the department. A method of distributing the special college scholarships among the indigent students of the classes for which they were particularly meant has been devised, which will be capable of adjustment according to experience and will remove the reproach that these scholarships too frequently go to persons who are otherwise well-served. Fifty per cent. will for the present go to the Tribal people, 20 per cent. to the Scheduled castes, and 30 per cent. to other backward classes. The Ministry are glad to understand that the Tea Industry will take active measures to provide education for their labourers, and these classes will not be forgotten in the matter of scholarships as and when applicants become available. As a result of the introduction of instruction through the medium of the regional languages, it has been decided that each school must be staffed by teachers who are speakers of its vernacular, but any tendency of the two main peoples of the province to diverge in interests and culture will be corrected by recognizing that every man who takes the other main language, *i.e.*, Bengali or Assamese as a subject in his degree examination is for these purposes both an Assamese and a Bengali.

The decision of the Legislative Council that the annual examination of the schools shall be held in December in future, so that the school and the calendar years will coincide, will be put into force from 1940, an arrangement which will involve us in a loss of about four thousand rupees.

Government have also removed a grievance of pupils in hostels by deciding that henceforth as soon as arrangements can be made they shall pay lighting and fan charges only according to their actual consumption of current.

We have been carefully considering measures whereby the overhead charges in the Medical and Public Health Departments can be reduced and more widespread concrete aid given to the people, at the same time providing more scope for the considerable numbers of Doctors, both M.B. and L.M.P., who are now available. It is impossible to discuss these matters in detail here because they form the subject of correspondence with other authorities, sufficing it be, for the present, to say that there will, in future, be no officers of the Indian Medical Department employed in the province, as soon as the present Assistant Director of the Pasteur Institute retires. This will result in some saving.

The scheme for subsidised dispensaries has to a large extent hung fire. We have come to the conclusion that this is due to the terms being illiberal. We consider that the scheme itself has much potentialities, if properly framed and worked, that every effort must be made to give it a fair chance, and we will, therefore, place a motion before the Assembly for the variation of the terms. At the same time experiment is being made to see if useful service cannot be obtained from private practitioners in the towns, by offering them facilities in public hospitals.

Controversy about the management of the hospital in the new municipality at Tinsukia has been set at rest by a personal visit from the Hon'ble Prime Minister and the Hon'ble Medical Minister, and it will now be possible to accept the generous donation of Babu Surujmall Jalan to rebuild the institution. It will be managed by an independent committee under the general supervision of Government.

The needs of the Berry-White Medical School are many, and they will be carefully considered in connection with the report of the Medical Education Conference. For the present Government have been exploring every avenue which may enable lady students to be regularly taken in and saved from the trouble and expense of going to Calcutta for their education: it now appears probable, however, that it will be necessary to place a somewhat expensive proposal involving no less than a quarter of a lakh some before the Assembly at a later date, to enable this to be achieved.

The scheme included in the budget for increasing accommodation in the Mental Hospital is a long-pending but very urgent one, as the health of the occupants is endangered by overcrowding. Another urgent need of the institution is a water-supply, but this has been delayed by a change of mind on the part of the municipal board, which has now decided to go out for a wholesale re-organisation.

By far the greatest need of the Public Health Department has been for some time a re-organisation which will bring the Department into effective touch with rural areas. In this sphere the general demand is for better water-supply but apart from the financial difficulty, a constant problem is the indifference and neglect of the population in regard to maintenance

of their supplies and resort to contaminated water for bathing, washing, etc., unless there is a well or tank very close at hand. The Director of Public Health is working out proposals for re-organisation and expansion of the department's work, but, meanwhile, the Minister-in-charge is considering whether the best way in which to spread knowledge of Public Health matters and arouse interest would not be to introduce concentrated effort in comparatively small areas which will serve as a model, as has been done in Madras and some other provinces.

The last year has been a bad one in public health. There were in the autumn epidemic over 6,000 deaths, which indicates that this is one of the peak years that are known to recur periodically in India, but serves to call attention to the importance of sanitary habits and good water. Another serious matter is that *Kala azar* appears definitely to be increasing again. Fortunately, Assam is not alone in this problem, and the Central Government propose to carry out a full investigation of the disease, including the means of prevention, in which we have undertaken to give our cooperation as we think that for our province the means of prevention is the important aspect. The extra cost of dealing with these epidemics over the budget was nearly a lakh, for which a supplementary demand will be presented.

In regard to malaria Government have taken measures with the object of reducing the expenditure of the Assam Medical Research Society on superior staff and so enabling its work to be extended in scope.

We have a series of agricultural measures under our consideration to enable the cultivators, who form the bulk of our population, to get a better return for the labour out of the land and a better price for the produce of the soil. These will necessarily, among other things, include facilities for marketing their produce and storing of seeds. While this and many other such measures are within our contemplation and which for the shortness of time we could not transform into comprehensive schemes and proposals, we wish to start with this question of improvement of agriculturist's holdings. We realise that to tackle it properly would require a complete survey and perhaps the establishment of an irrigation department. But the recent and previous floods with consequent drain on provincial finance, in addition to the miseries caused to the flood-stricken people, have clearly demonstrated the necessity of taking up the scheme and work in right earnest for saving the people from such frequent catastrophes. The ultimate cost of this project is likely to be huge but we shall ungrudgingly make provision for it realising fully that the gain to the cultivators will be much more than the entire outlay on the scheme. While provision for this purpose must wait the preparation of a comprehensive and well-planned scheme, we propose to take up this work on a small scale and provide for construction of *dongs* and bunds in selected areas. A sum of Rs.15,000 has been provided for this purpose in the budget and it is proposed to increase the provision later by an additional grant of Rs.35,000 making a total of half a lakh. We propose to begin this work from next April. A provision of Rs.25,000 has also been made in the next year's budget for the model village scheme. Necessary provision has been made for the continuance of the small agricultural training farms at Kokilamukh near Jorhat and also for the agricultural training of two more batches of middle class unemployed educated youths at Sylhet and Jorhat farms. The schemes for agricultural colonies and agricultural school are now under our detailed examination and it is hoped to give a start to these schemes as early as possible. Additional provisions have been

made for one lac demonstrator for Mikir Hills, and two agricultural demonstrators and one fieldman for the Mycological section. The scheme for marketing of Assam pine-apples and oranges at Calcutta will be continued next financial year at a cost of Rs. 4,650.

It has already been recognised from all quarters that the Veterinary Department requires considerable strengthening to enable it to perform its essential duties. But we could not till now arrive at a decision on the question of reorganisation of this Department for dearth of qualified Assamese Veterinary graduates. Provision has, therefore, been made for an increased number of stipends, viz., 5, for the next year. A supplementary demand is, however, being placed before the Legislature for entertainment of 43 Veterinary Field Assistants from March to supplement the work of the Veterinary Assistant Surgeons. This will to some extent add to the efficiency of the Department.

A grant of Rs. 1,000 to the Hailakandi Local Board for revival of the post of the second Veterinary Assistant Surgeon has been provided. Provisions have also been made for a separate dispensary building with a shed for treating animals at Tura and also for another Veterinary Assistant Surgeon for the Garo Hills district.

The Government submitted a scheme in 1933 to the Indian Council of Agricultural Research for research into cattle nutrition in Assam at a total cost of Rs. 72,888 spread over five years with a request to contribute Rs. 69,788. The Indian Council of Agricultural Research have proposed to do so provided the term was reduced to three years and the cost to Rs. 60,040, which means that Rs. 12,800 has to be contributed by us. We have committed ourselves to this expenditure.

The progress hitherto made by the Sericultural Department has not been as rapid as we all desire, but surely silk culture is definitely getting to be more popular. We, therefore, consider it our duty to encourage and further it as best as we can. An improvement in the output of silk, both *endi* and *muga*, would mean more extensive cultivation of the plants and trees on which the silk worm thrives, the adoption of proper methods for rearing the cocoons, the introduction of better spinning machines and a sufficient number of looms for weaving. It is our desire to request the Board of Development of Industries to go into this question in detail so that we may adopt a scheme to improve the silk industry in this province.

Another matter about which we are anxious is to find a supplementary source of income for our village people in the shape of some craft or other. It has come to our knowledge that the All-India Spinners' Association are doing very useful work in that direction. It has been found that even by ordinary spinning in cotton a villager can earn on an average from 3 pice to an anna per hour. And if to this is added *khaddar* weaving, a fair amount of earning up to a maximum of 8 annas per day can be secured to the workers. The all-India Spinners' Association is also making the amount of this produce easier. It would appear that work like this in the marketing areas and in places like the Garo and the Mikir Hills may be very beneficial to the people. We are therefore very seriously considering that these industries among the villagers should be given all possible help.

In order to protect the hand-loom industry in the province, we are contemplating to introduce a Bill for the licensing of mill-cloth shops on the lines of a similar Act which has been passed in Madras. We are also providing for imposition of duties on the retail sale of silk and silk yarn imported into this province.

The two technical schools in the two valleys are doing a fairly good and useful work in training students in the various crafts that are taught there. But the general complaint is that these technically trained boys do not find jobs for their maintenance. In this matter the Tea Gardens and the Railway and Oil Companies can very well help us in absorbing them. We seek their help and co-operation in this matter.

As regards big industries, we have an idea of making a proper survey of the possibilities of such industries through an expert. We are also keeping ourselves in touch with the National Planning Committee and the Government of India Committee on the subject with a view to derive such help from them as may be available. The question of what big industries this province can take up and under what conditions will be a matter for our future consideration.

It is a fact that we have not been able to put forward any new scheme for improvement of co-operation in the province. The field of co-operation, if properly worked, is so vast that we have thought that any scrappy or half-hearted action is undesirable before the whole field of co-operative activity has been properly surveyed. We feel that these activities should extend among the agriculturists and the horticulturists, not only for securing cash credit, but also in the field of the disposal of their produce. Activities of this nature have not till now been adopted by us. We have every desire to launch on a scheme of scientific co-operation as early as possible.

The question of the release of the political prisoners who were still confined in the Jails of Assam, when the present Ministry assumed office, engaged our close attention. All such persons were, after careful consideration of each individual case, released on the 13th December, 1938. We may safely assert that at present there is no political prisoner in Jail in the province. We are now considering a scheme to start an agricultural colony so as to give these unfortunate persons the necessary facilities to settle down in life and carry out their promises of good behaviour.

There is also a proposal to release the old, infirm and juvenile prisoners before the expiry of their terms of imprisonment. Each case the Government propose to consider on its own merit and on these lines action is already being taken for release of such prisoners of the Sylhet Jail. We are also considering a scheme of releasing a number of prisoners on probation under the Good Conduct Prisoners Probationary Release Act (II of 1938) and employ them on Government Farms or settle them on Government lands. The scheme is being examined and a start will be made on a small scale as an experiment.

Moreover, a comprehensive scheme of jail reforms is under our consideration in order to make the prisoner's life less distressing as well as useful for himself. The scheme includes the introduction of outdoor games and of wireless sets in the bigger jails, the issue and the acceptance from outside of special diet on festive occasions, the provision for light labour for prisoners on fast during fasting days and for females during particular periods. It is proposed to treat Star class prisoners as B Division prisoners except in matter of diet and bedding and for work done in excess of a given standard all prisoners will be entitled to monetary award at a prescribed rate. Star class prisoners and convict overseers will get more facilities than at present and female prisoners more consideration from the Jail authorities.

Comprehensive amendments of the Municipal and the Local Self-Government Acts are in the course of preparation and will be published in the Gazette as soon as the drafting is complete. The principal problem we are

confronted with is to find means to make the local bodies, which are, for a variety of reasons, in great straits, more independent and able to carry out their highly important functions in nation building by providing them with new sources of income. Pending the amendment of the Acts, we are doing all we can to make the machine of local self-government more efficient and awaken enlightened feeling. The Sylhet Municipal Board was recently superseded, thus ending a long-standing public scandal. It was indeed a matter of great consideration for us as to whether the drastic step of superseding a self-governing body of one of the most advanced places of the province should be adopted or not. We need hardly say that we considered an alternative for placing the management of the Board on a sound basis but the very extraordinary circumstances unhappy in all conscience forced us to the decision that nothing but a supersession offered the best solution. The Habiganj Municipal Board, however, the finances now having been stabilised and the town put in a decent condition, will be restored to its powers as soon as arrangements can be completed.

Rural development is provided for by means of the Central Government's grants. The expenditure from these has admittedly been unduly slow, and comprehensive plans for the development of self-governing agencies in the rural areas are thereby impeded. We have come to the conclusion that the main obstacle to rapid work is the insistence on public contributions, which in the case of water-supply by means of ring wells and tube wells, is extremely difficult to arrange, as the people most in need are unable to provide hard cash. The Central Government have, therefore, now been moved to relax this condition.

Important concessions have been made to the Forest villagers and the people living in the areas. The number of days free labour to be rendered by the forest villagers have been reduced from 10 to 5 without any corresponding reduction in the quantity of forest produce removed free of royalty under the rules. The change will involve us in a loss of a quarter of a lakh which amount has been provided in the budget for the cost of labour charges for work necessary for the maintenance of the forest reserve. The villagers in the flood-affected areas in the forest reserve districts were allowed free grant of reserve trees from unclassified State forests for construction of dug-outs. The Miris of the Lakhimpur district were during the last floods allowed to sell firewood free of royalty. They were also allowed to cut reserved timber free of royalty for building their houses.

Besides these valuable concessions, we have under consideration, an important scheme for providing the people living in the low-lying areas of the Assam Valley with dug-outs for removal of people and cattle to places of safety during high floods.

Our problem, therefore, for the next year is to bridge a gap of Trs.17,39, being the excess of revenue expenditure over revenue receipts, Trs.2,35, being the total amount for provisions made by me in addition to those provided in the budget and for providing funds for such schemes as will be got up during the course of the year in order to enable us to implement our objective of bringing about a complete renovation in the social and economic life of the people. While the recommendations of the Retrenchment Committee are being examined by us in detail, which I may inform the hon. members, will be accepted by Government as far as they are found practicable and workable, we have decided to make a reduction

in the rates of daily and travelling allowances. Orders in this connection, which have already been passed by me, will bring us a saving in the vicinity of one and a half lakhs. My decision to abolish the post of one of the Superintending Engineers, provision for which has been made in the budget, will give us some saving as also the acceptance of such other proposals of the Retrenchment Committee which on examination are found practicable and workable. Moreover, we have, since the budget figures were prepared, received in the current year two sums of Rs 35,000 and Rs 50,000 from the Assam-Bengal Cement Company and Associated Cement Company towards advances of the protection fee and *salami* respectively for the leases given to these companies for the manufacture of cement in the Kham and Garo Hills. The result of all these transactions means that the estimated deficit in the revenue budget will be in the vicinity of 20 lakhs. We could have met it from the loan which we propose to take but we think that we would not be justified in doing so without exhausting all reasonable possibilities of covering it otherwise. Moreover, by doing so we shall be departing from the purpose of the loan which we propose to take for paying the outstanding dues, taking up beneficial schemes involving capital expenditure and for giving loans to local bodies to improve their water-supply.

We, therefore, propose to bring in five taxation measures immediately. The important amongst them are the levy of a tax on agricultural income and upon petrol and lubricant oil. The others are the levy of tax on amusement and betting, foreign liquor and other articles of luxuries described in the Finance Bill. Bills for introducing these measures have been notified in the Gazette and copies of which, it is presumed, are in possession of the hon. members. Moreover, most of these measures have been before the public for some time. All of them will soon come before the House for acceptance. The levy of a tax on agricultural produce is estimated to bring a revenue of about Rs.25 lakhs. We feel that, as major portion of this tax will fall on the Tea Industry, it will be reasonable to spend a portion of the amount from this source on the labour population of the tea gardens who require consideration, if not for anything else at least for being the chief factor in the production of tea. Moreover, no scheme of rural development can, however, be complete unless considerable extension and improvement are made in the communications and villages linked together with the main centre. The spread of education, the progress of trade and commerce, industrialisation, all of them depend to a large extent on facilities of communication. For all this a net work of roads is necessary. We propose, therefore, to give consideration to the provision for improvement of rural roads out of this income. The tax at the rate of 2 annas per gallon on petrol and three annas on lubricant oil is estimated to bring an income of about four lakhs a year. Another measure for which the assent of the House is being sought is the levy of a tax of low incidence on the sale of goods generally, excluding those as for instance petrol in respect of which special taxes are provided elsewhere. From the revenue point of view, a turn-over tax has immense possibility. This is clear both from the nature of tax and from the experience of other countries. It is impossible at this stage to work out with any pretension to accuracy the possible yield from such a tax in this province. But it is evident from the revenue realised in other countries that if a new source is required to yield such considerable additional revenue as is contemplated in our programme, then a sales or turn-over tax is a valuable possibility which must be fully explored. We are however, on experimental basis, proposing to levy this tax on a few goods which, as also the rates at which we propose to

levy tax, have been enunciated in the Finance Bill which will also come before the House for assent. Another proposal is the levy of a small Provincial tax on entertainment and betting. The revenue will be received chiefly from the cinemas, on entrance money to race courses and from the betting on race courses. The total revenue estimated to accrue from this source will be about 1½ lakhs. The fifth proposal is the levy of a small provincial duty on foreign wines, liquors, spirit, etc. It is difficult to estimate at this stage what will be the total receipt from this source of taxation but it may be safely assumed that revenue realised from this source as also from the turn-over tax on other goods will not be less than 1½ lakhs. If, therefore, the Legislature will pass these measures at an early date and we are assisted by all sections of people in tapping the sources of the province, we hope to have in 1939-40 not only sufficient revenue to cover the deficit which has been shown above but also something spare for supplementary grants for the purpose of pushing our schemes of improvement either actually formulated or in the course of preparation. The hon. members will have realised that the net result of all these transactions for the future year is that we may expect a revenue surplus of about 12 lakhs at the close of the year. The suggestions which the hon. members decide to give will be taken into consideration by us together with our schemes in disposing of this surplus.

Taxation is never popular. Whatever the form, I can expect criticism from some quarter or other. But I have this satisfaction that the taxes, I have proposed are neither harsh nor such as the incidence of which will fall on the poor. They have, on the other hand, been resorted to with a view to carry out our programme of prohibition and projects for additional expenditure for national development and reconstruction. The tax on petrol and agricultural income will fall on those who are comparatively well off. The incidence of the general sales tax on goods and foreign liquor and the amusement and the betting tax will be just and on such people who should not grudge to pay. The policy of the Government in getting rid of the drink and opium revenue, will increase the spending power of the masses which will mean the corresponding benefit to the agriculturists and trading classes as the masses with more money to spare will spend for the purchase of goods. Judged from all points of view spare will spend for consideration for the well being of the people, I hope our measures will be given the support, they deserve, by all classes. The proposals in the budget, which I have the honour to commend to this House, will I hope prove of real service to the province.

I shall be failing in my duty if, before conclusion, I do not express my gratitude to all those who have helped me in the framing of the budget and drafting of the Finance Bills. I am particularly thankful to Mr. Patton (who had to go on leave for private reason earlier than expected), Mr. Desai, Mr. Blank, Mr. A. C. Datta, Mr. Jones, Mr. Dennehy, Head Assistant of the Finance Department and his Assistants all of whom had to do considerable additional work at great pressure. My thanks are also due to Khan Bahadur Md. Chaudhuri, Mr. Gohain, Mr. Chari, Superintendent of the Government Press, and his staff for their hard work.

Sir, I beg to present to the House the budget estimates for the year 1939-40.

Statement by the Hon'ble Speaker *re* general discussion of the Budget and voting on demands for grants

The Hon'ble the SPEAKER : Before we disperse to-day, I wish to draw the attention of the hon. members to certain matters with regard to which I require their co-operation. The hon. members have learnt from His Excellency the Governor's Message the dates which have been allotted for the general discussion of the Budget and also the dates fixed for the voting on demands for grants. Now it is for this House to fix specific dates and specific hours for discussion of particular demands which will be coming up before the House. Now in order to facilitate matters and to expedite work I have already drawn up a draft time-table on the lines of last year's table and, suggest that, as was done last time, the Leaders of the various parties may meet at a conference in my room to-morrow at 1-30 p.m. I think that will suit the convenience of the hon. members to discuss the time-table prepared by me and to come to a definite understanding in the matter. I should also point out here that although the sitting hours of the Assembly, under ordinary circumstances, have been reduced, under Chamber's rules 3(1), by one hour, the House shall have to sit up to 5 p.m. on all the days on which the voting on the Demands for Grants, both original and supplementary, will be done, until the Governor's Rules 15(3), 15(4) and 17(3) are modified by His Excellency and the sitting hours restricted to 4 p.m. The inconsistency has already been pointed out and suggestions made to the proper quarters to bring the Governor's Rules on this point into line with the Chamber's Rules. I understand the Governor's Rules to be framed under the proviso to section 84(1) are still under consideration.

I should also draw the attention of hon. members to the time limit imposed by rule 100 for giving notices of motions to refuse or reduce any demand for grant. It must be borne in mind that sufficient time must be given to the Secretary to examine the cut motions and to prepare, print and circulate the lists in good time to the members. There will of course be no time for the motions to go through any process of admission. The question whether any motion is in order or not will be left to be decided on the floor of the House on any objection raised in that behalf.

With reference to the statement which has been made by the hon. Leader of the House regarding the course of Government business, the hon. members must have noticed that he has said that the Commissioners' Powers Distribution Bill, 1939 will be first introduced in the Upper House and the likely date on which the Bill may be disposed of by the Upper House has been fixed to be 13th of March and in that case he has said that the Bill will be laid on the table of the House after the Bill is passed by that Chamber and that he would move a motion for taking the Bill into consideration on the 23rd March next which as the hon. members know has been fixed for voting on certain demands. Consequently the hon. members would perceive that the Hon'ble Premier has made a request to me to give my consent to take that Bill up on that day and having that request in my view I wish to prepare a time-table for that day allotting some time for that Bill to be taken into consideration on that day, I think at last an hour should be given for that purpose. I hope hon. members will have no objection to that. This Bill is a very important one. Hon. members know that from 1st April the Commissioner, Surma Valley and Hill Division will be out of office and unless this Bill be passed during this Session before 1st April there will be a great dislocation of administrative business. Having regard to the reason-

ableness of the request made by the Hon'ble Premier I am sure the hon. members of the House will agree to my acceding to the Hon'ble Premier's request and allow at least an hour for the Bill although the entire day has been allotted by His Excellency for the voting on demands for grants.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : With regard to the time 1-30 p.m. to-morrow it being a Friday, it will not be convenient for me and certain other group leaders of my party to come at 1-30 p.m. Could it not be made 1-45 p.m. ?

The Hon'ble the SPEAKER : Very well, I have no objection.

It will however be greatly convenient to me if the Leaders of the different parties supply the names of members who want to take part in the general discussion of the Budget so that I may fix a time limit for each speech taking into consideration the number of members willing to take part in the discussion.

Condolence on the death of Kamal Ataturk

The Hon'ble the SPEAKER : I have got a communication from the Consul for Afghanistan, in charge Turkish Affairs in response to the message of condolence sent on the death of Kamal Ataturk. His letter reads to this effect :—

“ The Secretary, Legislative Assembly, Assam.

Sir,

I have the honour to acknowledge receipt of your letter No. 17186-L.A./A.S.-12-L.A./38, dated the 7th December, 1939 and request you to kindly convey the Hon'ble the Speaker, the Hon'ble Leader and to the whole House, sincere expression of thankfulness of the Turkish Republic for the sympathy and condolences that they have expressed on the loss the Turkey has sustained by the death of Kamal Ataturk, the late President of the Turkish Republic.”

The Hon'ble the SPEAKER : We had got many items of business to-day but as it is the desire of the hon. members to adjourn the business a mark of respect to late Lord Brabourne and late Sir Laurie Hammond, I adjourn the House till 2 p.m. to-morrow.

Adjournment.

The Assembly was then adjourned till 2 p.m. on Friday, the 10th March, 1939.

*Shillong,
The 27th March, 1939.*

A. K. BARUA,
Secretary, Legislative Assembly, Assam.