

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a. m.,
on Tuesday the 21st March, 1939

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Purchase of allopathic medicines for Government dispensaries

Mr. ARUN KUMAR CHANDA asked :

*136. Will Government be pleased to state—

- (a) The amount of money spent annually in purchasing allopathic medicines used in Government dispensaries of Assam ?
(b) The amount spent in purchasing such medicines as are manufactured in India ?

The Hon'ble Srijut RAMNATH DAS replied :

136. (a)—The expenditure of Government institutions under the head "Medicines", according to the report for 1937, was Rs.36,036.

(b)—Government regret that they cannot say at present, since all such stores are obtained from the Calcutta Medical Store Depôt which, it is understood, sells a proportion of medicine manufactured in India. But information has been called for.

Mr. ARUN KUMAR CHANDA : Are Government aware that medicines necessary for our dispensaries are now manufactured in India?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir, Government are aware of that.

Mr. ARUN KUMAR CHANDA : Will Government be pleased to issue instructions to the depôt concerned to purchase medicine manufactured in India?

The Hon'ble Srijut RAMNATH DAS : Sir, Government will consider about it in due time.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : Are Government aware of the fact that allopathic medicines are not popular among larger section of the people of the province ?

The Hon'ble the SPEAKER : Does this question arise?

Maulavi ABDUR RAHMAN : May I know from the Hon'ble Minister that if medicines manufactured in India are purchased, whether there will be any difference of actual cost ?

The Hon'ble Srijut RAMNATH DAS : Sir, I have no knowledge of that.

Maulavi MUHAMMAD AMJAD ALI: Will the hon. questioner please give us an idea of the firms that are manufacturing allopathic medicines in India?

The Hon'ble the SPEAKER: The question is put to the hon. questioner.

Mr. ARUN KUMAR CHANDA: Will the hon. member please repeat the question?

Maulavi MUHAMMAD AMJAD ALI: Will the hon. member please give us an idea of the firms that manufacture allopathic medicines in India?

Mr. ARUN KUMAR CHANDA: I deal in Law and not in medicines but have seen and used allopathic medicines manufactured in India.

Maulavi MUHAMMAD AMJAD ALI: Will he be pleased to tell us the name of the firms that manufacture medicines in India? I want to know whether he has got any idea of that.

Mr. ARUN KUMAR CHANDA: There are many, such as Bengal Chemical, Ladco, Stadco and a hundred and one other companies. (*Laughter*).

Jute Conference in Calcutta

Maulavi GHYASUDDIN AHMED asked :

*137. Will Government be pleased to state the result of the Jute Conference which the Hon'ble Prime Minister recently attended in Calcutta in so far as the interest of this province is concerned?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

137.—The Jute Conference was invited by Bengal Government with a view to consider the desirability of adopting legislation for restricting the production of jute and to consult the Government of Assam and Government of Bihar for co-operation. But as Government of Bengal considered the question of such legislation premature, nothing was decided. Such legislation might have affected the interests of the jute growers of our province.

Maulavi ABDUR RAHMAN: May I know, Sir, whether there was any formal invitation to our Hon'ble Premier from the Government of Bengal?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, they invited not only me but the Hon'ble Minister of Agriculture also.

Maulavi ABDUR RAHMAN: May we know, Sir, why the Hon'ble Minister in-charge of Agriculture did not attend the conference?

The Hon'ble Srijut GOPINATH BARDOLOI: He did not attend the conference on grounds of economy. It was decided that one of us should go.

Maulavi ABDUR RAHMAN: May I know who presided over the conference?

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Shamshuddin Ahmed presided over the conference.

Maulavi ABDUR RAHMAN: May I know, Sir, whether Mr. Shamshuddin Ahmed is the Minister of Agriculture in Bengal?

The Hon'ble Srijut GOPINATH BARDOLOI: He was formerly a Minister but no longer so.

Maulavi GHYASUDDIN AHMED : May I know from the Hon'ble Prime Minister what discussion was held in that conference regarding jute and whether he has got any notes of that discussion ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes Sir, my Personal Assistant who accompanied me to Calcutta had taken notes of the proceedings.

Maulavi MUHAMMAD AMJAD ALI : Will the Hon'ble Minister in-charge of Agriculture be able to tell us what is the total output of jute in Assam ?

The Hon'ble Babu AKSHAY KUMAR DAS : I cannot say that off hand.

Maulavi ABDUR RAHMAN : May I know from the Hon'ble Prime Minister what particular point he raised there ?

The Hon'ble Srijut GOPINATH BARDOLOI : I said that the interest of Assam was not exactly the same as the interest of Bengal particularly in view of the fact that we have got new areas which have been opened particularly by the immigrants, and in those new areas we do not like to restrict jute growing, we rather want to extend its cultivation and therefore the interest of Bengal and Assam in this matter cannot be same. I pointed out this fact before the Committee.

Maulavi ABDUR RAHMAN : Are we to understand that the Bengal Government postponed it because of the dissention that was made by our Hon'ble Prime Minister ?

The Hon'ble Srijut GOPINATH BARDOLOI : No, Sir, though it is not desirable for us to put before the House, still when the question is there I like to say that I was really a bit surprised when I found that there was no agenda for the conference ; and that only some stray questions were discussed. The Hon'ble Minister from Bihar brought with him a big scheme for controlling the whole subject of jute growing, jute manufacturing, marketing and price control. Of course, in the discussion we could not come anything near it ; but only the question regarding the necessity of restrictive legislation was raised. There was difference of opinion even among many members of the Government of Bengal as to whether there should be restrictive legislation and after some discussion this matter was dropped as being too premature.

Maulavi GHYASUDDIN AHMED : May I know from the Hon'ble Prime Minister what suggestion he placed before the Committee ?

The Hon'ble Srijut GOPINATH BARDOLOI : I pointed out that, if the interests of the peasants of Bengal require a restrictive legislation, we can have this legislation subject to certain reservation for Assam in view of the fact that we require extension of jute cultivation ; because we have the information from the immigrant population who have come and settled in this province, that whenever any new areas had to be opened the first crop that was to be grown was jute. We could not see exactly eye to eye with the Government of Bengal in respect of restriction, but we are agreeable to the scheme if certain reservation can be made for this province.

Maulavi MUHAMMAD AMJAD ALI : Is the Hon'ble Prime Minister aware that Assam is finding difficulty for marketing the jute crop ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, Sir, we know that, but at the same time we have to see that we are bound to grow jute and we cannot agree to the restrictive legislation in the manner that is proposed by the Government of Bengal.

Maulavi MUHAMMAD AMJAD ALI : Was that question mooted out or considered in that conference ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, that point was raised.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: May I know from the Hon'ble Premier whether he had any scheme before him?

The Hon'ble Srijut GOPINATH BARDOLOI: That was the scheme that we had to put before the conference.

The Hon'ble the SPEAKER: May I know from the hon. members what they are driving at? What is the point in all these questions?

Maulavi ASHRAFUDDIN MD. CHAUDHURY: We want to know, when our Premier travelled so far, whether he had any scheme with him.

The Hon'ble the SPEAKER: The Hon'ble Premier has already said what scheme he did put before the Committee. After that, these questions are unnecessary.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: May I know whether there was any discussion regarding securing a good price of jute to our cultivators?

The Hon'ble Srijut GOPINATH BARDOLOI: The main purpose of restriction was securing of good price.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: Was any solution arrived at?

The Hon'ble Srijut GOPINATH BARDOLOI: As I said, it was considered that the question of legislation was premature, and that we should go on as before with propaganda for voluntary restriction.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Premier aware that Assam jute, as it is, is not fetching good price, and that it is taken all the way to Bengal and passed as Sarishabari jute? Was any solution arrived at regarding that?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, these questions did not relate to the subject matter of the discussions. The whole point was whether the production of jute should be restricted or not.

Mr. F. W. HOCKENHULL: Was the Hon'ble Premier left with any impression as to the likelihood of Bengal legislating without the co-operation of Assam?

The Hon'ble Srijut GOPINATH BARDOLOI: Of course, as the Finance Minister of Bengal said, co-operation of Assam would be required.

Mr. F. W. HOCKENHULL: As a *sine qua non*?

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

(Maulavi Ghyasuddin Ahmed did not put his starred question No.138*.)

Proposal for filling up certain percentage of Government posts according to merit

Mr. BAIDYANATH MOOKERJEE asked:

*139. (a) Will Government be pleased to state whether they propose to reserve certain percentage of Government posts to be filled up according to merit?

(b) If so, from when and what percentage?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

139. (a) and (b)—Government have not any proposal before them at present, but the matter will receive the careful consideration of Government.

*Question No.138. Is it a fact that the Hon'ble Prime Minister stayed with Mr. Prabhudayal Himatsingka, during his recent visit to Calcutta in connection with the Jute Conference?

Mr. BAIDYANATH MOOKERJEE: May I enquire from the Hon'ble Premier whether he thinks it necessary from his experience that certain percentage of posts should be reserved for merit only?

Khan Bahadur Maulavi KERAMAT ALI: That is a matter of opinion, Sir.

Mr. BAIDYANATH MOOKERJEE: The Hon'ble Premier did not give any reply to my question, Sir. I did not want the reply from the hon. Khan Bahadur.

Khan Bahadur Maulavi KERAMAT ALI: Any member is entitled to rise on a point of order.

The Hon'ble the SPEAKER: Yes. The hon. member may modify his question.

Mr. BAIDYANATH MOOKERJEE: Do Government consider from their experience that a certain percentage of posts should be reserved for merit alone?

The Hon'ble Srijut GOPINATH BARDOLOI: It all depends on the nature of services in question.

Mr. BAIDYANATH MOOKERJEE: So far as the Education and Medical Departments are concerned?

The Hon'ble Srijut GOPINATH BARDOLOI: We have not as yet discussed the matter in detail, but it seems to me that in services, where expert knowledge is necessary, at least a certain percentage should be filled up by competition alone. Of course, that is my personal opinion. Government have not as yet considered this question in detail, as I said before.

Khan Bahadur Maulavi KERAMAT ALI: Will people from outside the Province come in the competition?

The Hon'ble Srijut GOPINATH BARDOLOI: I should think that in those cases where expert knowledge is necessary, we should not hesitate to get people even from outside the province.

Maulavi MUHAMMAD AMJAD ALI: Does this principle apply to professorships and lecturerships where expert knowledge is necessary?

The Hon'ble Srijut GOPINATH BARDOLOI: The question of professorship is absolutely different from that of lecturership. We consider lecturerships are posts which in all cases may not require any expert knowledge of a high standard. But in case of professorship, we definitely feel that best men should be recruited.

Srijut ROHINI KUMAR CHAUDHURI: Even from outside the province?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, provided expert knowledge is necessary. That is my personal opinion, as I said. Government have not come to any decision.

Mr. ARUN KUMAR CHANDA: Do Government appreciate that efficiency and merit are inter-related, and that efficiency suffers if merit is made subservient to other considerations?

The Hon'ble Srijut GOPINATH BARDOLOI: I personally agree, but I cannot say what Government would think.

Maulavi JAHANUDDIN AHMED: Are not lecturers promoted as professors according to seniority?

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

Mr. BAIDYANATH MOOKERJEE: May we have an idea when this point will be considered by Government?

The Hon'ble Srijut GOPINATH BARDOLOI: As early as convenient for Government.

Srijut ROHINI KUMAR CHAUDHURI: Do Government complain that they do not get persons of suitable merit in this province to fill up provincial posts ?

The Hon'ble Srijut GOPINATH BARDOLOI: There has been some complaint from some Departments.

Srijut ROHINI KUMAR CHAUDHURI: To fill up provincial posts ?

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

Srijut ROHINI KUMAR CHAUDHURI: Persons of suitable merit are not available ?

The Hon'ble Srijut GOPINATH BARDOLOI: That is not always so.

Srijut ROHINI KUMAR CHAUDHURI: Is there any difficulty in limiting the recruitment to provincial services within the province ?

The Hon'ble Srijut GOPINATH BARDOLOI: That is the principle followed as far as possible. As I said, in cases where expert knowledge is required, it may be necessary to recruit men from outside the province.

Srijut ROHINI KUMAR CHAUDHURI: Will the Hon'ble Premier please illustrate the provincial services in which expert knowledge may be required, so as to necessitate recruitment from outside the province ?

The Hon'ble Srijut GOPINATH BARDOLOI: For example, if we want to have a survey of the possibilities of industrial development of this Province, it is quite possible that we may have to obtain an expert from outside the province. Then again, if we want to examine the river conditions and the causes of frequent floods we may have to get expert knowledge from people outside the province, and so on. As I said, this matter has not been considered by Government in detail so that I may be able to say anything definitely.

Maulavi ABDUR RAHMAN: In view of the main question, may I know whether appointments are given only to candidates who are found to be meritorious and deserving ?

The Hon'ble Srijut GOPINATH BARDOLOI: At present we are not putting the best merit in our services.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is it not a fact that the standard of education is deteriorating owing to the fact that merit has not been the prime consideration ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is a matter of opinion. We cannot say what would have happened otherwise.

Tour of the Hon'ble Minister of Industries to the Karimganj Subdivision

Maulavi MABARAK ALI asked :

*140. Will Government be pleased to state—

- (a) The purpose and the duration of the last tour of the Hon'ble Minister of Industries to the Karimganj subdivision ?
- (b) The amount drawn by him as travelling and halting allowances in this tour ?
- (c) The benefit, if any, the public has derived from his tour ?
- (d) Why the duration of the said tour was prolonged and the previous programme as published in the Gazette altered ?
- (e) Whether he made such a prolonged tour in any other part of the province ?

- (f) Whether he tried by this prolonged tour to mitigate the public opinion mobilised against him for his acceptance of office as a Minister ?
- (g) If so, with what amount of success ?
- (h) Whether black flag demonstration greeted him wherever he went within the subdivision ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

140. (a)—For purposes of general inspection, to study the local conditions under which cottage industries and co-operative societies were being run and to discuss ways and means of improving them, etc. The duration of the tour was from the 19th December 1938 to 31st December 1938.

(b) Rupees 224-13-0.

(c)—The usual benefit which is expected to follow from an acquaintance with local conditions.

(d)—The people of various places demanded a visit to their localities to see the condition of Industrial growth and development there and to advise them for their improvement, etc.

(e)—No.

(f)—No.

(g)—Does not arise.

(h)—In some places. A few boys including the son of the hon. questioner were seen with umbrella cloth at the top of some sticks or small pieces of bamboo.

Maulavi MABARAK ALI: May I know from the Hon'ble Minister whether the condition of the people of Karimganj was so long unknown to him ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: So far as matters are to be considered now, it was unknown.

Maulavi MABARAK ALI: Was he not a member of the Council for 12 or 13 years ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: But not in charge of industries.

Srijut ROHINI KUMAR CHAUDHURI: As a representative of the Council and as a member of the Assembly did he not study local conditions so far as industries were concerned ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I think the hon. member knows that the duty of a Minister is much more responsible than that of a member of the Council or Assembly.

Srijut ROHINI KUMAR CHAUDHURI: I want a direct answer, Sir.

The Hon'ble the SPEAKER: Will the Hon'ble Minister give a direct answer ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Now that I have this responsibilities of a Minister, I must know things accordingly.

Maulavi ABDUR RAHMAN: May I know from the Hon'ble Minister how many nights he passed in his own home ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Not a single night, Sir. I could not make time at all.

Maulavi MABARAK ALI: May I know what tangible work he did there ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: If the hon. member comes to this side he will understand what tangible work was done.

The Hon'ble the SPEAKER: I think, these are questions in the nature of cross examination. The point that has been made out is that whenever a member becomes a Minister the necessity of travelling in his constituency is dispensed with.

Maulavi MABARAK ALI: May I know, when he spent so much time there, what benefit the people of the locality derived from his tour?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Much, Sir, I went to Cachar, Maulvi Bazar and to Sylhet Sadr, and not to Karimganj alone. In Karimganj I was stopping from the 19th to the 31st December only.

Babu HIRENDRA CHANDRA CHAKRAVARTI: May I know whether after his tour he submitted any report to the Government for any industrial scheme in the Karimganj Subdivision?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Yes, Sir, innumerable.

The Hon'ble the SPEAKER: I think the Hon'ble Minister means innumerable schemes?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Yes, Sir; schemes of many industries.

Maulavi MUHAMMAD AMJAD ALI: The Hon'ble Minister says he paid a visit only to study local conditions and to devise ways and means for improving the industries. What advice did he render?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I advised that they should organise industrial committees in the subdivision and should form co-operative weaving societies and industrial societies and then to take Government loans when and where required, and that they should improve their existing industries and take to new industries.

Maulavi MUHAMMAD AMJAD ALI: The Hon'ble Minister says that he has advised some weavers. May I know for what other industries did he advise?

The Hon'ble the SPEAKER: I must remind hon. members that cross-examination cannot be the object of supplementary questions.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Sir, I advised them to take to paper making, glass manufacture, umbrella making, Sital pati industry and some other things.

Maulavi MABARAK ALI: May I know whether the public or he himself was benefited from this tour?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: The tour was for public good.

Maulavi MABARAK ALI: The Hon'ble Minister has not understood my question, Sir. With regard to (c) I want to know, whether the sentence refers to the Hon'ble Minister or to the public.

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: The reply given there is all right, Sir. (Laughter.)

Maulavi MABARAK ALI: What was the benefit which the public derived from this tour?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I can say this that people have derived much benefit. It is the people who can say whether they are benefited or not.

Maulavi MABARAK ALI: 140(c). The reply is "the usual benefit which is expected to follow from an acquaintance with local conditions". May I know what 'usual benefit' means?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: The hon. member may consult the people and it is they who can reply this question.

Mr. NABA KUMAR DUTTA: May I know the actual expenses incurred in that tour ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Rupees 349. **Maulavi MABARAK ALI:** Is it a fact that the people of no locality wanted him, but he thrust himself on the people ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: This opinion is embodied in the large number of addresses that they presented to me when I visited their localities ?

Maulavi MABARAK ALI: If that is so, why was he accompanied by armed soldiers, body guard and Inspector of Police ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: If I answer that question it will go against the dignity of this House and against the dignity of the hon. members.

Memberships to Local Bodies, etc. of certain Hon'ble Ministers before their taking offices as Ministers

Maulavi MABARAK ALI asked :

*141. Will Government be pleased to state—

- (a) In how many Local Bodies and Committees—Government, semi-Government and private, the Hon'ble Minister of Local Self-Government and the Hon'ble Minister of Industries were members or office-bearers before they were appointed as Ministers.
- (b) Whether they have since resigned their memberships or offices of those Bodies and Committees after their taking offices as Ministers ?
- (c) If so, when ?
- (d) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

141. (a)—Government do not propose to enquire into how many Local Bodies and Committees the Hon'ble Minister for Local Self-Government and the Hon'ble Minister of Industries were members. From information given by them it appears, however, that the Hon'ble Minister for Local Self-Government was Chairman of the Karimganj Central Co-operative Bank, Secretary of the Karimganj Pleaders' Bar Association, member of the Madan Mohan Madhab Charan Aided Girls' High School and Vice-President of the Karimganj Public High School (recognised by Government). The Hon'ble Minister of Industries was a member of the Karimganj Madrassa, of the Karimganj Government High School Committee and of the Karimganj Municipal Board.

(b) and (c)—The Hon'ble Minister for Local Self-Government has after his accession to office resigned all the offices held by him as specified in (a) of question No. 141. Similarly, the Hon'ble Minister of Industries has now resigned the offices held by him.

(d)—Does not arise.

Maulavi MABARAK ALI: When did he resign ?

The Hon'ble Srijut GOPINATH BARDOLOI: Very recently, about 18 or 20 days ago.

Maulavi MABARAK ALI: After the receipt of my question ?

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

Maulavi MABARAK ALI: That is, how many months after his appointment as Minister ?

The Hon'ble Srijut GOPINATH BARDOLOI: The hon. member knows very well.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: On a point of order, Sir. The Hon'ble Premier did not rise in his seat when replying to the question.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, I was rising.

The Hon'ble the SPEAKER: He simply made a pretence of rising.

Maulavi MABARAK ALI: The Hon'ble Minister for Local Self-Government resigned his offices as soon as he became a Minister, but the Hon'ble Minister for Industries only resigned after this question was tabled, *i. e.*, after six months or so. Is there any difference between their mentalities ?

The Hon'ble the SPEAKER: I disallow the question.

Unemployment in the Province

Srijut ROHINI KUMAR CHAUDHURI asked :

*142. (a) Will Government be pleased to state what steps have been taken for the removal of unemployment generally and particularly amongst the literate youth of the Province ?

(b) Will Government be pleased to state if any survey has been made of the extent of unemployment in the Province and if they are in a position to give the approximate number of unemployed people whether educated or otherwise ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

142. (a)—Besides continuing the small agricultural training farm at Kokilamukh and the training of another two batches of unemployed educated youths at Sylhet and Jorhat farms, as many as 43 unemployed youths are being appointed Veterinary Field Assistants from the current month. Provision has been made in next year's Budget for starting an automobile section in the Sylhet Technical School and a bell-metal work training class in the Jorhat Technical School. Government are also collecting materials regarding Cottage Industries with a view to their development and to give relief to the unemployed youths.

(b)—Government have by a resolution authorised the Federal Legislature to pass an Act to regulate the collection of statistics of employment. They have also decided to make a survey of the educated unemployed and a register is being opened in the Secretariat for that purpose.

Rev. L. GATPHOH: Are Government aware that there is a considerable number of unemployed educated youths of the Hill districts in Assam, especially in the Khasi and Jaintia Hills ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I think there are a large number of unemployed youths everywhere in Assam.

Rev. L. GATPHOH: Will Government be pleased to state why the Experimental Farm at Shillong has not been turned into an Agricultural Training Farm to solve the problem of unemployment in these Hills?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: It is not the only and sufficient means.

Provision for released political prisoners

Mr. BAIDYANATH MOOKERJEE asked :

*143. (a) Will Government be pleased to state whether they have made any provision for giving scope to the released political prisoners in Assam for earning their livelihood?

(b) If not, do Government propose to take any action in this respect?

(c) If so, what is that?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

143. (a), (b) and (c)—Government asked some of them to apply for new posts created in the Veterinary Department. Government also undertook to write to Assam-Bengal Cement Company for providing them in their service. One prisoner was recommended as a contractor under Public Works Department. Further, a scheme to start an agricultural colony for the released political prisoners, is under consideration.

Transfer of the capital of Assam from Shillong

Srijut ROHINI KUMAR CHAUDHURI asked :

*144. Do Government propose to shift the capital from Shillong?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

144.—The matter is not under the consideration of Government.

Transfer of the capital of Assam from Shillong

Babu SHIBENDRA CHANDRA BISWAS asked* :

*145. Has the attention of Government been drawn to an article under the caption "Need of a change" published in the *Amrita Bazar Patrika* (Assam Edition) in its issue of the 1st February 1939 at page 15, columns 3 and 4?

*146. Do Government propose to take steps to change the capital of the province to some other place?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

145.—Yes.

146.—The matter is not under the consideration of Government.

*QUESTION No. 145 standing in the name of Babu Shibendra Chandra Biswas was put by Babu Karuna Sindhu Roy as the questioner was absent.

Permits to ply Motor Vehicles on the Gauhati-Shillong Road

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

*147. (a) Will Government be pleased to state the names of the persons and concerns who have got permits to ply motor vehicles (a bus or a truck) in the Gauhati-Shillong Road ?

(b) Is it a fact that Government have cancelled some permits originally granted ?

(c) If so, why ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

147. (a)—A statement is laid on the table.

STATEMENT LAID ON THE TABLE IN REPLY TO STARRED QUESTION No. 147(a), ASKED BY MAULAVI MUHAMMAD MAQBUL HUSSAIN CHOUDHURY AT THE BUDGET SESSION OF THE ASSEMBLY, 1939

Statement showing the names of persons and concerns who have got permits to ply Motor Vehicles (a bus or a truck) on the Gauhati-Shillong Road

Serial No.	Name and address	Number of permits
1	The United Fruit Company, Limited, Shillong ...	1 (one).
2	Maulavi Mawla Baksh of Messrs. Golam Hyder and Sons, Shillong	1 (one).
3	Messrs. Bhojanlal Srinivas, Shillong	1 (one).
4	U A. Macdonald Kongor, Shillong	1 (one).
5	Maulavi Md. Abdullah, B.L., Howapara, Sylhet ...	1 (one).
6	Srijut Mohini Mohan Goswami, Gosainagor, Gauhati	1 (one).
7	Srijut Nabin Kumar Agarwalla, Uzanbazar, Gauhati, on behalf of Gauhati Transport Company ...	1 (one).
8	The Cachar Native Joint Stock Company, Limited, Silchar	1 (one).
9	Babu Nil Lohit Das, Laban, Shillong	1 (one).
10	The Commercial Carrying Company, Limited ...	9 (nine).

Babu Nil Lohit Das and Maulavi Md. Abdullah have subsequently surrendered their permits and they have been granted to Srijut Girish Chandra Barua and Maulavi M. Syed Ahmed of Gauhati, respectively.

(b)—Yes ; two permit-holders have since surrendered their permits.

(c)—One of them had violated the terms of the permit ; the other a practising pleader had not secured the necessary permission from the High Court.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : As regards (c) in what respect was the condition violated ?

The Hon'ble Srijut GOPINATH BARDOLOI : The lorry was not put on the road till the 17th of January ; and it was brought to our notice by his financier, somebody else, that the financier would not finance it.

Srijut ROHINI KUMAR CHAUDHURI : Was he given any notice to show cause ?

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

Mr. NABA KUMAR DUTTA : Are Government aware of the fact that some lorry permit holders have transferred their rights to Marwari firms in Shillong ?

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

Dr. MAHENDRA NATH SAIKIA : May I know on what principle the lorries were settled ?

The Hon'ble Srijut GOPINATH BARDOLOI : Practically on the same principles on which the last Government settled them, and also with a view that there should be a healthy competition between the Commercial Carrying Company and the individual permit-holders, so that the benefit, or whatever it may be, might accrue to the growers as well as the consumers of Shillong and Gauhati.

Maulavi ABDUR RAHMAN : Is it a fact that Babu Nil Lohit Das was called upon to show cause why he had transferred his permit to another ?

The Hon'ble Srijut GOPINATH BARDOLOI : No, Sir. He was called upon to show cause why he had not put his lorry on the road, and consequently his permit was cancelled.

Maulavi ABDUR RAHMAN : Was an enquiry made into the financial condition of Maulavi Abdulla ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, Sir, as far as possible. It is very difficult to gauge the financial condition of a person.

Maulavi ABDUR RAHMAN : Did not Government satisfy themselves that his financial position was good enough to run a lorry before granting the license ?

The Hon'ble Srijut GOPINATH BARDOLOI : I have already answered the question.

Mr. NABA KUMAR DUTTA : Are Government prepared to take it from me that some permit-holders have transferred their rights to Marwari firms in Shillong ?

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

Mr. NABA KUMAR DUTTA : If this is against the terms of the contract, will the Government take action in the matter ?

The Hon'ble Srijut GOPINATH BARDOLOI : Yes, Sir, if there is something done against the terms of the contract, Government will take action.

Maulavi ABDUR RAHMAN: Is not Mr. Abdulla a practising pleader?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, but he might have obtained permission from the High Court.

Dr. MAHENDRA NATH SAIKIA: May I know from the Hon'ble Premier whether in granting the licenses the interests of the different communities were taken into consideration?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, as far as practicable.

Dr. MAHENDRA NATH SAIKIA: Was any scheduled caste man given a license?

The Hon'ble Srijut GOPINATH BARDOLOI: There were two applications from the scheduled castes and a license was given to one, but for reasons stated above he had to surrender his permit and therefore we had to make another arrangement.

Dr. MAHENDRA NATH SAIKIA: May I know why the same was not given to another scheduled caste man.

The Hon'ble Srijut GOPINATH BARDOLOI: As I said, there was only one other gentleman from the scheduled castes and he is a member of the legislature. We did not think it quite desirable for Government to give any contract to him.

Dr. MAHENDRA NATH SAIKIA: Is there any bar to settle a license with a scheduled caste man who is a member of the legislature?

The Hon'ble Srijut GOPINATH BARDOLOI: All that I can say is that to us it would not look quite right for Government to enter into a contract with a member of the legislature directly.

Dr. MAHENDRA NATH SAIKIA: May I know the names of the gentlemen who submitted tenders from the scheduled castes?

The Hon'ble the SPEAKER: Names cannot be given.

Dr. MAHENDRA NATH SAIKIA: Is the other gentleman Rai Sahib Sonadhar Das Senapati?

The Hon'ble the SPEAKER: It is not dignified to mention the name. Unless it is very necessary, names should not be mentioned.

Maulavi MUHAMMAD AMJAD ALI: I think, that ruling should be relaxed a little. Because the names of the persons or concerns who have got permits appear in the list. And it is for the purpose of discussing the relative merits of different candidates on a comparative basis that we are required to mention the names of the tenderers.

The Hon'ble the SPEAKER: The Hon'ble Premier has said that Government did not think it desirable to grant a license to a member of the legislature. Why should the hon. member be so anxious to give out the name? He belongs to the scheduled caste, that is sufficient and why should his name be dragged out?

Maulavi MUHAMMAD AMJAD ALI: That is our point of view.

Maulavi JAHANUDDIN AHMED: The hon. questioner is asking for the names of the persons who have been granted the lorries and what is the harm in mentioning the names of those who have not been given the permits?

The Hon'ble the SPEAKER: The harm is that the name of a member of the legislature should not be mentioned when it can be avoided in a case like this as it detracts much from the dignity of the officer.

Maulavi Dewan MUHAMMAD AHBAB CHOUDHURY: Was it on merit that a license was granted to one Mohini Mohan Goswami?

The Hon'ble Srijut GOPINATH BARDOLOI: There was no question of merit. The whole thing is this: Government was anxious to maintain a spirit of competition between the Commercial Carrying Company and the individual permit-holders for the benefit of the public.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Is it a fact that the *International Times*—a newspaper of this town published a letter written by the Hon'ble Premier and giving a certificate to one Mohini Mohan Goswami for the good service for the maintenance of the Ministry?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not aware, Sir. All that I can say is that it is absolutely false. I never wrote a letter to Mohini Goswami.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: I can prove the letter which was published in the *International Times*.

The Hon'ble the SPEAKER: Yes, *International Times* may have published it, but the fact of his giving a letter is absolutely false. This is what the Hon'ble Premier wants to make out.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Does the Hon'ble Premier want to say that he did not write any letter to the effect that Mohini Mohan Goswami should be given a permit?

The Hon'ble Srijut GOPINATH BARDOLOI: No, I did not. I see no harm in giving a certificate while I was not a Minister, but I can definitely say that I have given no such certificate when I became a Minister.

Dr. MAHENDRA NATH SAIKIA: What basis or principles were adopted for giving these permits? The Hon'ble Premier has said that these lorries were granted to keep a competition with the Commercial Carrying Company, but my question is, what basis or principles were adopted in settling these lorries with the individual tenderers?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already said, that the main principle which guided us in this matter was to maintain and if possible, to foster a healthy competition between a monopoly Company and the individual permit-holders, and on that principle we have distributed the lorries.

Dr. MAHENDRA NATH SAIKIA: On what basis of consideration the settlement was given to individual tenderers, whether on basis of competition in the rates submitted for the license or some other reasons?

The Hon'ble the SPEAKER: The hon. member may specify some other basis.

Dr. MAHENDRA NATH SAIKIA: Whether on communal basis or on fitness of the candidate the permits were granted? But the atmosphere in the plains is surcharged with the public opinion that on the basis of favouritism the settlement of lorries was given.

The Hon'ble Srijut GOPINATH BARDOLOI: I am not personally hearing anything of that kind. It may be confined to certain people, but no complaint whatsoever has been brought to our notice up till now. The principle of communal representation was also kept in view, but the man with whom the settlement was made, could not fulfil the conditions of the contract.

Er. MAHENDRA NATH SAIKIA : I am sorry to hear that such a complaint from the plains did not come to the notice of the Government. For the information of the Hon'ble Minister who has replied just now, I can say that resolutions from different public meetings were sent for publication in some newspapers, but the papers did not publish them.

Khan Bahadur Maulavi KERAMAT ALI : Is it the principle of the present Government to debar members of the legislature from getting any work under the Government ?

The Hon'ble Srijut GOPINATH BARDOLOI : In case of persons who are concerned with limited companies, of course, we do not discourage, but in case of a direct contract with a member of the legislature, this is really a matter which in our opinion at any rate, is not desirable. However, we are prepared to change that opinion if it is the wish of the House.

Khan Bahadur Maulavi KERAMAT ALI : May I know what is the difference between a member who is a managing director of a company and a member who does not form a company ?

The Hon'ble Srijut GOPINATH BARDOLOI : In our opinion there is a world of difference, because a managing director of a joint stock company cannot have the whole business for himself and there can be no bar to have a contract with him as he acts only as representative of a particular company ; but in the case of an individual member it entirely becomes a matter of personal concern.

Khan Bahadur Maulavi KERAMAT ALI : Supposing in a private limited company the member himself and his children are the partners of that company, what will be the position with him ?

The Hon'ble Srijut GOPINATH BARDOLOI : These are matters of detail and from the broad point of view, I think, these are understood by all. But we think that it is not fair for any Government to have a direct contract with a member of a legislature.

Khan Bahadur Maulavi KERAMAT ALI : Is it a fact that one of the conditions laid down, when tenders were called for, was that, new lorries would have to be run by the successful candidates by the 15th January ?

The Hon'ble Srijut GOPINATH BARDOLOI : I do not remember to have issued any condition to that effect.

Khan Bahadur Maulavi KERAMAT ALI : Was it not a condition that in case of new lorries, permit will extend for four years and in the case of old lorries, for two years only ?

The Hon'ble Srijut GOPINATH BARDOLOI : That was not done by notification. That was done by a sort of order in which it was understood that if the lorries were old lorries, Government might restrict the term to two years ; but if they were new, we thought it would be unfair to give only two years. Subsequently, however, it did not work well and it was brought to our notice that all the lorries available were old lorries,

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Cultivation of Cinchona in the Province

Srijut GAURI KANTA TALUKDAR asked :

87. Will the Hon'ble Minister-in-charge be pleased to state—
- (a) Whether Government have undertaken the cultivation of cinchona in the Province ?
 - (b) If so, in what places and with what result ?
 - (c) If not, do Government propose to take early steps to introduce the cultivation of the same in some suitable places in the Province ?

The Hon'ble Srijut RAMNATH DAS replied :

87. (a)—Yes, from time to time for purposes of experiments.

(b)—At the following places :—

- (i) Khasi and Jaintia Hills—Nongkhlaio and Jirang.
- (ii) Garo Hills—Tura.
- (iii) Kamrup—Kulsi.
- (iv) Nowgong—Mikir Hills, Kalaparbat.

The results may be summarised as :—

- (1) Cinchona Ledgeriana and Hybrid Cinchona Ledgeriana will do well in selected areas.
- (2) Cinchona Succirubra was not such a success.
- (3) The alkaloid content of the species mentioned in (1) above was satisfactory.

(c)—Government are awaiting the results of the enquiry made recently by an expert deputed by the Imperial Council of Agricultural Research as to the possibilities of Cinchona cultivation in the province, on the basis of which they may determine the capital expenditure and recurring costs involved.

Srijut GAURI KANTA TALUKDAR : May we have some idea as to when the result of the enquiry is expected to be received ?

The Hon'ble Srijut RAMNATH DAS : I cannot give any definite idea of that.

Srijut GAURI KANTA TALUKDAR : Will Government be pleased to expedite the matter ?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir.

Unlicensed doctors in tea gardens

Srijut JOGESCHANDRA GOHAIN asked :

88. (a) Is it a fact that Government have made enquiries regarding unlicensed doctors employed in the tea gardens ?
- (b) If so, will Government be pleased to lay on the table a list of such doctors with the names of the gardens still having such doctors in their employment ?
- (c) What steps Government have taken or propose to take in respect of the unlicensed doctors still employed in tea gardens ?

The Hon'ble Srijut RAMNATH DAS replied :

88. (a)—As the result of a question by Srijut Omeo Kumar Das at the September session of 1938, Government have made enquiries about doctors employed by the Tea Estates in the Assam Valley only.

(b)—The replies are not yet complete and have for that reason not yet been forwarded by the Inspector-General of Civil Hospitals.

(c)—Government have no authority to interfere with the employment of doctors except in regard to institutions supported or aided by State funds. They have however been in correspondence with the Tea Industry and have secured a substantial measure of agreement with the Tea Industry Association in regard to the stoppage of employment in the gardens, in future, of unlicensed doctors. Details are under consideration in regard to the classes of practitioners who may be allowed to remain in employment with the approbation of the Association because, though not registrable, they have been taken into service long ago when fully qualified doctors were not available in sufficient numbers.

Settlement of Excise shops in Assam

Maulavi ABDUL BARI CHAUDHURY asked :

89. Will the Hon'ble Minister-in-charge of the Excise Department be pleased to state—

(a) The qualifications required for holding a license for an excise shop ?

(b) The number of new excise shops of all descriptions opened in Assam since 1937.

(c) Is it a fact that a circular has been issued to the effect that no new license should be granted to three years' standing lessees ?

(d) If so, why ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

89. (a)—Generally, adult male status, financial soundness, good character, and the possession of status as a native of the province or domiciled therein.

(b)—Four country spirit, nine *ganja* and two opium shops.

(c)—No. The circular in its final form laid down that a lessee who has held a particular kind of shop or shops continuously for three years or more should not be allowed in 1939-40 to hold a shop of the same kind.

(d)—The hon. member's attention is invited to the answers given to starred questions Nos. 63 (a) and (b) asked by Khan Bahadur Maulavi Keramat Ali at this session.

Tour of the Hon'ble Minister of Industries to the Karimganj subdivision

Maulavi ABDUR RAHMAN asked :

90. Will the Hon'ble Minister-in-charge of Industries be pleased to state—

(a) What special work was done by him during his last tour in the Karimganj subdivision ?

- (b) Whether he has done anything tangible there ?
 (c) The amount of money he drew as travelling allowance for the said tour ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

90. (a) to (c)—The hon. member's attention is invited to the replies to similar questions (starred question No.140) asked by Maulavi Mabarak Ali, M. L. A., at this session of the Assembly.

Tour of the Hon'ble Minister of Industries

Maulavi ABDUL BARI CHAUDHURY asked :

91. (a) Is it a fact that the Hon'ble Minister-in-charge of Industries was on tour on the last *Ramzan 'Id'* day ?
 (b) If so, what was the urgency of such a tour ?
 (c) What places or institutions he visited during that tour ?
 (d) Did he visit any shrine in Assam during that tour ?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI replied :

91. (a)—The *Ramzan 'Id'* fell in the tour.
 (b)—To visit the centres of Industries and to know their condition, etc., before the December session.
 (c)—

Places	...	...	Institutions
1. Gauhati	...	...	1. Government Emporium, Gauhati.
2. Palasbari	...	...	2. Visited a good stock of <i>muga</i> and <i>endi</i> fabrics and <i>muga</i> yarns of Messrs. Sivaprasad Kanailal.
3. Rangjuli	...	...	3. Congress Office, Gauhati, where there was a gathering and suggestions were made to improve the Industry of the province.
4. Sardarpara Model Village...	...	...	4. Assam silk house, a shop at Gauhati.
5. Rowmari Model Village	...	...	5. Gauhati Shoe Factory.
6. North Gauhati	...	...	6. Bandhab Sangha of the Kaibarta community.
			7. Majgaon Lower Primary School.
			8. Visited one aided school at North Gauhati.
			9. Jogat Knitting Institute.

(d)—Yes.

Maulavi ABDUL BARI CHAUDHURY: When did he start for the tour, Sir, I mean what date?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: 25th or 26th.

Maulavi MUHAMMAD AMJAD ALI: With regard to (c), Sir, will the Hon'ble Minister be pleased to say how many hours he stayed at Rangjuli, Sardarpara and Rowmari?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: More than 19 hours.

Maulavi MUHAMMAD AMJAD ALI: Did he stay there for the night?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Yes, Sir. I worked in the night. You will be astonished to hear that I had to work and see things even in the night till 12 o'clock in many places.

Maulavi MUHAMMAD AMJAD ALI: May I ask the reason why his tour was not published in the gazette?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: I had to go to Jorhat. But people came to know of my tour and at Gauhati they all came and asked me to see their works and satisfy their demand. So I went there.

Maulavi MUHAMMAD AMJAD ALI: May I know whether he sent any information to people that he would go to Rangjuli, Sardarpara and Rowmari?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Yes, Sir, the people in large numbers asked me to go there and they knew it very well. The dates were pre-arranged.

Maulavi MUHAMMAD AMJAD ALI: Is it a fact that in Rangjuli and other places a certain demand for a Weaving Instructor and a Sericulture Instructor was pressed before him?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: Yes, Sir.

Maulavi MUHAMMAD AMJAD ALI: Would he consider them favourably?

The Hon'ble Khan Bahadur Maulavi MAHMUD ALI: It is under the consideration of Government.

Annual average cost per student of Government Colleges and Schools in Assam

Maulavi ABDUL BARI CHAUDHURY asked:

92. Will the Hon'ble Minister-in-charge of the Education Department be pleased to state—

(a) The average annual cost at present per student in the Government Colleges at Sylhet and Gauhati?

(b) The average annual cost at present per student in each Government High School in the Surma Valley as well as in the Assam Valley?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

92. (a)—Murarichand College	...	...	...	Rs.	280
Cotton College	...	...	...	...	207
(b)—Boys' Schools—					
Assam Valley	...	...	...	Rs. a. p.	
Surma Valley	...	...	...	...	69 9 11
Girls' Schools—	...	...	...	...	69 2 11
Assam Valley	...	...	...	...	62 6 7
Surma Valley	...	...	...	...	70 6 1

DEMANDS FOR GRANTS

GRANT No.1 (7.—LAND REVENUE)

(Continued from the 20th March 1939)

The Hon'ble the SPEAKER: Order, order, I may remind the hon. members that we have only one hour more to be devoted to cut motions on this Grant, Land Revenue and the hon. members will see that there are still 18 motions to be disposed of. So I would ask hon. members that as all these cut motions are from the same party, they may decide among themselves which cut motions they like to move.

Maulavi MABARAK ALI: We have decided, Sir.

The Hon'ble the SPEAKER: Then we were on Motion No. 8* yesterday and Maulavi Amjad Ali was speaking.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, last evening as I was discussing this motion I made reference to the question of land settlement in Bijni and Mechpara. These are the two States managed by the Court of Wards and under the direct management of the Government. Double settlement has almost become the rule. And the Minister in charge may please take note of it that that is a factor which is daily growing. In the Bijni area, I mean within the Bijni Court of Wards, double settlement is creating riots, murders, house-burning and what not. There is no fixed principle on which land is settled with the *raiyats*. It is left to the sweet will of the Manager and he will settle it on whomsoever he likes. It is sometimes left to the *dahi*-officers to decide, if there are more claimants than one, with whom the land is to be settled. There is no fixed principle or rule on which to work. To give one instance, a case in point is one which was brought to the notice of the Hon'ble Revenue Minister during his last visit through the district of Goalpara. At Bangaigaon a man named Abdul Goffur applied for a plot of land, and as it is customary, built small houses over it in expectation of getting settlement. That did not suit the Manager. He went to the spot, asked him to vacate and get out of it and when he did not, the houses were demolished in his presence. Just near it

*That the provision of Rs.5029 under Grant No.1, Major head—7.—Land Revenue—Minor head—Charges of Administration—B.—Tahsil and other Establishment—Sub-head—3.—Management of the private Estates under Act X of 1892 (total), at page 30 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.27,97,600 do stand reduced by Rs.100.

an alignment of an unwanted road from the railway station right up to Dali-gaon has been made. A petition has possibly been filed with the Hon'ble Revenue Minister during his last visit by the villagers to ventilate that this unwanted road passes through a Muhammadan grave-yard and through some lands of the cultivators. May I inform him also that this road is parallel to another road, the distance of which would be not more than a furlong ?

There is another point, Sir, which I want to bring to the notice of this august House, and that is the fishery troubles in Mechpara and Bijni. From time immemorial it has been the custom and practice of the tenants of these two estates that they collect fish for their own consumption from the ponds and streamlets. But this right is sought to be curtailed. Persistent attempts have been made to curtail and take away this valuable right. Cases are filed and lots of people are placed under harassment. And as we come to discuss this motion, Sir, I have just been intimated by letters from my people in Bijni and Mechpara Elaka that some persons are already in trouble and they are being unduly harassed in litigation through courts.

Then the question of *Abwab*, Sir, ought to engage the Hon'ble Minister's attention. The *San-ban-kar* is a question on which we have been long agitating. This is a tax which is levied indiscriminately over the immigrants and the new settlers in the lands of the Bijni and Mechpara estates. This is a tax which is unwarranted by the Provisions of Goalpara Tenancy Act.

The other thing which I wanted to mention is the payment of certain fees during application for settlements. To apply for settlement, a man has to pay a survey fee of Re.1, a notice fee of annas 4 and a petition fee of Re.1. The same three classes of fees are realised from as many persons as come to apply for the same piece of land. The worst of it is that the unsuccessful applicants do not get them back. These are things which are unwarranted by law or any provision of Goalpara Tenancy Act. These are classed by us as *abwabs*. We wanted better things, particularly from this Ministry. They should try to see that these illegal exactions are no longer in vogue.

The last point which I want to lay before the House is that the Bijni and Mechpara are the two estates now which have got a good income. Bijni earns 8 lakhs annually from its tenants and as far as my knowledge goes pays to the Government coffers only Rs 2,400. It has been persistently demanded by the *Krisak Savas* of my district that a certain percentage—at least 25 per cent. should be spent for public purposes. But out of this huge amount that goes to the Bijni and Mechpara estates, we never find the Bijni and Mechpara estates spending anything for good roads, schools, dispensaries and other growing needs and requirements of their tenants. To these facts I draw the Hon'ble Revenue Minister's pointed attention.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, yesterday Maulavi Matior Rahman moved this motion for criticizing the policy pursued by the Government in matter of management of private estates. While moving his motion, he said that the tenants of these estates were suffering from untold miseries. But he failed to specify the instances of these untold miseries to which he wanted to draw the attention of the Government. The charges levelled against the policy of the Government in regard to this matter are so vague that it is difficult for me to reply to any of them.

Maulavi Jahanuddin, in the course of his speech, referred to the tender system which at one time was adopted in preference to the auction system in matter of settling coupes within the forests of these estates. This matter

was represented to me during the last session and I had given an undertaking to him that I would make an enquiry into it and see what was the reason for making that departure in the matter of forests managed by the Ward estate. In accordance with that undertaking, I made an enquiry and I was told that the local officers were compelled to take recourse to the tender system in view of the attitude taken by persons dealing in timber business by combining and refusing to take these coupes under the auction system. Later on, when I was given assurance by these persons during my stay at Dhubri that they would not combine in the manner complained, I have passed order, that in future, this tender system should be given up and auction system adopted.

Maulavi JAHANUDDIN AHMED: On a point of information, Sir. Did the Hon'ble Minister hear the Secretary of the Association about the grievances of the contractors?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I took that fact also into consideration when I was at Dhubri. I have now passed definite orders, that the tender system should be given up and the coupe should be settled under the auction system. Therefore the grievance of the hon. Maulavi Jahanuddin Ahmed does no longer exist.

Then, Sir, Maulavi Amjad Ali has brought to my notice the question of double settlement. I report Sir, that such a charge is indeed very vague. Double settlements are not allowed under the rules and if any specific instances are brought to my notice, enquiry will be made into such allegations and the officers responsible for such irregularities will be duly punished.

Maulavi MUHAMMAD AMJAD ALI: I am glad to hear it.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Then, Sir, in the course of his speech, he has also referred to *Abwabs* or illegal exactions which are realised by the Court of Wards from the estates of Bijni and Mechpara. The same hon. member and also others who come from Goalpara wanted to have a provision included in the Goalpara Tenancy Act for declaring such exactions as illegal. Sir, if it is their point that for exactions are illegal, the tenants need not pay those dues and should take action permissible under the law against the persons who realised such dues. However, I can assure him that, as far as the Court of Wards are concerned, we have already asked for reports from the local officers in respect of those dues which are called *Abwab*, including *Sankar* and *Bankar*, and the circumstances under which these are realised. As soon as I have got the reports, I shall go into the matter and see if by administrative order we can give relief in matter of such grievances.

Maulavi MUHAMMAD AMJAD ALI: On a point of information, Sir. Is the Hon'ble Minister aware that during settlement of land when petitions are filed, the same set of certificate fee, notice fee and petition fee are realised?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I am not aware of what has been stated by the hon. member. If such is the practice, it is perhaps in use only in the case of co-sharers. Moreover, such persons do not come within the purview of either the Tenancy Act or within the tenants of the Court of Wards. They are the persons other than the tenants of the Court of Wards and they can have no grievance against the Government.

Maulavi MUHAMMAD AMJAD ALI: May I ask the Hon'ble Minister to study the condition thoroughly before he takes up that matter?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : If they are the tenants of the Court of Wards, they need not pay illegal dues. No one can compel them to pay such dues.

Maulavi MUHAMMAD AMJAD ALI : Are we to understand that the dues shall not be realised by the Court of Wards in future from those persons who are tenants of the Estate ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : As I have already said, Sir, I am making inquiry about the illegal exactions. As soon as I get the reports, I shall be able to see what illegal exactions, if any, are realised. Government will then be surely able to do their best to do away with such grievances.

Maulavi MUHAMMAD AMJAD ALI : Is the Hon'ble Minister aware that the realisation of the dues by the Officers of the Estate are not warranted by the Goalpara Tenancy Act ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Yes, Sir. Those persons who have these grievances need not pay these illegal dues. In view of this, I see no justification for bringing forward this motion and I hope the hon. member, who has sponsored it, will see his way to withdraw it.

Maulavi JAHANUDDIN AHMED : Mr. Speaker, Sir, I have got several other motions which I do not like to move for want of time but I want to know from the Hon'ble Minister that if I represent the grievances to him whether he will be pleased to make any inquiry about it.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Certainly, Sir, the hon. member is entitled to come to me and represent the grievances which will receive such consideration as they deserve.

Maulavi MATIOR RAHMAN MIA : মাননীয় সভাপতি মহোদয়, উপযুক্ততার জ্ঞান ও ক্ষমতার জ্ঞান এই ওয়ার্ড স্টেটের জমিদারীর চালনার ভার নেওয়া হইয়াছে কিন্তু তাহারা যে ভাবে ওয়ার্ড স্টেট গুলি চালান তাহা মোটেই সন্তোষজনক নয়।

The Hon'ble the SPEAKER : আপনি কি বক্তৃতা দিচ্ছেন ?

Maulavi MATIOR RAHMAN MIA : না, গভর্নমেন্ট যে ভাবে ওয়ার্ড স্টেট-গুলি পরিচালনা করিতেছেন তাহা মোটেই সন্তোষজনক নয়। ইহাতে উপযুক্ততার এবং ক্ষমতার পরিচয় আমরা পাই নাই। এখন যদি উপযুক্ততার ও ক্ষমতার পরিচয় গভর্নমেন্ট দেন, তাহা হইলে আমি এই মোশন withdraw করিতেছি।

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

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir, I beg to move that the provision of Rs.5,029 under Grant No.1, Major Head—7.—Land Revenue, Minor Head—Charges of Administration—B.—Tahsil and other Establishments—3.—Management of Private Estates under Act X of 1892 (total), at page 30 of the Budget be reduced by Rs.5, i.e., the amount of the whole grant of Rs.27,97,600 do stand reduced by Rs.5.

Sir, my primary object of moving this cut motion is to raise a general discussion about the management of the private estates by the Government, particularly the affairs which are going on regarding the Mazumdari Wards' Estate at Sylhet. Sir, so far the Mazumdari Estate is concerned, a similar cut motion was moved in 1937 during the Budget session by my hon. friend

Maulavi Ashrafuddin Md. Chaudhury and the chief complaints in the motion were against the illtreatment meted out by the Manager of that Estate towards the wards. I was told by the then Hon'ble Revenue Minister that the Government took some action in the matter and the Manager was removed from his post. Now my complaints regarding the Mazumdari Estate are enumerated as below :—that the Estate was under the management of the Government only to relieve it from heavy debts, and that the wards, the number of which increased are to be given their share of allotted money, in time. Perhaps, it was also the intention of the wards of the Estate that the educational expenses of the minor wards would also be regularly borne by Government. But the present state of affairs is so serious that a most valuable property of the Estate has been sold in order to clear up the debt. This particular plot of land is situated within the Habiganj town and so far as I know, this plot is the personal property of Maulavi Munawar Bakth Mazumdar who is a Special Sub-Registrar. This land is a very valuable property and it was once to be acquired by the Government probably in the year 1931. Almost everything was settled but the old proprietor late Khan Bahadur Maulavi Muhammad Bakth Mazumdar was a member of the old Council at that time and through his efforts as well as owing to public agitation, the acquisition of land for the purpose of building the Post office at Habiganj was postponed. We have heard, Sir, that at that time the value of this property was calculated to be about Rs.65,000. According to the estimate of the owner the value of this particular plot of land is about one lakh but on the 17th March last this plot has been sold in auction by the Government for Rs.43,300. Sir, the intention of the proprietor was that under the able management of the Government, their property would be saved from heavy debt. Now if the debt is to be cleared by selling the property, then I don't think there can be any utility of placing the whole Estate under the management of Government. It is also not unknown to many hon. members of this House that the annual income of this property is not less than Rs.40,000. Besides this, there is also an income from paddy. Of course, it is also a matter of complaint that wards are not regularly getting their subsidies as most of the income is to be paid towards payment of the interest of *Mahajans*. Regarding the auction sale of that particular plot of land, I along with another hon. member of this House met the Hon'ble Minister in charge during his last tour to Habiganj, and we requested him to see whether that sale could be postponed. Maulavi Munawar Bakth Mazumdar even gave it out to the Hon'ble Minister that he was prepared to clear the debts up to the extent of his share, but I do not know why this blow has been given to this particular man.

Now, Sir, I come to the general aspect of the matter. Sir, when Act X of 1892 was enacted, the intention of the legislature was to save the ill-managed and aristocratic estates by taking over the charge of management by Government. There are many estates in the Sylhet District—I don't know anything about Goalpara—which for want of able management are going to the hands of *Mahajans*. But, Sir, our Government are not very much enthusiastic in materialising the principle and provisions of that Act, in order to save aristocratic estates. The principle of that Government given any weight by this Government. I would therefore urge upon our Government that so far as the Mazumdari Estate is concerned, there should be better management of its affairs, and regarding other aristocratic estates, which are going into the hands of *Mahajans*, Government should take over charge whenever they are approached to do so. I think, Sir, it is the duty of Government to do so. With these few words, I commend my motion for acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved is :

That the provision of Rs.5,029 under Grant No.1, Major Head—7.—Land Revenue, Minor Head—Charges of Administration—B.—Tahsil and Other Establishments—3.—Management of Private Estates under Act X of 1892 (total), at page 30 of the Budget, be reduced by Rs.5, i.e., the amount of the whole grant of Rs.27,97,600 do stand reduced by Rs.5.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : Mr. Speaker, Sir, it is only from last year, i.e., from 6th February 1938, that the management of the Mazumdari Wards' Estate has been placed in charge of a member of that family. There was an agitation, both on the floor of this House and outside, that the Manager and the Collector were hopelessly mismanaging the estate. As a result we find in the Administration Report for 1935-36 that a debt of Rs.20,000 was paid, but on subsequent two years, debt paid amounted to only Rs.10,000. The Manager spent money unnecessarily in contesting claims of the beneficiaries, for their allowances and he made no attempt to recover the arrears of rent from the tenants and as a result of which a sum of Rs.34,000 was barred by limitation. Sir, we find that in the year 1935-36 law expenses were Rs.3,264, in 1936-37 Rs.1,597 and in 1937-38 Rs.3,013. But so far as the personal expenses of the family members are concerned, we find the figure for 1935-36 is Rs.2,456, 1936-37 Rs.2,905, and 1937-38 Rs.3,073. So, we find that the members of this family, a family which can be reckoned as one of the most aristocratic in the district, were passing very miserably. Still they were delightfully agreeable to the debts being cleared off. But we find that the Collector and other officers were unsympathetic for which there was an agitation in this House last year demanding the change of management to more efficient hands. Sir, though we find that Government have tried to raise loan to clear off the debts of another estates, no serious effort has ever been made to relieve this particular estate from the burden of debts. On the contrary, there has been systematic indifference on the part of district authorities.....

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : On a point of information, Sir. May I know in whose case have Government taken the loan ?

Maulavi ASHRAFUDDIN MD. CHAUDHURY : We find in the administration report for 1937-38 that a loan has been secured for another estate (Dastider Estate), but so far as this estate is concerned, records will show that no attempt was ever made to raise any loan to clear off the debts of this estate. On the contrary, I have shown how due to mismanagement a sum of Rs. 34,000 was allowed to be barred by limitation. Even the Hon'ble Judges of the Calcutta High Court referred to mismanagement of the estate by the then manager, and their opinion was quoted in this House, I think, in the Budget Session of 1937. Their Lordships said that money was being unnecessarily spent in contesting the claims of the beneficiaries. What is more painful is this, that while two members of this House along with the son of Khan Bahadur Muhammad Bakht Mazumdar, a former member of this House, had been on deputation to the Hon'ble Minister in charge, he had not been so sympathetic as to stay the sale of a valuable land at Habiganj—cream of the town. Sir, this is the way of this Government. From yesterday's proceedings we find that another former member of this House, Rai Sahib Har Kishore Chakravarty was being mercilessly criticised. So, it is not strange that the son of Khan Bahadur Muhammad Bakht Mazumdar received this treatment at the hands of the Hon'ble Minister. With these few words, Sir, I support the motion.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, the criticisms levelled against us in respect of the management of this estate, namely, that we have not been doing our best to wipe off the debts of this estate, are not at all fair. We have also been accused for selling a portion of this estate. I wish the hon. members who have spoken on this motion, were in possession of all the facts which I know, and if that had been the case, I am sure they would never have come forward with this motion. Sir, I make no secret and state on the floor of this House that this estate was taken by the Court of Wards under exceptional circumstances, and on facts misstated by the owners of this estate. The income on the rent roll was shown to be much more than what it was actually found to be. Debts were shown much less than what we later on found in the course of the management of the estate. I think the hon. Leader of the Opposition and the hon. Mr. Chaudhuri, who was at one time a Revenue Minister, being in possession of certain facts regarding this estate will support us in what we have done. They know how the management has been changed from time to time. Not only one Manager but three managers have been changed. One such manager was not even given an opportunity of defending himself before he was discharged. Now one relation of proprietors has been entrusted with the management and it is strange that the hon. members have come forward again within a short time of this change with the same allegation that the estate is not being properly managed. Sir, as far as I know, the state of affairs in this particular case is such that either we have to give up the management of this estate or we have to manage it in a manner which will bring it to solvency in a reasonable period. The rate of interest which the Estate has to pay is enormous and can with difficulty be met from the income of the estate. Moreover, a few co-sharers who get nominal allowance have been complaining that their allowance is insufficient for their maintenance. The chief person who is in fact liable for the heavy debt of the estate is drawing a Government pension and has nothing to complain on account of insufficiency of allowances. In order to give relief to these poor co-sharers, I thought it would be better if a portion of the property of the person, who is mainly responsible for the debt was put to sale. After mature consideration and on the recommendation of local officers, we thought that the best way to help the poor co-sharers was to put up a portion of the estate to sale and thereby reduce the high rate of interest.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The estate has been sold—may I know whether it is the personal estate of this ward?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Maulavi Abdur Rahman and Khan Sahib Maulavi Mudabbir Hussain Chaudhuri approached me when I went to Habiganj and asked me to stay the sale of this estate. When they approached me, I asked them for a solution or to give me a suggestion by which the allowances, which were given to the other co-sharers could be increased and something could be done to safeguard their interests. They said that they would consult the proprietor and send me their suggestion within a short time. On that assurance, I stayed the sale for about a month; but unfortunately, during this period, I was not given any suggestion by any of these hon. members or by the person who had approached me to stay the sale for one month. Only two or three days before the date of sale, I was again approached to stay the sale.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Was not a petition submitted to the Hon'ble Minister, stating all the facts by the ward himself ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Only two or three days before the sale, again a representation was sent to me for stay of the same. I declined to do so and said that I had on previous occasion given one month's time to them, and as they had failed to give their suggestions, for helping the other poor and unfortunate co-sharers I was not prepared to revise my orders.

Khan Sahib Maulavi Mudabbir Hussain wants to know whether a petition was submitted by the ward himself stating all these facts. Not only did he do so on a previous occasion, but this time also. We are satisfied with what we have done in this connection and we think we have been actuated in this respect with the motive of saving the smaller co-sharers of the estate.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I know from the Hon'ble Minister whether Government would be willing to return the property of the co-sharers.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Government would be too glad to give it back to them.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I know whether the wards who have agreed to the sale, know that their debt would be cleared out of the profit of the estate that has been sold ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: As I have already said, this debt is on account of the person whose share has been ordered to be sold, and it is he who will mostly benefit by sale and the other co-sharers will also benefit. The state will have to pay less interest and the estate will have a chance of being certainly solvent within a short time.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Does the Hon'ble Minister propose to consult the particular ward in question whose personal property has been sold, before he confirms the sale.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: This fact will be taken into consideration.

Maulavi MUNAWWAR ALI: Is it a fact that the sale brought an enormously low price ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: If the facts are brought to my notice, I shall give due consideration to it.

However, I can assure the hon. member what we have done is in the interests of all the co-sharers and the estate.

The Hon'ble the SPEAKER: Is the hon. mover going to press his motion ?

Maulavi ABDUR RAHMAN: I am not going to press the motion, but I hope, before he confirms the sale of the property, he will look into the pros and cons of the matter.

I beg leave of the House to withdraw my motion.

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

Maulavi Saiyid ABDUR ROUF: In view of the urgent necessity of discussing the situation arising out of the eviction of immigrants, I do not want to move the motion* standing in my name. (Motion No.19.)

*That the provision of Rs.4,50,000 under Grant No.1, Major head—7.—Land Revenue, Minor head—D.—charges on account of Land Revenue Collections, Sub-head—3.—Contingencies, detailed head—Commission on Land Revenue Collections, at page 32 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.27,97,600 do stand reduced by Rs.100.

(To raise a discussion about the desirability of appointing more immigrants as "Mauzadars".)

Dr. MAHENDRA NATH SAIKIA : Mr. Speaker, Sir, I beg to move :
 "That the provision of Rs. 21,712 under Grant No. 1, Major head 7.—
 Land Revenue, Minor head—F.—Survey, Settlement and Record opera-
 tions, Sub-head—Assam Surveys—I.—General and Controlling Section
 (total), at page 33 of the Budget, be reduced by Rs. 101, *i.e.*, the amount of
 the whole grant of Rs 27,97,600 do stand reduced by Rs.101."

(My object is to criticise Government for serving about 40 Kaibartta people with notices of eviction from the lands at Lomati at Rangalumukh Kisans in the Pakhimoria mauza in the district of Nowgong).

Sir, as regards eviction cases, as provided in the Revenue Laws, I have nothing to say, but in this particular case the House will understand that there is no justification on the part of Government to issue eviction notices against these people. These people of Rangalumukh and Lomati Kisans in the Pakhimoria mauza of the Nowgong district have been in possession of this land for nearly 35 years, and it is about 30 years that they got *pattas* for this land. Some time ago for no reason whatever these people were served with eviction notices saying that about 10,000 bighas of land had been reserved for grazing by cancelling the *pattas* of the *patta*-holders. When I came in contact with the Deputy Commissioner in connection with this particular case, I came to know that some other people, and not these people, had been applying for a remission of land revenue on the plea that these areas were frequently being inundated, and probably for that reason this area might have been made a reserve by Government. Sir, when these people were served with eviction notices some two years ago, these people had for some time past been filing petition after petition for having their lands released from the reserve. Then when the late Hon'ble Revenue Minister, Srijiit Rohini Kumar Chaudhuri went to Nowgong in connection with the Jail Enquiry Committee and was staying in the Circuit House, these people came personally to him in a body and laid their case before him, and he, after due discussion with the Deputy Commissioner in the presence of the parties concerned, and understanding the hardship of the people caused by eviction, asked the Deputy Commissioner to release their land from the grazing reserve. I have already mentioned about this case in my budget speech, and said that these people were getting good crops and were paying the land revenue regularly, and for which they have got sheafs of receipts. But I do not know for what purpose and for what reason these lands were taken away from settlement and were turned into a reserve and thereby putting these people to great difficulty and hardship. Sir, when the then Hon'ble Revenue Minister asked the Deputy Commissioner to release that land from the reserve then the Deputy Commissioner allowed them to grow their crops for that year, and he further stated that if the crops were good in that year then in that case their land would be given back to them. But after that although the crops were good, and so far as I know, without any officer going there to enquire, and although revenue was realised for that year, I do not understand how again eviction notices could have been served on them. Therefore I have now put this whole fact before the Hon. House.

With these few words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved is :
 "That the provision of Rs.21,712 under Grant No. 1, Major head—7.—
 Land Revenue, Minor head—F.—Survey, Settlement and Record opera-
 tions, Sub-head—Assam Surveys—I.—General and Controlling Section
 (total), at page 33 of the Budget, be reduced by Rs.101, *i.e.*, the amount of
 the whole grant of Rs.27,97,600 do stand reduced by Rs 101,"

Maulavi Saiyid ABDUR ROUF: Mr. Speaker, Sir, I want to speak only a word or two by way of supporting this motion, though the subject matter of my discussion is somewhat different from that of my hon. friend Mr. Saikia.

Sir, as far back as in the year 1338 B. S. some 60 families of immigrants from various districts of Bengal came to the Gauhati Subdivision and reclaimed some 1,000 bighas of land in village Pukhripar in Chhaygaon circle. They had to spend about Rs. 10,000 in reclaiming this land and after that they were assessed to *tauzi bahira* revenue for full three years, and at least 23 of them, if not more, were granted annual *pattas* for the land in their possession. This clearly shows that it was the intention of the Government that these people should be granted settlement there. After they were granted annual *pattas* it was only expected that these *pattas* would be renewed year after year, but without serving any notice, whatsoever on them the *pattas* were withheld, and these people had no other alternative but to depend entirely on the mercy of the Assamese people remaining there and of the Government. Sir, as many as 3 Deputy Commissioners went to the locality and made local enquiries, and one Commissioner actually passed orders to the effect that the immigrants should be allowed to live there only with the consent of the Assamese. This order was so very vague and so very perplexing that the Assamese people demanded money from them if they wanted to remain there and when they refused to pay this money to the Assamese and appealed to the Commissioner, the Commissioner asked the immigrants to vacate the place.

Sir, in the year 1937 the then Deputy Commissioner, Mr. Muhammad Chaudhuri had a local enquiry made and he found that the line was not necessary; and he actually recommended that the immigrants should be granted settlement. Subsequently, however, the Commissioner did not see eye to eye with the Deputy Commissioner and the immigrants did not get the settlement. Whatever may be the legal aspect of the case, the facts remain that the immigrants remained there and the facts remain that their houses were burnt more than twice. Government were persistent in that these people should be driven away from that place and poverty and helplessness were persisting that they should die there. Government evicted them and burnt their houses, but no Government whether the previous one or the present one has ever been kind enough to give them shelter with some land anywhere in the province. If Government could not provide them with shelter, well, they could have asked them for repatriation, but that also they did not do. In the jungle they had to live like wild beasts—nobody caring to know how they had been living—no body caring to know whether hundreds of these people were really starving or not. Sir, as many as 16 to 17 persons died practically of starvation, but it did not attract the notice of anyone in the province. In January last they were again evicted and these people again approached Government to see whether they could find any place anywhere in the province, but, Sir, all to no effect. They had been remaining there and they were given to understand that orders had been passed to the effect that those immigrants who had come within the closed areas before 1st of April 1937 should be allowed to remain there until Government could find out land for them elsewhere. Depending on that assurance and depending upon the question of *status quo* which has been declared in this House by the present Revenue Minister, these people had been living there. But just when we were going to assemble in this House, on that very day and that very hour at about 11 a. m. the Deputy Commissioner with a posse of constables and about 100 Kacharies of the locality went to the village all on a sudden and began to break and demolish their houses.

Sir, I do not question the justification or otherwise of the action of Government or of the Deputy Commissioner. I simply want to bring to the notice of the House the fact that after all these 58 families with their family members of about 250 persons have been left uncared for. They have been compelled to take shelter under the open canopy of the sky without food and without shelter and who knows that they will not die of starvation? I simply appeal to this House to consider whether this House should do anything for these people or not. It may be said that these immigrants fought up to the Governor and they were defeated in their cases and at the same time in the local enquiry the Deputy Commissioner and the Commissioner did not think it wise to provide them with some money or shelter. But, Sir, the question before the House is this whether they will or will not consider whether these people should live or should die. With these few words, I beg to draw the attention of you all and retire.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, the hon. Dr. Mahendra Nath Saikia has moved this motion to criticise with the scheduled castes people.

Dr. MAHENDRA NATH SAIKIA: No, not for that but for eviction of some scheduled caste people.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: For eviction? Sir, I am handicapped with the difficulty that I have no papers relating to this matter and I had expected that the hon. member who had moved this motion would furnish with the details and give me the circumstances under which such eviction took place. If the eviction has taken place, he knows the circumstances under which such eviction has taken place. Here I can only cite the general principle which our local officers under the direction of the Government have been following. We have given definite instruction to our local officers that all those people encroaching the reserves after the 1st of April 1937—whether they are indigenous people or immigrants or people belonging to any community, should be evicted.

Srijut ROHINI KUMAR CHAUDHURI: That only refers to immigrants.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: We cannot make any distinction between the immigrants and indigenous people in this matter. So, if these people have really encroached upon any land within the reserve, the Deputy Commissioner must be justified in carrying out the principle laid down by the Government.

The settlement is not given on the basis of community or religion. Every one is allowed to squat in areas other than reserve and the cases are decided on the score of individual merit. If the persons aggrieved had any grievance against the order of the Deputy Commissioner, they had an appeal before the Commissioner, and the Revenue Tribunal. But, Sir, I find that no such appeal was preferred against the order of the Deputy Commissioner either to the Commissioner or to the Revenue Tribunal. If it is the case of the hon. member that these people were in this particular area before the 1st of April and that they have been evicted by an order of the Deputy Commissioner, then I can give him this assurance that I shall make an enquiry into this case and after finding out the circumstances I shall take proper action in the matter.

Maulvi Saiyid ABDUR ROUF: May I know whether the Hon'ble Minister will go personally into this matter?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: If it is necessary, I shall do that.

Dr. MAHENDRA NATH SAIKIA: On a point of information, Sir. When these eviction notices were issued under the signature of the Senior Magistrate, the matter was brought to the notice of the Deputy Commissioner and the Deputy Commissioner was very kind to give a stay order. Now, my point is whether the Hon'ble Revenue Minister is not going to carry out the order which was passed after due consideration by the previous Government.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: If it is the case that this remedy has already been provided by the Deputy Commissioner, I do not know why this motion was moved by the hon. member.

Dr. MAHENDRA NATH SAIKIA: This motion has been brought on the ground that the orders of the former Ministry have not been carried out and that it is contrary to the previous Government orders that this new orders have been passed.....

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: There is no such order passed by this Government.

Dr. MAHENDRA NATH SAIKIA: May I ask the Hon'ble Minister just to enquire of the *ex*-Minister Srijut Rohini Kumar Chaudhuri who is now sitting here in the Opposition?

The Hon'ble the SPEAKER: Has the Hon'ble Minister finished his reply?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: It is impossible for me to go on, Sir.

The Hon'ble the SPEAKER: What is the hon. member proposing to do with the motion? Will he press it?

Dr. MAHENDRA NATH SAIKIA: All that I want to know from the Hon'ble Minister is whether he will stick to the orders of the previous Government. If he does not, then I have no help but to press my motion.

Srijut ROHINI KUMAR CHAUDHURI: What my hon. friend Dr. Saikia has told is correct. But Dr. Saikia has now no reason to complain after the assurance given by the Hon'ble Revenue Minister. He says that if there was occupation before 1st April 1937, it would not be disturbed. Surely in this case the occupation was before that date. I think the motion can be withdrawn.

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

The Hon'ble the SPEAKER: The question is—

“That a sum not exceeding Rs. 27,97,600 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head “7.—Land Revenue.”

The motion was adopted.

Adjournment

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

After adjournment

GRANT No. 10

(27.—ADMINISTRATION OF JUSTICE)

The Hon'ble Babu KAMINI KUMAR SEN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs. 6,96,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head “27.—Administration of Justice”.

The Hon'ble the SPEAKER: Motion moved.

"That a sum not exceeding Rs.6,96,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head '27.—Administration of Justice' "

The first motion is in the name of Maulavi Abdur Rahman.

Maulavi MABARAK ALI: Sir, we would request that motions 4 and 7 may be taken up first.

The Hon'ble the SPEAKER: I have no objection. Maulavi Muhammad Maqbul Hussain Choudhury may move his motion.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: Mr. Speaker, Sir, I beg to move—

"That the provision of Rs.40,702 under Grant No. 10, Major head—27.—Administration of Justice, Minor head—Civil and Sessions Courts—H.—Deputy Commissioners' Civil Courts establishments (total), at page 82 of the Budget, be reduced by Rs. 101, *i.e.*, the amount of the whole grant of Rs.6,96,400 do stand reduced by Rs. 101."

My object in bringing this motion is to draw the attention of the Government in regard to the non-observance of the spirit of the Civil Procedure Code by the Shillong Courts. After the Government of India Act, 1935 came into force, Sir, the area under the Shillong Municipality and the Cantonment stands in the same position as the plains districts, but the spirit of the Civil Procedure Code is not followed in the case of Shillong. Rule 37 of the Notification No.2618-A.P., dated the 29th March 1937, decided that "the Courts of the Governor, Commissioner, Deputy Commissioner and his Assistants shall be guided by the spirit, but not bound by the letter, of the Code of Civil Procedure." At the same time rule 48 states that "Although the Indian Limitation Act, 1908 (Act IX of 1908), has been barred by Notification No.5868-A.P., dated the 8th September 1934, the principles of the Act should be closely followed in disputes between persons who are not natives of the following areas:—Sadiya Frontier Tract, Balipara Frontier Tract, Naga Hills, Khasi and Jaintia Hills, Garo Hills, Lushai Hills, etc." But so far as I know, Sir, the Courts at Shillong do not follow these rules.

The Hon'ble the SPEAKER: Is it the intention of the hon. member to bring to the notice of this House the desirability of this enactment being brought into force?

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: The spirit is not followed here, Sir, so far as my information goes.

The Hon'ble the SPEAKER: Then the hon. member has no point in reading this notification, if he does not want any change in the notification. He may discuss the conduct of the Courts if they do not follow the principles of the Civil Procedure Code or the Limitation Act.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, we are not discussing the conduct of the Courts. What my hon. friend wants to say is that the Civil Procedure Code is not in force in some of the Courts. Under the regulations for the administration of civil justice in the Khasi and Jaintia Hills the spirit of the Civil Procedure Code is to be applied in the decision of cases in the Shillong Courts, which is not done so far as the information of the hon. member goes. He wants to bring this to the notice of the Government. He is not criticising the conduct of any Court.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY : What I want, Sir, is that the spirit of the Civil Procedure Code should be in force in Shillong Courts in settling disputes between non-natives of the district.

In connection with this motion I put certain questions for my information, but I am sorry, Sir, I have not got the replies up till now. For that reason I am unable to quote figures. So far as my information goes some clerks in some offices are put to hardships by the non-observance by the courts of the spirit of this code. I do not mean to say that the courts do it intentionally, but the courts are not bound by the Civil Procedure Code to do otherwise.

The Hon'ble the SPEAKER : The courts may say that they are really following the spirit of the Code. Whether they do it rightly or wrongly, that is another matter.

Rai Bahadur PROMODE CHANDRA DUTT : Mr. Speaker, Sir, there is some difference of opinion as regards the interpretation of the word 'spirit'. Some people consider that it means that the provisions should be followed, except as regards technical bar. Unless we have a definition from the Hon'ble Minister in charge, different people will interpret it differently.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY : What I mean, Sir, is this that the plains people who are non-natives and who reside in Shillong should have the advantage of the Civil Procedure Code. By bringing this motion, I want to bring to the notice of the Government that they should see that the spirit of the Civil Procedure Code is enforced in the town of Shillong when settling disputes between natives and non-natives of the town. With these few words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved :

"That the provision of Rs.40,702 under Grant No.10, Major head—27.—Administration of Justice, Minor head—Civil and Sessions Courts—H.—Deputy Commissioners' Civil Court establishments (total), at page 82 of the Budget be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.6,96,400 do stand reduced by Rs.101."

The Hon'ble Babu KAMINI KUMAR SEN : Mr. Speaker Sir, I am grateful to the hon. mover of this cut motion for bringing forward this matter before the House, but his complaint as appears from the object of the cut motion, is non-observance of the spirit of the Civil Procedure Code in Shillong which I may emphatically repudiate. Sir, if there is any grievance that the spirit of the Civil Procedure Code is not being followed, the party have got their remedy in appeals. What I think the hon. member intends is not the non-observance of spirit but the non-observance of letters of the Code. I may inform the hon. members of the House that we have already taken up that question. We received a deputation from the Shillong Bar Association on this matter and we have arranged to call a conference to consider the question of administration of civil justice in partially excluded areas including Shillong. We have issued letters to some hon. members of this House including the Hon. Leader of Opposition to let us know whether it will be convenient for them to attend the conference. So I think Sir, the hon. member can rest assured that we shall soon proceed with the consideration of this matter and see if we can do anything for the introduction of the letter of the Civil Procedure Code. The word "spirit" seems a delightfully vague term and it is rather difficult to define it and in many cases, it is no less difficult to say whether the spirit is observed or not. We have already taken up this matter and I think, in view of the assurance, the hon. member will see his way to withdraw this motion.

The Hon'ble Srijut GOPINATH BARDOLOI: I think, Sir, I may be permitted to say something in this connection. We are just considering about the appointment of a Committee to inquire into the whole question of the rights of the people of the excluded areas. They are allowed representation in the Assembly as much as other areas get. But they are governed by a set of rules which have nothing in common with the laws in other places. We have already decided to appoint a Committee and this question may very conveniently be a subject for that Committee to discuss.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, sometime ago about the middle of January, I received a letter from the Chief Secretary informing that the Hon'ble Prime Minister has requested me to name three persons from my party to attend the conference to discuss about the condition prevailing in the partially excluded areas. I replied then and there giving three names. I thought that the Committee would be convened sometime in February but no Conference has been called so far.

Mr. JOBANG D. MARAK: On a point of information Sir. Is *Amuktarnama* admitted in Shillong court in civil cases?

The Hon'ble Babu KAMINI KUMAR SEN: I am not aware of that practice Sir

Mr. JOBANG D. MARAK: Is it admitted in the courts of the plain districts?

The Hon'ble Babu KAMINI KUMAR SEN: No.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: In view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw the motion.

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

Maulavi ABDUL BARI CHAUDHURY: I beg, Sir, to move—
“That the total provision of Rs.6,96,400 under grant No.10, Major head—27.—Administration of Justice, at page 78 of the Budget be reduced by Rs 100.”

Sir, my intention in moving this motion is that the Province of Assam is, at present, passing under a financial crisis and surely this is not the proper time for embarking upon a huge new expenditure by creating a whole-time post of the Advocate-General for Assam. The Budget is a deficit one and with the introduction of prohibition and other dreamy schemes of the Hon'ble Finance Minister, the deficit will be all the more greater. So we really wonder what could be the motive of the Ministry in creating this post.

Certainly, Sir, some constitutional difficulty has not confronted the Congress Coalition Ministry since they came into power and any unforeseen legal difficulty, if there be any, would be solved with the help of the Advocate-General of Bengal as was previously done.

So as matters stand, we have reason to question the *bonafide* of the present Ministry in creating this post. My impression is that the post is being created as a prize for some lucky supporter of the present Ministry.

We know, Sir, that there is provision for the creation of this big post in the Government of India Act. But the post of the Advocate-General is a veritable white elephant which this poor province of Assam can ill afford to maintain. With these words, Sir, I commend this motion to the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved:

“That the total provision of Rs.6,96,400 under Grant No. 10, Major head—27.—Administration of Justice, at page 78 of the Budget be reduced by Rs.100.”

The Hon'ble Babu KAMINI KUMAR SEN: May I rise on a point of order Sir? I think this motion is out of order because the object of this cut motion is to refuse provision for the appointment of an Advocate-General which is a charged expenditure.

The Hon'ble the SPEAKER: It seems from the manner of the speech delivered by the hon. member that he wants to criticise the proposal of the Government to appoint an Advocate-General for this province. Although he proposes to refuse the provision, the hon. members will find that the amount stated by him is only Rs.100 and so it seems that his motion is intended to be a censure motion but from his speech it appeared that he wants to criticise the Government for the appointment of an Advocate-General.

The Hon'ble Babu KAMINI KUMAR SEN: There are other objections too. I think, Sir, the cut motion is not properly worded because Rule 99(4) says:—"When tabling a motion for reduction, if it be for a reduction or omission of the amount of an item, a member shall have to state the minor head, the sub-head and the detailed head of the grant in connection with which the motion is to be moved". But here we find that no other head excepting the major head has been given in the cut motion, as required by rules.

The Hon'ble the SPEAKER: The hon. member has suggested Rs.100 as the amount by which the entire grant is to be refused. Is any other hon. member going to speak?

Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir. I rise to support this motion on two grounds. Firstly the question is whether there is any necessity for the creation of a separate post for Advocate-General for Assam. Of-course, there is no question of dispensing with this post altogether as it is a statutory obligation but I want to know whether there is any necessity of discontinuing the practice that is obtained now, *i.e.*, to avail of the services of the Advocate-General of Bengal.

Now the Hon'ble Finance Minister will probably come forward with some figures to show that there will be economy in the creation of this post. But I think those figures will be misleading, because during the last year, when the last Government was in office, there were only a few cases on which the advice of the Advocate-General had to be obtained. But I am sure since this new Government have come to the office the references to the Advocate-General have been and will be very few and far between. So, from the point of view of economy, I do not think that there is any necessity now for creation of a separate post here.

Then there is another objection. If the newspaper reports and lobby gossips have any bearing on truth, then there is a rumour that this post is going to be created as a sop to one of the members of this Legislature who had much axe to grind in the formation of the Cabinet. (*Voices:—Question*) But unfortunately he had no place in the same. Only this morning we heard the Hon'ble Premier saying, in discussing the question of giving licenses of private lorries on the Gauhati-Shillong Road, that it was thought undesirable that any member of the Legislature should be granted any license. I would expect the Government to come forward with a declaration that all these newspaper reports and lobby gossips are untrue. If they do not, then the presumption will be that the post is going to be offered to a member of the Legislature. May I ask under what principle they are going to offer this post to a member of the Legislature? So, I suspect that there was no necessity for the creation of this post, but the necessity has been created only as a measure of nepotism. It is not a measure of economy, but it is a measure of nepotism.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, it is really regrettable that we, the members of this House, have allowed ourselves to go beyond our duties as members of Legislature and we sometimes make insinuations and impute motives to other hon. members of this House (*hear, hear!*). The only point regarding this cut motion is, as it appears from the mover's speech, that there is no necessity for a separate Advocate-General for Assam in view of the deficit Budget, and I am really sorry to find the hon. Khan Bahadur from the other end of the province bringing himself down while discussing this motion by discussing the personalities in this House. The question that is to be considered is whether there is or is not any necessity for a separate Advocate-General for Assam. It is, Sir, mandatory, according to the Government of India Act, 1935, that there should be an Advocate-General for the Province. If we look to the records of other provinces, we find that every province has got an Advocate-General of its own. It was unfortunate for this Province that under the regime of the old Government we had to run to the neighbouring province in search of an Advocate-General when there was no dearth of able lawyers in this province of ours. I hope the House will be enlightened by the figures which will be supplied by the Hon'ble Judicial Minister as to the cost involved in the proposition. Sir, last year the Advocate-General from Bengal came and gave some sort of ruling to us and was present in the House for about half an hour, and I hear it cost the province six to seven thousand rupees. Again his opinion was consulted only on four occasions, and we had to pay to the tune of Rs. 10,000 for that. So, Sir, we had to pay so much because the Advocate-General belonged to another province. It is because of this that the present Government has provided some money in the Budget for a separate Advocate-General for this province. It is merely a measure of economy. I do not know why Khan Bahadur Maulavi Sayidur Rahman has become so jealous beforehand. There has been no announcement of name by Government, Government has not disclosed whether X is going to be appointed or Y is going to be appointed. But I find my hon. friend has become overjealous, and I do not know whether he is a candidate or not. He is a lawyer of repute; he may be a candidate and for the matter of that, it may so happen that he may be appointed, and we may have the occasion to congratulate him in the next Session for having been appointed as Advocate-General of Assam. (*A voice.*—What about yourself?). I am a poor pleader of the district Bar. But even if I become eligible, I am ready to withdraw my candidature in favour of the Khan Bahadur.

Khan Bahadur Maulavi SAYIDUR RAHMAN: I may inform the hon. member that I am not a candidate for the post, nor am I qualified for it.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: So, Sir, I submit that it is only as a measure of economy that this Government has brought forward this proposal. It is also a laudable desire on their part to appoint a man from this province. Sir, my venerable friend the Deputy Leader of the Opposition expressed the opinion that every provincial appointment should go to a native of the province, and I hope he will agree that Government by providing for the post of a separate Advocate-General for this Province at a much lower cost, is only acting up to the wishes of the hon. Deputy Leader of the Opposition. With these few words, Sir, I oppose this motion of my hon. friend Maulavi Abdul Bari Chaudhury.

Khan Bahadur Maulavi KERAMAT ALI: On a point of information, Sir. May I know from the Hon'ble Minister in charge whether there is any age limit for this post? (*Laughter.*)

Srijut ROHINI KUMAR CHAUDHURI: Mr Speaker, Sir, I hope the House will not misunderstand my rising in support of this motion. I shall be failing in my duty, Sir, if I do not thank the Hon'ble Revenue Minister for the very kind offer which he made the other day, *viz.*, that if I happen to be one of the applicants for this job, he would consider my case favourably (*laughter*). Well, Sir, I know there are very good reasons for his offer, because once I am out of the way he would find himself steady on his saddle. There is I think, a still greater reason to thank him. I had in my time opportunity to help the Hon'ble Revenue Minister in getting his desired object fulfilled, but I regret that I did not do so. It is all the more kind on his part to have displayed real Christian kindness in trying to do good to one who had not been good to him. I am also very glad that this debate has come to such a level that my hon. friend Babu Dakshinaranjan Gupta Chaudhuri has after all realised that we are at times apt to descend below what should be the level of the debate in this Assembly. It is never too late to learn, and I heartily congratulate one who has shown great delinquency in the past. I hope we shall not have to witness again the license to which some members of the other side of the House sometimes indulge in. Now, Sir, I have heard from the same gentleman that as there are Advocate-Generals in other Provinces, Assam should not lag behind in this matter. But I can ask him what is he doing in the matter of getting a High Court for us? What is he doing in getting a University for us? Is he trying to prove to the world that they will produce an Advocate-General who will outshine those in other Provinces? What is the Government doing in the matter of a High Court and the University I again ask?

As regards the question of economy, I do not understand at any rate how the Government spent ten thousand rupees in the matter of an Advocate-General. I think the Hon'ble Minister will explain in detail.

I should ask one question. What is the idea of the present Government as to whether the Advocate-General should be attending or be near the Calcutta High Court where his presence will be necessary, because if he is to practise in the Calcutta High Court, the same difficulty will arise if his presence is necessary in this province and if he has got to attend here. The same expenditure will have to be incurred. On the other hand, Sir, we know that we pay quite a large sum of money to the Advocate-General or the Deputy Legal Remembrancer and others to appear in Crown cases before the High Court.

Now, if the Advocate-General has his headquarters either in Shillong or at Sylhet or at Gauhati, and if the Hon'ble Minister is sincere in his promises made to certain individuals, then, Sir, how the expenditure will be saved if he has got to appear in the High Court? So it seems to me extremely improbable that any expenditure will be saved by this arrangement. Therefore I support this motion.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I have taken my stand to perform a painful duty, and that painful duty is to bring to your particular notice that the trend of our debates is going to such a low standard as will be a laughing stock to the outside province when the proceedings appear in print. Whenever any point is raised in which a certain post is involved, whether the question is as regards policy or economy, we hear the reply: "if you apply your case will be considered". It is really very painful to see this mentality of the Ministry and this is why I have taken my stand to protest against such kind of debate. One can very well say that one looks through the glasses with which he adorns his face. It may be that those gentlemen who brandish such words cannot look upon a question from the general standpoint but views every question that is debated in this House from the narrow outlook of self-interest.

The question whether we should have an Advocate-General or not is not a question of any personal ambition of either myself or of my friend to my left, but it is a question of general principle and grave importance. Everyone knows that under the Government of India Act, every province must have an Advocate-General of its own. Similarly every one knows that it is open to the provinces to have a joint Advocate-General with some other province ; as also is the case with the institution of Public Service Commission. The point before us is whether there is necessity for having a separate Advocate-General of our own. One hon. member thinks that as we have got Provincial Autonomy, we should be autonomous, and the first sign of autonomy should come in having a separate Advocate-General. Well and good. If, as has been said, that the present arrangement of briefing the Advocate-General, Bengal on a small monthly salary of Rs.250 has proved really costly, as we were told the other day that the arrangement has cost the province to the tune of about Rs. 6,000 (six thousand rupees) in connection with certain references made to him. Really it is a serious question which should be thought of by every one. The real point is that we should see whether we are getting the full value for our money. Khan Bahadur Maulavi Saiyidur Rahman wanted the Premier to invoke the principle of a certain answer given by him this morning. But in my opinion, principle to be applied is the one given by the Premier about appointments in reply to a question put by my friend Mr Baidyanath Mookerjee, that in matters affecting technical or expert knowledge, we must go beyond the province in order to get the best man. I would leave it to the Hon'ble House to consider whether this province has got a constitutional expert---a lawyer who is familiar with the interpretation of Constitutions, who will be worth the pay that we are offering. Then again we have got to see that in case we have an Advocate-General of our own, whether we have got sufficient work for him to keep him engaged throughout the year, or throughout the days of the week. We have heard that under the present arrangement only 5 or 6 references were made to the present incumbent during his incumbency. It stands to reason that if five references were made to the Advocate-General—I do not know the time during which these 5 references were made, but I presume it was from the 1st of April 1937. It clearly shows that it will be a sheer waste of money if we have an Advocate-General of our own only for the sake that we must be autonomous in this post.

It is all very well, as has been said by my hon. friend Babu Dakshinaranjan Gupta Chaudhuri that we must patronise our local talents if we have got such talent in the province. I admire the enunciation of the principle because I am at one with him, but we must see that his time is fully utilised. My friend Mr. Rohini Kumar Chaudhuri has very shortly told the House that we have got to pay to the Government of Bengal the services of their various law officers at Calcutta to represent us in the Calcutta High Court. Sir, with my personal experience, both as a lawyer in the High Court as well as the Minister in charge of Law and Order some time before, I can say that we contribute towards the maintenance cost of the Legal Remembrancer and the Deputy Legal Remembrancer in Bengal, who is to appear on behalf of the Crown in Assam cases before the Criminal Bench. We also contribute towards the cost of the Government Pleader and the Assistant Government Pleader in the High Court, for Civil work. If we really want to have an Advocate-General of our own, should we not consider whether his headquarters should be at Calcutta so that that particular officer could represent the Government of Assam both

in the Civil and Criminal sides whenever the necessity arose. In that way we would be saving the province from the contributions which we are making towards the law officers of Bengal.

In case, any of my hon. friends should impute any motive as to why I am speaking in this strain, I may inform them that though I am a lawyer of the Calcutta High Court and that I will be soon joining the Bar there, even then, if I am offered the post, I am not going to accept it. And therefore, I say that whatever I have said, I have said for the interest of the province; it is a serious matter, requiring consideration, firstly whether there is sufficient work for such an officer, and if we want to patronise local talent, whether we have such talent, and if found, we should see that his time is utilised fully and properly—hereby we can have money to the province. The last point that I would like to mention is that if any particular individual in this House gets the appointment, I will congratulate him, and my hon. friend Khan Bahadur Sayidur Rahman need not take any exception to it because as soon as he is appointed, he will cease to become a member of this House.

The Hon'ble Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I am glad to have this opportunity of stating the position of the Government with regard to the provision that has been made for the post of an Advocate-General in the Budget. It seems that there has been considerable misapprehension over this question, and we have been accused of making a provision, or rather a separate provision for a separate Advocate-General of our own, only in order to patronise some individual, but, Sir, that is absolutely incorrect and I strongly repudiate that insinuation. As it is known to every hon. member in this House that it is mandatory under the Government of India Act for provinces which have got Provincial Autonomy to have an Advocate-General. But at the time when provincial autonomy was introduced in this province, no Advocate-General was appointed in this province. If I may be permitted to refer to the history of this appointment, I may remind the House that at the time when a cut motion for the Commissioner's establishment was brought in this Assembly by my hon. friend Maulavi Abdur Rahman, in August 1937, an Advocate-General was appointed overnight by a Notification dated 23rd August 1937,—just after the point of order was raised, but the late Ministry could not decide whether they would have a separate Advocate-General for the province or they would requisition the services of the Advocate-General of Bengal. So the first appointment was made only for 3 months on 23rd August 1937. When that 3 months expired, his services were extended for another 6 months, and after the expiry of that period too, the question could not be decided, and by the last Notification dated 19th May 1938, he has been appointed until further orders, *i.e.*, without specifying any time. So as soon as we took over office, we took up the matter where our predecessors left it. They left it undecided and in order to come to a definite conclusion we had to take up that question. The question that we had to consider was whether we were getting the full services out of the Advocate-General of Bengal. I will mention, Sir, that since his appointment there were only 6 references to him and only for these few references probably we shall have to pay more than Rs. 10,000. The first one was in connection with the cut motion moved by Maulavi Abdur Rahman in the August 1937 session, regarding the total refusal of the pay of the establishment of the Divisional Commissioners, and that cost us Rs. 4,250. The second was in connection with the enfranchisement of the Nepalese who have made Assam their permanent home. The third was in connection with the Bijni Court of Ward's compromise case.....

Srjiut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. That has been paid by the Bijni Court of Ward's Estate.

The Hon'ble Babu KAMINI KUMAR SEN: I am referring to the cases which have been referred to the Advocate-General and not the party who will bear the cost. The fourth was in connection with the Central Provinces and Berar Sales of Motor spirit and Lubricants Taxation Act. The fifth was when the Advocate-General's opinion was obtained as to the legal liability of this Government for provision of fencing by the Dibrusadiya Railway lines which run alongside the road. The sixth was in connection with the handing over of the estate of Rai Bahadur B. R. Das to the legatees by the Administrator-General, Assam.

We have not as yet got all his bills. I have already said that the first cost us Rs. 4,250. With regard to the third we have got a bill for Rs. 1,955, plus Rs. 156 for the clerk. We have not yet received the other bills, but I am sure that they will not be less than Rs. 4,000. Only for the reference in the Federal Court in the matter of the Central Provinces and Berar Sales of Motor spirit and Lubricant Taxation Act, he will be charging us at the rate of Rs. 1,020 per diem as fees, plus his travelling expenses. Of course that amount will be divided between Bengal and Assam because he appeared for both.

The Government of India Act made the appointment of an Advocate-General compulsory and has also made him eligible to take part in the proceedings of the Legislatures, so that the Provincial Government may have ready at hand an expert non-party lawyer for giving advice in intricate question of law. If we are to give effect to the intention of the Act, we cannot afford to have an Advocate-General stationed far away at Calcutta. Moreover I have already said that we had very few occasions to refer any complicated questions of law to the Advocate-General. But now when this Government has introduced several Taxation Bills, as well as Tenancy Bills and intends to introduce some of other amending Bills in the near future, we would require the presence of the Advocate-General very often here in Shillong and no less often in this House (Opposition cry: *hear, hear*). Can we expect that an Advocate-General who lives in Calcutta and who will charge a fee of Rs. 1,020 per diem for attending this Assembly for a day can do us better service than an Advocate-General appointed locally? We had considered all these questions—the question of finance as well as the intention for which the provision of Advocate-General has been made in the Government of India Act and we find that an Advocate-General who is stationed in Calcutta cannot give us that legal advice in and outside the Legislature which is expected to be given by an Advocate-General for which a provision has been made in the Government of India Act. Of course, an Advocate-General is entitled to appear on behalf of the Government in cases filed before the High Court but there would be very few occasions for that. We require his presence more in Shillong than in Calcutta for appearance in the High Court. In the High Court we have got other law officers to appear on behalf of the Government. We have got these facts we had to come to the conclusion that it would be economical all the same time convenient for us to have an Advocate-General here. Considering all do not see how my hon. friends on the Opposition can accuse us for making this provision only for a patronage. No question of patronage comes because we have not yet come to any decision as regards the personnel that has to be appointed. My hon. friend the Khan Bahadur said that one member of this House is reported to have been appointed. But he knows that a member cannot be an Advocate-General as long as he continues to

be a member of this House. (A voice from the Opposition Bench: he will resign). I think, the purpose for which the Advocate-General has to be appointed under the Government of India Act, is clearly mentioned in the Joint Parliamentary Report and I would like to read a portion from it for the information of the House. "It is no part of our intention to suggest that the office of Advocate-General should, like that of Law Officer here, have a political side to it; indeed, our main object is to secure for Provincial Governments legal advice from an officer, not merely well-qualified to render such advice but entirely free from trammels of political and party associations, whose salary would not be votable and who would retain his appointment for the recognised period of years irrespective of the political fortunes of the Government or the Governments with which he may be associated during his tenure of office". As I have already said, we have not come to any conclusion as regards the personnel that has to be appointed and that a member cannot be so appointed. Therefore, the hon. Khan Bahadur's accusation that we are making this provision only to patronize a certain member of this Legislature, is entirely baseless.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do I understand the Hon'ble Minister to say that the newspaper report is incorrect?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir. Another point which has been raised by the hon. Leader of the Opposition is that when we have got other law officers in Calcutta, should we not, in appointing the Advocate-General, consider it desirable to select one from there.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I never said that. All I said is that we should consider whether there is sufficient work at Shillong for the Advocate-General. If we appoint one, we should see that his entire time is utilised and also we enquire whether Government could save some money by making Calcutta the Advocate-General's headquarters instead of Shillong.

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir, I am coming to that question. But before I do so, I would further state for the information of this House that besides the fees charged, the present Advocate-General gets a retainer of Rs.250 per month *plus* Rs.550 a year as the proportionate cost of his clerical establishment and office establishment. So practically he gets about Rs.300 a month over and above the fees that he has charged. Whereas a provision of Rs.8,000 only has been made for the Advocate-General.

As regards the point whether there will be sufficient work for the Advocate-General, I think, there will be enough work because our Legal Remembrancer is overburdened with various works—more than he can cope with. He combines in himself several functions which it has become difficult for him to discharge faithfully. We have so many Taxation Bills and Tenancy Bills and it is difficult for the Legal Remembrancer to do justice to these Bills after doing all the functions that have been entrusted to him. So, Sir, I think, there will be sufficient work for the Advocate-General, if one is appointed here. On these grounds—on the ground of economy as well as on the ground of efficiency and convenience, I think, there is no justification to accuse Government for providing for a separate Advocate-General.

Khan Bahadur Maulavi KERAMAT ALI: May I know from the Hon'ble Minister whether the post will be advertised? And after calling for candidates, whether the applications of the candidates from outside the province will be considered, if they choose to reside in Shillong?

The Hon'ble Babu KAMINI KUMAR SEN: I think the same procedure that was followed last time, will be followed this time,

Khan Bahadur Maulavi KERAMAT ALI: What was that procedure followed last time ?

The Hon'ble Babu KAMINI KUMAR SEN: No advertisement was made.

Khan Bahadur Maulavi KERAMAT ALI: Will the appointment be made within this Assembly session or after ?

The Hon'ble Babu KAMINI KUMAR SEN: That I cannot say.

Khan Bahadur Maulavi KERAMAT ALI: May I know whether an Assembly member will have to resign before he applies for that post ?

The Hon'ble Babu KAMINI KUMAR SEN: That also I cannot say.

The Hon'ble the SPEAKER: A member when he is appointed to a post under Government carrying emoluments, is automatically disqualified from being a member of this House.

The question is that the total provision of Rs.6,96,400 under Grant No.10, Major head—27.—Administration of Justice, at page 78 of the Budget, be reduced by Rs. 100.

The motion was negatived.

The Hon'ble the SPEAKER: Now I shall put the original demand. The question is :

“ That a sum not exceeding Rs.6,96,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head—27.—Administration of Justice ”.

The motion was adopted.

GRANT No. 2

(8.—Provincial Excise)

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, on the recommendation of His Excellency the Governor of Assam, I beg to move that a sum not exceeding Rs.3,51,800 be granted to defray certain charges which will come in the course of payment during the year ending 31st March 1940, for the administration of the head “ 8.—Provincial Excise ”.

The Hon'ble the SPEAKER: Motion moved :

“ That a sum not exceeding Rs.3,51,800 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head—‘8.—Provincial Excise’ ”.

Now there are 8 cut motions. Is any decision arrived at as to which motions will be moved ?

Maulavi MABARAK ALI: Motions 1, 5, 7 and 8 will be moved. Mr. Speaker, Sir, I beg to move—

That the provision of Rs.50,364 under Grant No 2, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 40 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.50,364.

The object of my motion is to do away with the Excise Commissioner.

The Hon'ble the SPEAKER: The Excise Commissioner remains: his salary is separately provided for. Of course, the hon. member remains: a cut motion but he did say that he is not going to move it.

Maulavi MABARAK ALI: The object of my moving this cut motion is to do away with the establishment and also to show to Government the way how to realise money without a taxation.

Sir, we know that our Government is in need of more money, but we are going to contribute this sum from this side of the House. It is a well-known fact that the post of the Excise Commissioner is a redundant one. Since the inauguration of the Revenue Tribunal, second appeals which used to be heard by the Excise Commissioner can now be heard by the Revenue Tribunal. I understand that he has very little work to do. The work of the superintendence might be delegated to the Deputy Commissioners and the Subdivisional Officers and the Superintendents of Excise and Inspectors and Sub-Inspectors of Excise. So I find that the post of the Excise Commissioner is a luxury.

Sir, when a motion exactly similar in nature was tabled last year in the Budget session by my hon. friend Mr. Abdur Rahman, my hon. friend Babu Rabindra Nath Aditya, who is now sitting behind the Treasury Benches, supported this motion and he said before this House that he not only wishes to cut the head of the Excise Department but he wishes to cut away all the Heads of all the Departments as well. Now, Sir, I am moving the cut motion to cut the head of a single department that is the Excise Department and I hope he will support my motion. With these words, I beg to commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs. 50,364 under Grant No.2, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 40 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.50,364."

Maulavi JAHANUDDIN AHMED: Sir, when the party now in office was in the Opposition, it also supported this motion and they suggested that this post of the Excise Commissioner may be amalgamated with the post of the Director of Land Records. The then Chief Minister Maulavi Saiyid Sir Muhammad Saadulla, if I remember aright, gave an assurance to the House that the Director of Land Records has very few works to do and by amalgamation of these two Heads some money may be saved. As to-day I find the Members, who supported the motion, are running the Government, I think they will also support this motion and this post may be amalgamated with that of the Director of Land Records, so that some money may be saved. With these few words, I support the motion.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I also rise to support this motion. As the hon. mover has made a reference that last year I moved a similar motion regarding the abolition of the post of the Excise Commissioner, actually I did move the motion and the then Government was pleased to give me an assurance that the matter would be considered in the Retrenchment Committee. Since then much water has flown in—unfortunately there is no river in Shillong like the Brahmaputra or the Surma—still we are entirely in the dark as to the result of the deliberations of the Retrenchment Committee. This is a matter engaging my serious consideration, particularly, since I became a member of this Hon'ble House, I remember that during the first session of the new Government I tabled a resolution recommending to Government that the post of the Excise Commissioner and certain other unnecessary posts should be abolished. Since then only on one occasion, I have partly been successful. Sir, I shall now try to convince this House how Government can manage their affairs by abolishing this post.

First of all I wish to draw the attention of this Hon'ble House that the duty imposed on the Commissioner can be easily delegated to the respective district authorities or in subdivisions on the Subdivisional Officers. The

works to be done do not appear to me to be so arduous that those duties alone warrant the services of a Commissioner separately. If we look to the other aspects, we find there are Excise Superintendents and, if I remember aright, their number is 8. These people start their service from Rs.150 and go up to Rs. 800. What are they doing? Their works are not sufficient that they surely require the supervision of a Commissioner. Simply the Commissioner can be said to be a vigilant officer over the works of the Superintendents of Excise. Then again, there are other officers like the Inspectors and the Sub-Inspectors, who are mainly meant for the local work and for checking them, there are Inspectors and Superintendents, who are supposed to be highly qualified gentlemen. Then for the vigilance of the work of these Superintendents, if there be need for a Commissioner, then we should create another post for the vigilance of the Commissioner.

Then, Sir, what is the scheme of Government now in power? Since the inauguration of the present Government, I find that the idea is to abolish the department altogether. The other day we have been told and we have also seen that the present Government have tabled a Prohibition Bill. But, Sir, by this scheme the province is going to lose. By adopting the scheme Government are going to spend Rs. 1,25,000. At the same time we are going to lose revenue to the extent of 5½ lakhs. The total loss to the province adopting that measure is nearly about 7 lakhs. Besides that, we are to maintain this high-salaried post, which costs us nearly half a lakh, are we not losing very much? Taking into consideration all these points, Sir, we cannot but do away with the post of the Commissioner who has got very little or nothing to do.

As regards the necessity for the abolition of this post, Sir, there cannot be a second opinion. As a matter of fact this matter was brought before this House previously also. In the year 1937 the hon. Mr. Baidyanath Mookerjee, by moving a cut motion, urged on Government the necessity of relieving the country from this loss of revenue and then he also dealt with this point particularly. As has been observed by my hon. friend, the mover, even last year Mr. Rabindranath Aditya and others also gave their verdict that this post should be abolished.

Now, Sir, I very fervently make an appeal to the House that they should seriously consider the question before they come to a final decision regarding this motion. I would particularly draw the attention of the House, Sir, to one aspect of the matter which concerns the revenue of the province. As I have already mentioned, Sir, we are going to be losers to the extent of nearly 7 lakhs of rupees on account of the prohibition measure. Should we not be more economical by abolishing this post? With these words, Sir, I also support the motion before the House.

Babu RABINDRA NATH ADITYA: I rise, Sir, only in connection with a reference made by Maulavi Mabarak Ali to a speech I delivered some time ago with regard to the abolition of the Heads of the Departments. He took some pains to remember some portions of my speech connected with the Heads of the Departments. But, Sir, he has conveniently forgotten the arguments I advanced in that connection. The reasons that prompted me to deliver that speech were, that there was too much interference from the Cabinet Members in the internal administration of the Department, so much so, that the Head of the Department was reduced to a mere nominal head and, therefore, the purity of the administration was liable to be jeopardised for the sake of the party interests. That was my argument, Sir. But curiously enough my friend has forgotten that.

However, Sir, about the abolition of this particular Head of Department, if the hon. member cares to examine the policy of prohibition enunciated by this Government, the hon. member will see that the logical conclusion of the prohibition scheme would be the abolition of this Department entirely some time after. For the present, it may be necessary for us to appoint some more officers even, in order that policy may be carried out successfully. If the Government succeed in their mission, we can reasonably hope that there will be no need of either the Excise Commissioner or his subordinates. This is a thing for the near future, though not for the present. So, Sir, if I advocated the expediency of head-cutting, I still maintain it, and I say that the Government policy with regard to the Excise Department also is leading us to that goal.

About retrenchments, I see there is an ever-increasing keenness on the part of the members of the Opposition. Of course, I must regretfully say that keenness was not so much visible on their part some time ago. But I quite appreciate the zeal of a new convert. But when we make a proper valuation of that zeal, I must say that it does not stand much to the test.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, with reference to what has been said by the last speaker, I would say that we all recognise that the Government has adopted a policy of prohibition and they require an officer like the Prohibition Officer. But that does not justify the retention of the post of Commissioner of Excise which carries a fat salary. An I. C. S. Officer with a fat salary is now holding the job. (Several voices:—No, no.) At least he is an officer holding a listed post. So, if the Government really wants economy in administration, I think they can as well appoint a Prohibition Commissioner by recruiting a man of the Provincial Service for carrying on the work of Prohibition. For the present, I think, if they are really sincere about effecting economy, they should agree to this cut.

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, on behalf of Government I oppose this motion. With regard to the speech just made by the hon. Khan Bahadur Maulavi Sayidur Rahman, I should like to make a reference to what he spoke in the last Budget Session. It runs as follows:—"Sir, this particular motion on the question of abolition of the post of the Excise Commissioner has come up before this House many times. I think many years ago this post was kept in abeyance and the duties of the Excise Commissioner were entrusted to the Commissioners of Divisions. So far as I understand, this led to serious slackness in the supervision over excise matters and the post of the Commissioner of Excise has been functioning. Of course, as a measure of retrenchment and economy, many things have to be considered and also whether this post can be abolished without impairing the efficiency of the department itself. Sir, it is a well-known fact that with the programme of prohibition there must be more and more supervision and in that view of the matter, I think, it will not be advisable to abolish the post of the Excise Commissioner."

Sir, only a few months ago it was advisable for the hon. Khan Bahadur to retain the post of the Commissioner of Excise, but now his opinion has undergone a sudden change.

Sir, my hon. friend the mover of this cut motion has spoken many things against the Commissioner, but I think, he has not looked into the duties which the Commissioner is rendering. The Commissioner has to deal with the traffic of liquor and drugs, but these are provincial as well as inter-provincial. The function of the Commissioner is not only to look to the provincial excise but also to look to the inter-provincial excise. Sir, this post was once abolished and the duties of the Excise Commissioner were divided between the two Commissioners of the Valleys, but now the post of

the Commissioner of Surma Valley has been abolished. Again, Sir, this Government is going to launch the scheme of prohibition and the Retrenchment Committee has recommended for the amalgamation of the post. This Government have practically amalgamated this post and we will take one man to discharge the duties of the Commissioner of Excise and the Commissioner of Prohibition. In one sense, Sir, this Government has observed economy as has been suggested by the hon. mover of this cut motion. Again, Sir, excise matters are more or less technical subjects.

Maulavi MUHAMMAD AMJAD ALI: On a point of information, Sir. Is the present incumbent an expert one?

The Hon'ble Babu AKSHAY KUMAR DAS: Yes, Sir. As a District Magistrate he has gained much experience about excise.

Khan Bahadur Maulavi KERAMAT ALI: Was he a District Magistrate?

The Hon'ble Babu AKSHAY KUMAR DAS: Yes, Sir.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Was the present Commissioner of Excise ever a District Magistrate?

The Hon'ble Babu AKSHAY KUMAR DAS: Yes, he was a District Magistrate at Gauhati.

Again, Sir, the Commissioner of Excise has got to see whether the policy of the Government is observed or not. Under the circumstances, I don't think it is advisable for this Government to abolish the post. So this Government oppose this motion for the reasons defined above.

The Hon'ble the SPEAKER: The question is—

“That the provision of Rs.50,364 under Grant No.2, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 40 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.50,364.”

The motion was negatived.

Maulavi ABDUR RAHMAN: I beg, Sir, to move—

“That the provision of Rs.22,107 under Grant No.2, Major head—8.—Provincial Excise, Minor head—C.—Distilleries (total), at page 42 of the Budget, be reduced by Rs.5, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.5.”

The object of moving this motion is a very simple one and it is known perhaps to all the members of this Hon'ble House that the Officers under this department very often harass the people by prosecuting them on trifling grounds. It is my personal experience, Sir, that the lower grade officers of this department arrest the people particularly, those who are not properly dressed or persons like *Bairagis* on mere suspicion with a view to show increased number of cases detected by the excise staff. On the slight pretext, they will fall upon the poor helpless people and arrest them and bring them to the court. They are also not allowed on bail. They remain in *hazat* for some days. After a day or two the officers will appear before the Court to plead for their detection. The people who are arrested like this are generally very poor people. One thing, that strikes me most, is that the Magistrates fine them very mercilessly. They will fine them Rs.100 even in a small case. Sometimes we find that they are asked to pay fine as well as to undergo imprisonment. Very recently an old Brahmin was brought before the Magistrate by an Excise Jamadar. That Brahmin had a rug on and he looked very ugly. He had also long hairs. He told us that he went to his 'Jazman' and while returning from there, some people arrested him on mere suspicion. He was sent to the *hazat*, and the following day, he appeared before

the Court, where he said that he did not commit any offence but the Excise Jamadar told him that he was carrying some drugs with him. While he was telling us all these, he shed tears in presence of so many gentlemen. After taking evidence, nothing was found against him. Now, Sir, the hon. members of this House will realise that the Excise officers, for nothing, fell on this poor people who was returning from a respectable house after attending the ceremony. As a matter of fact he had to pass two or three nights in *hazat* for nothing. *Ex-tea* garden coolies are also very often put to trouble like this. If these things are not stopped, then these poor people will unnecessarily suffer. We have found that many innocent people undergo much hardship.

There is another thing regarding *ganja* plantation. These officers secretly plant some *ganja* plants in the houses of poor people, and all on a sudden they attack their houses and find out those plants which they themselves planted. Then they will arrest those people and bring them to courts. Thus the poor people are made to suffer like anything.

Then I come to the question of distilleries. They throw some apparatus in the house of some persons, and afterwards they will arrest them on the plea that some apparatus were found in their houses. I know of a case, Sir. One man and his three children were prosecuted on a charge that some apparatus were found in his house.

The prosecution evidence was that some apparatus were found just by the side of his kitchen outside the house, some were found in the tank, and some under the tree, and so on. For these things, the police sent up these innocent persons to the Court. It might be that these things were put inside his house by his enemies. Anyway these men were acquitted. But if such prosecutions are allowed, do not these innocent people suffer unnecessarily? Sir, they are common people, they belong to a very lower status of the society, they are poverty-stricken. So, what is the point in harassing them unnecessarily?

There is another difficulty, Sir. If one has got the outlook of a *Sanyasi* he becomes an eye-sore to the Excise staff. Wherever he goes, he is pursued by departmental officers, arrested and sent to Court for trial. Sir, this motion is not new to this House. So far as I remember, a year or sometime back a similar motion was moved in this House, and Government gave us full assurance that they would look to the safety of the people, *i.e.*, they would take sufficient care to see that innocent people are not unnecessarily harassed. I do not know whether the practice of granting rewards to Excise officers still continues. If that practice of rewarding for detecting one or two cases is still prevalent, this is another cause for which the innocent people are unnecessarily harassed. For out of fascination for the reward, the Excise staff become very vigilant and arrest innocent people to show their merit to the department. With these words, Sir, I bring this fact to the notice of Government for giving serious consideration to this matter.

The Hon'ble the SPEAKER : Cut motion moved :

"That the provision of Rs.22,107 under Grant No. 2, Major head—8.—Provincial Excise, Minor head—C.—Distilleries (total), at page 42 of the Budget, be reduced by Rs.5, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.5."

Maulavi JAHANUDDIN AHMED : Sir, I rise to support the motion of the hon. mover. Sir, I like to bring to the notice of the Hon'ble Minister the fact that Excise officers are to supply at least some cases monthly or annually. Unless they can supply some least number of Excise

smuggling cases, they are very badly treated by the Heads of Departments. Sir, it is one of the reasons why these officers are bound to apply mean tactics to find out cases, so that they may be treated favourably by the Heads of Departments. Sir, sometimes these Excise officers induce people to keep opium or *ganja* in some places, and then they go there to search and ultimately arrest the innocent people, thereby causing unnecessary harassment to them. They are also given rewards for this. If things go on like this, the poor people are bound to suffer. Sir, everyone knows that in every village, there are two parties, and by instigation of these officers, one party is unnecessarily harassed by the other party. So, I bring this to the notice of the Hon'ble Minister, who I hope will kindly look into the matter very seriously. Sir, with these few words, I support the motion.

Babu HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir, I rise to support the motion moved by my hon. friend Maulavi Abdur Rahman.

Sir, in supporting this motion I like to bring before the House how sometimes the innocent persons are dragged to the Court and punished. Sir, I remember a case in our place a few years ago. A poor man, an inhabitant of Bengal, came for some business to our subdivision. The man was an opium addict, and he had his ration with him; he was not a smuggler, but a respectable man. He did not conceal anything, and he was taking his quantity of opium openly. I was told that the Excise staff caught him and brought him before the Court. He confessed that he was an addict to that drug, but the Court did not show him any mercy. There is no provision in the Assam Excise Act to show some leniency towards such people, who are ignorant of the law existing in Assam and come for business or other purposes here. It was reported to me that the poor man was fined, and in default sentenced to undergo imprisonment. Some gentlemen took pity on him and collected subscription to pay off his fine, but I don't know whether that was sufficient to relieve him from the jail. In this way, Sir, very often innocent people are dragged to the Court and punished. I urge upon the Government to see if anything can be done to deal with such cases leniently. With these few words, Sir, I support the motion.

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, the expenditure under this head refers to warehouses, and the officers in charge thereof have no occasion to launch any prosecution against any person.....

Khan Bahadur Maulavi KERAMAT ALI: Is it a point of order?

The Hon'ble the SPEAKER: The point should have been raised earlier, but nevertheless a reduction of the whole grant has been aimed at by this motion.

The Hon'ble Babu AKSHAY KUMAR DAS: It is not a point of order, Sir. I am only pointing out the defect of this motion, I am not opposing the motion being discussed.

Khan Bahadur Maulavi KERAMAT ALI: May I take it that the Hon'ble Minister is not going to oppose this motion?

The Hon'ble Babu AKSHAY KUMAR DAS: I certainly oppose the motion. I objected to the drafting.

The Hon'ble the SPEAKER: The Hon'ble Minister may go on.

The Hon'ble Babu AKSHAY KUMAR DAS : Very funny, Sir, the charge is that excise staff harass innocent people. I shall only quote figures of persons arrested and convicted from the year 1933 to 1938. From these figures the House can see whether these persons are unnecessarily harassing innocent people or they are really guilty.

Maulavi MUHAMMAD AMJAD ALI : May I know whether it is the fault of the accused or of the Government ?

The Hon'ble Babu AKSHAY KUMAR DAS : It is the duty of the accused to contest. If the accused knows that he is guilty, he will not contest. So it is up to the accused to contest or not.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : May I know whether the Hon'ble Minister can supply the number of persons who are searched and vexed by these people of the Excise staff in stations ?

The Hon'ble Babu AKSHAY KUMAR DAS : This is the first time that the matter is brought to the notice of Government. Had it been brought earlier, Government would have taken proper steps to remove this kind of searching ; but if suspected there is no reason why they should not be searched ?

In 1933-34, the number of cases detected was 2,075, the number of persons arrested was 2,213 ; out of this 2,018 were convicted. Then in 1934-35, 2,440 cases were detected and the number arrested was 2,302 ; out of this 2,298 were convicted. In 1935-36, 2,457 cases were detected, 2,587 persons were arrested and 2,150 were convicted.

Maulavi MUHAMMAD AMJAD ALI : What is the use of all these details ? Is it only to regale the audience on the gallery ?

The Hon'ble the SPEAKER : He is trying to make out a point.

The Hon'ble Babu AKSHAY KUMAR DAS : Sir, I am giving these details to remove the false notion of the hon. members, and also I wish to show that Excise officers do not unnecessarily harass people. This statement will show that they really committed the offence and are brought to trial and convicted.

Maulavi ABDUR RAHMAN : Will it be a news to the Hon'ble Minister, if I tell him to inquire how they are brought before the Court. They are not allowed to see their own people.

The Hon'ble Babu AKSHAY KUMAR DAS : Those persons who are roughly handled should bring the fact before the notice of the Government. My hon. friend is a Criminal lawyer, and he might bring that fact into the notice of the Government, otherwise it is baseless to say that the staff harass people. I do not see any reason why that charge should be brought against the Excise staff. Is it due to the fact that they happen to be persons serving in the Excise department ? Please do not have this peculiar notion about the Excise staff. Do not suspect them without rhyme and reason that they arrest people for the sake of mere arrest or simply because he is a person in the Excise department. If this is the notion of the hon. members of the Opposition, it is very difficult for the Excise staff to get the reputation they deserve. From the figures I have quoted, it will be seen that the Excise staff were not harassing people unnecessarily. Most of these persons who were brought to trial were convicted. So I think some of the cases that have been brought here are not at all true.

Maulavi ABDUR RAHMAN : May I inform the Hon'ble Minister, that the Magistrates are not found to be so much courteous in favour of the accused, though the fundamental principle of the law is, that they should be always with the accused.

Maulavi JAHANUDDIN AHMED: May I know why a fixed number of cases is asked from Excise officers ?

The Hon'ble Babu AKSHAY KUMAR DAS: I do not know anything of the kind.

Maulavi JAHANUDDIN AHMED: Will the Hon'ble Minister please enquire into the matter and see whether this is going on or not ?

The Hon'ble the SPEAKER: The Hon'ble Minister says that he is not aware of any such thing.

Maulavi JAHANUDDIN AHMED: Whether he is going to enquire into the matter ?

The Hon'ble Babu AKSHAY KUMAR DAS: If any specific cases are brought before the Government, they will enquire ; otherwise Government are quite unwilling to enquire.

Maulavi JAHANUDDIN AHMED: May I know whether there is any secret circular of the Government ?

The Hon'ble the SPEAKER: The Hon'ble Minister has denied that.

The Hon'ble the SPEAKER: The question is :

"That the provision of Rs.22,107 under Grant No.2, Major head—8—Provincial Excise, Minor head—C—Distilleries (Total) at page 42 of the Budget, be reduced by Rs.5, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.5".

The motion was negatived.

Dr. MAHENDRA NATH SAIKIA: I beg, Sir, to move—

"That the total provision of Rs.3,51,800 under Grant No 2, Major head—8—Provincial Excise, at page 39 of the Budget be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.101."

The motion has been tabled by me to criticise the Government policy laid down for the settlement of Excise shops in the province for the year 1939-40.

Sir, in criticising the policy of Excise shop settlement for 1939-40, I will speak on a few points.

My first point is that there is no end of policies being issued by Government for settlement of the Excise shops for 1939-40. In the first place, there was an order issued that the lessees who had held Excise shops for three years or more would be eliminated altogether. When this order was issued and it went to the ears of the interested parties, there was a great commotion amongst them and they collected a lot of money to have their case represented before the Government by persons who have got the ear of the Cabinet to a great extent, and there was a representation made by the Excise lessees through people who have a voice over the Cabinet, and the result was that orders were issued that the settlements should be postponed till the issue of fresh orders afterwards. After this, a second order was issued which was contrary to the spirit of the first order. The second order was to the effect that those lessees, who had been holding shops for three years or more, should not be given settlement of the same kind of shop, *i.e.*, that they should be transferred to some other kind of Excise shop, which means that a man, who was holding an opium shop, should be transferred to a liquor or *ganja* shop.

Again, I want to bring to your notice that in the first order it was mentioned that in the settlement of Excise shops, first preference should be given to natives of the province, and second to those who are domiciled in the province, and third to outsiders, but yesterday I heard—(I do not

know how far it is true) that further orders have been issued that the domiciled people should be treated on an equal footing with the natives of the province in the settlement of Excise shops.....

(A voice:—It is true.)

Dr. MAHENDRA NATH SAIKIA: This would show in the first place, that over this matter which could have been settled at one stroke, the Government have been taking a long time and issuing quite different orders at different times, and that by doing this, they have created an opinion in the minds of the people, that the recent policy of the Government regarding settlement of Excise shops is unsound, hasty and is based on the pressure of particular interested section of people and not on merits. As I have already said that when the first order was issued, representations came to the Government through certain people who have got influence over the Cabinet, and it was with that idea that the people of the Assam Valley crossing the hills (I mean the Excise lessees of the Assam Valley) engaged pleaders of the Surma Valley—engaged a particular member of this Assembly who has got influence over the Cabinet, and we knew before any decision had been arrived at, what the decision would be. (*Hear, hear!*) We knew that the former order would be changed. Sir, the other day, in connection with the Agricultural Income-Tax Bill my hon. friend Srijut Rohini Kumar Chaudhuri said, that this is very unfortunate for the pleaders who are earning very little that they would be effected more by this Bill, but I would point out to him that it would only affect the pleaders in the Opposition and not those who are sitting behind the Treasury Bench.....

Now, Sir, the second point is, whether the second order could retain the spirit of the first order. The first order as far as I remember, (I do not know how far I am right) was meant to provide food for those unserved and to put a stop to smuggled opium being sold through the old opium lessees, but by his second order the Hon'ble Excise Minister has upset the whole scheme and as a result of that, no provision can now be made for the unemployed new tenderers.

My third point is whether the second order is sufficiently clear for the Excise Advisory Committees to take a definite course of action in regard to the settlement of Excise shops. The second order says that the lessees, who have been holding shops for 3 years or over, should not be given the same kind of shop. The public opinion is that some of these old opium lessees, who have been running the shops for some years, have got full experience of the excise business and that they are the real organizers of smuggling of opium in the province.

Some of these lessees, who had been holding opium shops formerly for 7 or 8 years, were given liquor or *ganja* shops some 3 years ago, but according to the second order they are again entitled to get opium shops against the spirit of the policy. Then again, the proportion of the opium and liquor shops in a district is not equal; there may be 50 opium shops in a district whereas the number of *ganja* and liquor shops may be 30 only. So if all the opium lessees be over 3 years standing, where they are to be placed or who will have to be thrown out of settlement, nothing is mentioned in the orders.

Again there are lessees who are holding combined shops of *ganja*, liquor, and opium for years. Whether they will be thrown out of settlement altogether or not, nothing particular is mentioned in the orders.

Therefore, I say that it is a vague policy based on the pressure of a particular interested section outside the Cabinet and as a result of which there will be no end of appeals which will put the appellants to unnecessary troubles.

With these few words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved :

That the total provision of Rs.3,51,800 under Grant No.2, Major head—8.—Provincial Excise, at page 39 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant by Rs.3,51,800 do stand reduced by Rs.101.

Khan Bahadur Maulavi KERAMAT ALI: Mr. Speaker, Sir, I rise to support the motion. The hon. mover has aptly said that the excise policy of the Government is being changed from day to day. This will not only bewilder the *mahaldars* but also the district officers; they do not know where or how they stand. Sir, the first order, that was issued by the Government, was that no person who has held a particular excise shop for 3 years would be allotted another shop in the next settlement. This order was superseded by another order to the effect that no person who holds a particular excise shop for three years continually will be allotted any similar shop. The word "similar" was introduced in the later order and the effect of introducing this change has been that settlements had been postponed from January till February. Then, Sir, there was another order that in settling the shops the first preference would be given to the natives of the province and that it would be only in the absence of any candidate from among the natives of the province that the case of domiciled candidates would be considered. If neither native nor domiciled be available, perhaps the case of the foreigners was to be considered. This order again has been superseded only yesterday by another order to the effect that in the settlement of excise shops, there should not be any distinction between the natives of the province and the domiciled (*Shame! Shame!* from the Opposition benches). I have nothing to say for or against this order. But, Sir, the Hon'ble Minister should know that after the order of distinction between the natives and the domiciled was issued and before the order that was issued yesterday, there have been many settlements. Now what will happen to those settlements that were made on the basis of the previous order? Will those settlements be cancelled? They must necessarily be cancelled because the *Mahaldars*, who failed to get settlement on the basis of the previous order, will be entitled to settlement under the latest order which was communicated to the district officers only yesterday.

Then again, I am afraid, if the rules laid down in the Excise Manual are to be respected, all these settlements that have been made in the province after 20th February will be invalid. Sir, some days ago at question time, I pointed out to the Hon'ble Minister that all excise settlements should have taken place before the 20th February as laid down in the Excise Manual. The Hon'ble Minister replied that only tenders were to be received before 20th February and settlements could be made after that date. May I now request the Hon'ble Minister to read Rule 161 of the Excise Manual? There he will find these words "the dates of annual settlements or auction sales which shall not be later than the 20th February in each year will be fixed by the district officer". That is, the settlements or auction sales must take place on or before the 20th February, but, Sir, all the settlements, that have been made in this province under the orders of the present Government, have been made after the 20th February. Therefore,

I submit that if the above rule is to be respected, all these settlements that have been made after the 20th February, must be invalid. So, I support this cut motion, unless the Hon'ble Minister can satisfy me on the two points I have raised. My points are these. Firstly, whether it is a fact that an order was issued to the effect that in the settlement of excise shops, first preference would be given to the children of the soil and that if candidates from amongst the natives were not available, the case of the domiciled would be taken into consideration, and if no candidate from the domiciled community were available the case of the foreigners would be considered. Whether that order has been revised and replaced by another order to the effect that there should be no distinction between the native and domiciled candidates? Secondly, whether settlements or auction sales should have taken place before the 20th February? If so, how the sales were held after that date.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, the hon. mover of this cut motion wants to criticise the Government policy laid down for the settlement of excise shops in the province. Sir, as has been stated by the hon. Khan Bahadur Maulavi Keramat Ali, settlement is to be made by the district officers and not by Government directly. That is the policy laid down by the Government and if the hon. mover does not agree to the present policy adopted by the present Government, what other policy does he propose? Sir, no such suggestion has been made by anybody yet as to what should be the policy.

Sir, in this connection I may say that there are liquor shops in various places in the Garo Hills and the same lessee is being given preference for many years without giving preference to the local people. I understand that there is a standing order from the Government that preference should be given to the local people and not to the foreigners, but so far no Garo has been given preference for holding the license of a liquor shop. So, I beg Government to enquire whether there is any such standing order or not in the Garo Hills and, if so, how far it is being carried out. I am standing here neither to oppose nor to support this motion. With these words, I resume my seat.

Mr. KEDARMAL BRAHMIN: Mr. Speaker, Sir, I stand here to oppose this motion. My hon. friends Dr. Mahendra Nath Saikia and Khan Bahadur Maulavi Keramat Ali said that first preference should be given to the natives of the province. But, Sir, when I put question in the first Budget Session of this Assembly the hon. Sir Muhammad Saadulla, the then Premier, declared on the floor of this House that the domiciled people would get equal preference with the natives of the province.

Khan Bahadur Maulavi KERAMAT ALI: I am afraid my hon. friend has misunderstood me. I did not say as to who should be given first preference. I said that settlements made already by the district officer on the basis of the previous order passed by the Hon'ble Minister, will have to be changed now because of the later order. In the first order it was said that preference should be given to the natives of the province and then the case of the domiciled would be considered. In the second order it is said that there should be no distinction between the native of the province and the domiciled. Now what will become of the settlements that have been already made on the basis of the first order?

Mr. KEDARMAL BRAHMIN: I am not concerned with the particular order, I am concerned only with the policy of the Government. The policy adopted by the late Government was that the domiciled as well as the indigenous people will have equal status and I do not see how that policy is now changed by the present Government in whose eyes all are equal. Sir,

if you find that some of the up-country men are smugglers, they can be driven out. Sir, I do not know if any circular has been issued now that the domiciled people should not get equal preference with the indigenous people. My hon. friend Dr. Saikia has just now said that a circular was issued to the effect that the indigenous people will get the first preference. I do not see how that circular was issued by the Present Congress Government when its avowed policy was as declared by the then Premier that the domiciled and indigenous people will get equal preference. If that circular was issued, it is *ultra vires* and illegal and it must have been issued through some mistake of the officers. As it has been announced that circular has been withdrawn, I thank the present Government for their generous policy.

Khan Bahadur Maulavi KERAMAT ALI: May I ask the previous speaker whether the settlement that has been made on the basis of the order that was issued through mistake should stand?

Mr. KEDARMAL BRAHMIN: That is the concern of the Government. I am not concerned with it, that no such circular will be issued by the Government in future which will differentiate in the status of the indigenous and the domiciled people of Assam.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: It is really very amusing that the Government who have boasted so long of their policy and programme, should be changing its policy so many times within this short period. Apart from the fact that there have been serious breaches of rules as referred to by Khan Bahadur Maulavi Keramat Ali, what would be the attitude, or what would be the impression of the district officers about this Government and its orders if in the course of a short period covering, say one month, it issues three conflicting and contradictory circulars? We do not know where the Government stands and how it can show its face in the world when it has been accusing the previous Government, whereas, it has been doing all these inconsistent things.

So far as the circular is concerned, the Shaha community were running this business with due diligence and experience. But we understand, they are going to be seriously jeopardised by the last circular. In fact, if efficiency and experience have got any consideration, the present Government ought to have taken them into consideration. The Government cannot ignore the stern facts and we cannot altogether neglect the case of these persons who have in the past very creditably managed to run these jobs. But we entertain doubt whether this Government will ever put any importance to experience and efficiency. These new people will try to improve their resources by various methods which cannot be quite legal. As I have already said in this matter, the whole Government is brought down in the eyes of the subordinate officials, if it is carried on in this irregular and inconsistent way. I support the motion with these words.

Maulavi JAHANUDDIN AHMED: I rise to say a few words in support of this motion. Sir, a few hours ago we have heard in this House from a member behind the Government Benches that they will give employment to the indigenous people or a son of the soil as Advocate General of Assam. Now, Sir, with regard to the policy in the Excise Department, we see a different angle of vision of the hon. members of the Ministerial side. It is really a very deplorable thing for the supporters of this Ministry, when they say one thing at one time and another thing at another time, just to suit their own convenience. If it is really the intention of Government to give proper facilities to the sons of the soil, then I should like

to insist on the Hon'ble Minister-in-charge to stick to the first order, by which preference was given to the natives of the soil, then to the domiciled and then to the foreigners. With these words, I support the motion.

The Hon'ble Babu AKSHAY KUMAR DAS: Mr. Speaker, Sir, Government have heard what the hon. mover and the other hon. members from the Opposition have said. It is really true that his Government passed an order in the month of January to the effect that a person holding a shop continuously for three years, will not be given any shop after the passing of the order. But there were various deputations and representations from most of the members of the Opposition to the effect that this order is very harsh and detrimental. So it does not lie in the mouth of those hon. members now to accuse the Government for changing the order.

Maulavi MUHAMMAD AMJAD ALI: Does the Hon'ble Minister always propose to change his policy over-night at the request of some members ?

The Hon'ble Babu AKSHAY KUMAR DAS: It is not a question of changing the policy over-night. This concerns the public at large and it is not a matter for me individually in which case they may blame me if I change. But this affects the public at large and the Government have to think thrice whether the order really does good to the public or it does injury. For that reason, therefore, the order had to be modified. When the Government did so, some allegations are now being made against us that some members on this side have got influence over the Government. I say that is absolutely incorrect and I deny those charges. I should refuse to hear all those charges. The hon. member who moved this resolution followed me like a shadow to serve his own convenience.

Maulavi MUHAMMAD AMJAD ALI: Sir, the Hon'ble Minister seems to be angry with the House and is showing his fingers and stretching his arms.

The Hon'ble the SPEAKER: The Hon'ble Minister will do well not to get excited.

The Hon'ble Babu AKSHAY KUMAR DAS: Not at all, Sir. The hon. member Srijut Rohini Kumar Chaudhuri, who is now joining with his hon. friend the mover, requested me in the month of January to postpone my order and reconsider it. Now does it lie in his mouth to criticise the Government ?

Srijut ROHINI KUMAR CHAUDHURI: On a point of personal explanation, I made no request to the Hon'ble Minister, the only thing I did was to speak to the Hon'ble Minister on Phone in January last and I asked him if he was prepared to reconsider his decision. He said "No we have decided in the Congress Coalition Party and no change can be made". But now I find they have actually changed.

The Hon'ble Babu AKSHAY KUMAR DAS: That is about the charges against Government. I have with me a file which contains telegrams and deputations from most of the hon. members. (*Laughter.*) The hon. members on the other side have approached me even under religious grounds.

Khan Bahadur Maulavi KERAMAT ALI: Has the complaint of the Muslims been taken into consideration and remedy given ?

The Hon'ble Babu AKSHAY KUMAR DAS: There are both Muslims and non-Muslims in the profession.

Srijut ROHINI KUMAR CHAUDHURI: Is it a fact, Sir, that according to the circular unemployed youths will be given preference ?

The Hon'ble Babu AKSHAY KUMAR DAS: Nothing was mentioned in the circular about employed or unemployed youths. A person holding a shop for three years will not get any kind of shop. The question of unemployment can also be partially solved by these orders.

I am giving, Sir, the number of shops debarred by the second order. The number of shops were—country spirit, 250; *ganja*, 278; opium, 287. Out of these 250 country spirit shops, 107 are 3 years standing; out of 278 *ganja* shops, 143 are of 3 years standing and out of 287 opium shops, 137 are of 3 years standing. So more than half are quite eligible under this order. So, Sir, most of the complaints that the old lessees are going out of shop, are not true.

My hon. friend Maulavi Ashrafuddin Md. Chaudhury just now remarked that this business is given to one community in his Valley. I think it is the business of Government to look to the interests of the public. This business should not be the monopoly of a particular community. By giving settlement to others it would solve, to a certain extent, the unemployment problem also. That was one idea of Government in giving the shops to others. There was opposition more or less against the Prohibition Scheme. So, Government thought it better to change at least more than half of the old *mahaldars*, so that the Prohibition Scheme may be a success.

Another complaint, Sir, that has been levelled against the Government, is that we have not observed the rules. The rule, Sir, runs like this:—

“The dates of the annual settlements or auction sales, which shall not be later than the 20th February in each year, will be fixed by the District Collectors of the neighbouring districts and 15 days previous notice of such dates should be given.” The date of settlement of 20th February was fixed by the Collector under the first order. If that order is postponed, it does not mean that all sales which have taken place under the second order should be cancelled.

The Khan Bahadur has conveniently or wilfully forgotten.....

The Hon'ble the SPEAKER: The Hon'ble Minister should not use the word ‘wilfully’.

The Hon'ble Babu AKSHAY KUMAR DAS: Sir, he has conveniently forgotten another rule, which I shall just quote. It is rule 170A.

“Notwithstanding anything contained in these rules, the settlement of all or any country spirit or *ganja* shops may be made in conformity with such procedure or on such terms or for such period as the Local Government may from time to time direct.”

Khan Bahadur Maulavi KERAMAT ALI: Not opium.

The Hon'ble Babu AKSHAY KUMAR DAS: So the argument which the hon. Khan Bahadur put forward is not correct. Therefore, Sir, I say that all the charges that have been brought against Government are baseless. Government must also change the policy according to circumstances or the convenience of the public, and if the Government see that some of the public are going to be injured, it is their duty to change that order according to circumstances.

Khan Bahadur Maulavi KERAMAT ALI: What about the settlements, Sir, that took place on the basis of the order that was issued settle-ly, as regards opium?

The Hon'ble Babu AKSHAY KUMAR DAS: I think those settlements will certainly stand good.

The Hon'ble the SPEAKER: The motion is:

—8.—Provincial Excise, at page 39 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.3,51,800 do stand reduced by Rs.101.

The motion was negatived. ✓

The Hon'ble the SPEAKER : Then we have finished, I think.

Maulavi MUHAMMAD AMJAD ALI : On a point of information, Sir. The Hon'ble Minister in charge of Excise, showed the House some telegrams. I want to know whether these should form part of the proceedings.

The Hon'ble the SPEAKER : No telegram was read out.

Maulavi MUHAMMAD AMJAD ALI : The threat was there.

The Hon'ble the SPEAKER : He received certain telegrams and he held out the file containing them.

Maulavi MUHAMMAD AMJAD ALI : In the exhibition of his temper, we thought he would show us the telegrams.

The Hon'ble the SPEAKER : The question is.

That a sum not exceeding Rs.3,51,800 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "8.—Provincial Excise".

The motion was adopted.

Re. transacting of Government Business on the 5th April 1939

The Hon'ble the SPEAKER : Before I adjourn the House I want to take the opinion of the House, as to whether the hon. members would forego the holiday on the 5th of April next.

Khan Bahadur Maulavi KERAMAT ALI : Yes, Sir, we are quite ready.

The Hon'ble the SPEAKER : May I take it that, that is the sense of the House ? (*After a pause*) Then on the 5th we shall meet. That will be a day set apart for Government business.

The House stands adjourned till 11 a.m. on Thursday, the 23rd instant.

Adjournment

The Assembly was then adjourned till 11 a.m. on Thursday, the 23rd March, 1939.

Shillong :

The 17th May 1939.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

ASSAM LEGISLATIVE ASSEMBLY

GOVERNMENT OF ASSAM

GOVERNOR OF ASSAM

His Excellency Mr. H. J. TWYNAM, C.S.I., C.I.E., I.C.S.

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