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**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 Saturday, the 1st April 1939

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Flood and erosion of the rivers Barak and Katakhal**

**Mr. ARUN KUMAR CHANDA** asked :

\*220. (a) Are Government aware of the severe loss and damage annually caused to the poor inhabitants of village Berabak, Nandigram and East Kalinagar in Cachar by the flood and erosion of the rivers Barak and Katakhal ?

(b) Are Government aware that large areas of paddy lands and homestead lands of those villages have already gone into the river ?

(c) Do Government propose to provide lands for cultivation and homesteads to those who have suffered so heavily in consequence ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

220. (a)—There is no village by the name of East Kalinagar. Kalinagar villages (Parts I to VIII) are low-lying areas which are subject to floods annually. In Nandigram and Berabak which are the hamlets of village Salchapra III, the people have suffered by the last flood (extent of damage was about annas 6). These villages do not suffer annually from flood.

(b)—There was no erosion worth mentioning in Kalinagar villages. There were rather accretions in last year in Kalinagar parts II, III and IV. In Nandigram and Berabak there were erosions of some homestead and paddy lands by Barak and Katakhal.

(c)—Some of the affected people of Nandigram and Berabak have already been provided with lands out of the alluvial accretions in Salchapra II and III. Settlement of small patches of *Khas* lands available in other places was also offered to them which they refused as they wanted to migrate to Jamira Forest Reserve.

**Fencing a portion of the Dibru-Sadiya Railway Line**

**Khan Bahadur Maulavi SAYIDUR RAHMAN** asked :

\*221. With reference to the reply given by the Government to question No.205 (a), (b), (c) and (d) in the second session of the Assam Legislative Assembly—

(a) Are Government aware that the matter of fencing the Dibru-Sadiya Railway line from Chowkidinghee gate to New workshop has been yearly growing urgent and imperative since 1932 due to the growing number of accidents ?

- (b) Are Government aware that the people of the locality wish a fencing on this portion of the line ?
- (c) Do Government propose to make enquiries into this public demand ?
- (d) Do Government propose to persuade the Dibru-Sadiya Railway authorities to take up the matter once again ?

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

221. (a), (b), (c) & (d)—Government are informed that no more fencing in the Dibrugarh Railway station area is considered necessary at present.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: May I know who has informed Government about it ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: Local officers.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: What is meant by local officers ? Are they railway authorities or the Deputy Commissioner ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: The Deputy Commissioner and the railway officers concerned.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: Was any enquiry made after the receipt of this question, Sir ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: Yes, Sir.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: May I refer the Hon'ble Minister to answers to unstarred questions put by Srijut Lakshesvar Barooah in which Government said that the matter of railway fencing was under the consideration of the Government.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: But later on we have received information that it is not necessary at present.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: Is it not a fact that the public submitted a petition to the Central Railway Board through the Government asking for fencing along the railway line ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: Yes, Sir.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: Has any enquiry been made into that petition ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: Information was asked for on that petition and the authorities concerned informed us that it was not necessary at present.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: When was that enquiry held ? Was it during the session ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: There was no enquiry held by the Government. We got the information from the Deputy Commissioner and the railway officers concerned.

**Khan Bahadur Maulavi SAYIDUR RAHMAN**: Will the Hon'ble Minister say if the enquiry was made in the absence of any representative of the public ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN**: I have already replied to this, Sir.

#### **Bongaigaon Railway Station**

**Maulavi MUHAMMAD AMJAD ALI** asked :

\*222. Will Government be pleased to enquire and state—

- (a) Whether there is any proper waiting accommodation at the Bongaigaon Railway Station ?
- (b) If so, what is that ?

- (c) The period of stoppage of mail and passenger trains both up and down at the Bongaigaon Railway Station ?
- (d) Whether it is a fact that the Hon'ble Minister-in-charge of the Public Works Department has received a numerously signed representation from the public of Goalpara regarding the necessity of providing better waiting accommodation at the Bongaigaon Railway Station ?
- (e) Whether the public stated in the aforesaid representation, the difficulties they feel in boarding both up and down trains on account of short stoppage of the trains in that Station ?
- (f) Whether they are aware that owing to the gravelling of the Jogighopa-Chapagury Road and the Bus and Motor Launch Services connecting the town of Goalpara with Bongaigaon, both passenger and goods traffic have considerably increased in that route ?
- (g) Do Government propose immediately to direct the Railway Authorities (i) to provide more and better waiting accommodation at the Bongaigaon Railway Station for passengers of all classes particularly of 3rd and Inter Classes and (ii) to arrange stoppage of the mail trains both up and down for not less than 7 to 10 minutes ?

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

222. (a) & (b)—Government are informed by the Railway Company that a waiting room for upper class passengers at Bongaigaon is expected to be completed this year.

(c)—The hon. member is referred to the Eastern Bengal Railway Time Table.

(d)—Yes.

(e)—Yes.

(f)—Government are prepared to accept the statement.

(g)—Government have been informed that these complaints have not been raised in any Eastern Bengal Railway Advisory Committee meeting and until this has been done, they are not prepared to take any action. Government would also point out that the Railway is Federal and not under the control of the Provincial Government.

**Maulavi MUHAMMAD AMJAD ALI:** In answer to (f) am I to take it that the answer is "yes" ?

**The Hon'ble the SPEAKER:** The Hon'ble Minister says that Government are prepared to accept the statement.

**Maulavi MUHAMMAD AMJAD ALI:** Will the Hon'ble Minister be pleased to forward the proceedings of this Assembly in regard to this question to the Railway authorities for their guidance ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** Which proceedings ?

**Maulavi MUHAMMAD AMJAD ALI:** These interpellations.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** These things are published in the Gazette. I do not think it will be necessary for me to forward any more proceedings to the railway authorities.

**Maulavi MUHAMMAD AMJAD ALI:** Is the Hon'ble Minister prepared to take steps for providing more waiting room accommodation for the third and inter-class passengers in Bongaigaon Railway station ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** The best thing would be to request the member of the Railway Advisory Committee to put these grievances before the Railway Board.

**The Hon'ble the SPEAKER:** He says that there is a Railway Advisory Board and the House has elected a member to that Board. He can have the grievances placed before Railway Advisory Board through that member.

**Maulavi MUHAMMAD AMJAD ALI:** May I take it that the powers and authorities of the Government are delegated to him regarding railways ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** No. But it is for the member to bring these grievances before the Railway Advisory Board in their meeting, and if then nothing is done, we can take action.

**Maulavi MUHAMMAD AMJAD ALI:** Which member, Sir ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** The member elected by the House to the Advisory Board.

**Maulavi MUHAMMAD AMJAD ALI:** To which meeting ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** Meeting of the Railway Advisory Board.

**Maulavi MUHAMMAD AMJAD ALI:** Does not the Hon'ble Minister-in-charge of Railways think that he has some duty in this matter to remove these public grievances ?

**The Hon'ble the SPEAKER:** He does not deny that.

**Khan Bahadur Maulavi SAYIDUR RAHMAN\*:** Is it for the House to transmit such questions to the representative of the House to the Railway Advisory Board asking that these things may be sent to the railway authority ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED\*:** May I say one thing, Sir ? Since the member of this Advisory Board is a member of this House also, he must have taken notice of the grievances which are being brought to the notice of the Government by the hon. member. But if it is his desire, we can send copies of this question with replies to the member concerned.

**Maulavi MUHAMMAD AMJAD ALI:** May I request the Hon'ble Minister that it should be forwarded with a recommendation ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** It will be done only for that purpose, otherwise it is no use sending it to him.

**Babu HARENDRA NARAYAN CHAUDHURY:** Certain questions are asked to get some information from the Government. Why should they refer to the time-table of a Railway, Sir ?

**The Hon'ble the SPEAKER:** It is there in the answer. The Assembly elects a member to the Advisory Board so that all these questions could be placed before the Advisory Board. Now-a-days discussion on the floor of the House of such questions which relate to local grievances are curtailed in view of the fact that Assembly elects members to the Railway Advisory Board.

**Maulavi GHYASUDDIN AHMED\*:** I may mention for the information of the House that last year I brought to the notice of the member elected to the Advisory Board certain questions and gave him details about the grievances of the travelling public, but no action was taken in the matter.

**Maulavi MUHAMMAD AMJAD ALI:** I also had the opportunity of addressing a letter to the member elected to the Board by this House regarding the grievances that are mentioned in this question, *i. e.*, better

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\*Speech not corrected.

waiting room accommodation for 3rd and inter class, short stoppage of mail and express trains, but he did not care to reply to my letter. I do not know also whether he has placed the grievances of the public before the Railway Advisory Board. So, I had no alternative but to take shelter in the long arms of the Hon'ble Minister in charge of Public Works Department.

**The Hon'ble the SPEAKER:** But that fact is not apparent from the question.

**Maulavi MUHAMMAD AMJAD ALI:** I did not think it necessary to mention it here, Sir. We shall however be very glad to know what attitude the Government has taken in the matter, because we frequently hear grievances from the public and in order to bring them to the notice of the Government we have no recourse but to table cut motions and censure motions or interpellations?

**The Hon'ble the SPEAKER:** The Hon'ble Minister can give a reply.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** I think the best thing will be to forward a copy of the proceedings to the hon. member who has been elected to the Board, and request him to put the grievances before the Board, and if he does not do anything in the matter we shall see what action the Government can take.

**Maulavi MUHAMMAD AMJAD ALI:** That is a long process and the grievances are there and the public are very badly feeling the inconvenience. So, I would request the Government to go through that matter. The member in the Board might be doing his bit, but the Hon'ble Minister-in-charge ought to take it upon himself and try to see that these grievances are removed at an early date.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** Government will try to see what can be done.

### Erosion of Palasbari by Brahmaputra

**Mr. KEDARMAL BRAHMIN** asked :

\*223. (a) Are Government aware of the rapid erosion of Palasbari by the river Brahmaputra ?

(b)—If so, what steps have been taken by Government for its checking ?

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

223. (a)—Yes.

(b)—Since Mr. T. A. Curry, Chief Engineer, Irrigation Department, Bengal, in his report, dated 9th February, 1937 on the erosion at Dibrugarh states that cheap methods such as bandalling, timber caging, etc., cannot be relied on against a river of the magnitude and power of the river Brahmaputra, and that the only sure method of protecting the bank is by means of a brick or stone revetment, Government have been unable, owing to the prohibitive cost of such protection work, to take any steps.

### Re Attendance of Government Servants in Congress meetings

**Srijut BINODE KUMAR J. SARWAN** asked :

\*224. (a) Will Government be pleased to state whether the Government servants are allowed to attend Congress meetings or to visit Congress camps ?

(b) Is it a fact that the Sub-Inspector of Schools, Tezpur, often visits Congress Office and freely attends Congress party meetings ?

(c) Is it a fact that both Deputy Inspector and Sub-Inspector of Schools, Tezpur, belong to the same community and are related to each other ?

(d) If so, since how long both these officers have been posted at Tezpur ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

224. (a)—Government servants, like any other citizen, are entitled to attend any meeting or visit any camp outside office hours provided that rule 20 and rule 21 respectively of the Government Servants' Conduct Rules framed by the Secretary of State and the Assam Government Servants' Conduct Rule, are not violated and that the political activities of the particular meeting or camp in question are not subversive of Government as by law established in India.

(b)—Government have no information.

(c)—They are both Brahmins by caste but are not related.

(d)—Eighteen months.

**Maulavi ABDUR RAHMAN**: Is it not a fact that there was a Government circular to the effect that no Government servant should take part in political activities ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: Yes, Sir, to the effect that they should not take any part.

**Maulavi ABDUR RAHMAN**: If I remember aright, Sir, a circular has been issued that Government officials can have any political opinion in political matters but they cannot actively take part in political organizations but here does it not mean that in attending Congress meetings, he is not taking an active part ?

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

**Srijut MAHADEV SARMA**: Does the hon. member know where the Tezpur Congress Office is located ?

**Srijut ROHINI KUMAR CHAUDHURI**: Does that question arise, Sir ?

**Srijut BINODE KUMAR J. SARWAN**: There is one in the house of the hon. member Srijut Omeo Kumar Das.

**Maulavi MUHAMMAD AMJAD ALI**: Are we to take it that attendance at political meeting is no offence for Government servants ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: It will all depend on the circumstances whether he only attends or takes an active part.

**Srijut ROHINI KUMAR CHAUDHURI**: Can they participate in any meeting organised by a political party ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** There is no harm in attending, but there is a great deal of difference between attending and participating.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Are Government servants allowed to attend the meetings of the Muslim League?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have definite information that certain Government servants did attend the League meetings, but we have taken no action against them.

**Srijut ROHINI KUMAR CHAUDHURI:** Is it a fact that the Sub-Inspector often visits the Congress Office?

**The Hon'ble Srijut GOPINATH BARDOLOI:** This is a question which refers to certain past things.

**Srijut ROHINI KUMAR CHAUDHURI:** I want an answer with regard to (b).

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have already said that Government have no information.

**Srijut ROHINI KUMAR CHAUDHURI:** Will Government make an inquiry and get the information on this question?

**The Hon'ble the SPEAKER:** Does the hon. member mean to say that he is in the habit of attending these meetings?

**The Hon'ble Srijut GOPINATH BARDOLOI:** So long there is no allegation that he participates in these meetings, I am not prepared to enquire.

**Srijut ROHINI KUMAR CHAUDHURI:** My question is whether Government will enquire and find out if it is a fact?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The fact as to whether he attends the Congress party meetings will be enquired into, but the fact of his visiting the Congress Office is one which I am certainly not prepared to enquire into.

**Maulavi JAHANUDDIN AHMED:** May I know whether Government officers are allowed to attend the Muslim League meetings?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have already replied that question. It would apply to any political party as a matter of fact.

(Starred question No. 225 standing in the name of Khan Bahadur Maulavi Keramat Ali was not put and answered as the questioner was absent.)

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

#### Royalty on Coal

**Srijut LAKSHESVAR BOROOAH** asked :

246. Will the Hon'ble Revenue Minister be pleased to state the amount of coal extracted by Assam Railways and Trading Company in each of the following years, *i.e.*, 1935-36, 1936-37, 1937-38 from the coal fields of Ledo area?



247. Is it a fact that royalty on coal is charged at annas 2 per ton on the assumption that sale value of coal is Rs.2-8 per ton in Assam ?

248. (a) Is it a fact that according to the Report of the Geological Survey of India (Vol. LXX, page 51, table 51) "pit-mouth" value of coal in Assam has been estimated at Rs.10-15-4 pies per ton during the years 1929 to 1933 ?

(b) If so, do Government propose to charge royalty on coal of this province on the sale value estimated by the authorities of Geological Survey of India ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

246.—Figures are available by calendar and not financial year. For the last 3 years extraction was as mentioned below :—

			Tons
1936	...	...	61,432
1937	...	...	62,501
1938	...	...	62,332

247.—Royalty is charged at one anna per ton or part of a ton according to the terms of the lease covering the Ledo area.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** May I know how this royalty was fixed ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The only thing I can say at present is that we had no hand in fixing the royalty and the royalty is charged according to the terms of the lease.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** May I know how the royalty was fixed in the lease ? Was it according to the sale value of coal ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The royalty is charged as it is in the terms of the lease, *i. e.*, one anna per ton. I do not know how it was assessed. I was not in charge of this affair at that time.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** Will Government make an enquiry in view of this question ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** As I made a statement in this connection the other day, Government are making an enquiry into these matters, including what the basis on which these royalties were assessed.

**Srijut SARVESWAR BARUA:** May I know when these leases will expire ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** This is a question which I cannot reply off hand.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

248. (a)—Government do not possess a copy of the Report mentioned and have, therefore, been unable to verify the information. They will inquire into this matter.

(b)—This question does not arise at present in view of the answer to question (a) above.

## Realisation of grazing tax

**Srijut JOGENDRA NARAYAN MANDAL** asked :

249. Will Government be pleased to state—

- (a) The agency or the officer through whom the grazing tax is realised in the Assam Valley Districts ?  
 (b) The rate at which the tax is imposed on each head of cattle and the exceptions thereof ?  
 (c) The manner and through whom grazing tax is realised on the border of Eastern Duars in the district of Goalpara ?  
 (d) Whether Government propose to revise the system so that taxes may be conveniently realised ?

250. (a) Has the attention of the Hon'ble Minister in charge of Revenue Department been drawn to the questionnaire issued by the Revenue Inquiry Commission, Bengal ?

(b) If so, do Government propose to take steps on the similar line for giving the best consideration to the situation and revenue condition in the permanently-settled areas of the Province ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

249. (a)—The hon. member's attention is invited to Executive Instruction 154 at page 194 of the Assam Land and Revenue Manual, Volume I.

(b)—Reference is invited to rule 4 of the Grazing Rules inserted by correction slip No.47 at pages 218-221 of the Assam Land Revenue Manual, Volume I.

(c)—Two-thirds is deposited into the Treasury by the Graziers and the remaining one-third is realised by a Mahsirdar.

(d)—Government are not aware of any inconvenience involved in the present system and there is no proposal to revise it.

250. (a)—No.

(b)—Government have already asked Bengal Government whether the Revenue Inquiry Commission will be able to take up the question of Assam.

**Accidents in Tezpur-Balipara Railway**

**Srijut BINODE KUMAR J. SARWAN** asked :

251. (a) Will Government be pleased to state the number of accidents both to human and animal lives in the Tezpur-Balipara Railway within the last five years ?

(b) How many of these are due to negligence on the part of the Railway Drivers ?

(c) Do Government propose to transfer this Railway to the Eastern Bengal Railway ?

(d) If so, when ?

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

251. (a)—

Human beings

Animals

4—died.

Fatal—Nil.

8—injured.

13—injured.

**Srijut ROHINI KUMAR CHAUDHURI\***: May I know the nature of these accidents ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN\***: It is not possible for me to give this particular information just at present.

**Srijut ROHINI KUMAR CHAUDHURI\***: May I know whether these accidents were due to any collision between trains or derailment of trains or run over by trains ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN\***: Run over.

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

(b)—None.

(c)—The Railway being a Federal Railway, the Provincial Government have no control in the matter.

(d)—Does not arise.

#### Settlement of Toll-bridges and Ferries

**Dr. MAHENDRA NATH SAIKIA** asked :

252. (a) Will Government be pleased to state what principles, if any are followed by the present Government regarding settlement of ferries and toll-bridges of the Province for the year 1939-40 ?

†(c) Will Government be pleased to state whether any instruction was issued to the District Officer regarding the settlement of the Dharamtul Toll-bridge in the District of Nowgong ?

(d) Is it a fact that Government have issued instructions to settle the Dharamtul Toll-bridge of the Nowgong District with the people of the Lalung Community ?

(e) If so, will Government be pleased to state under what consideration, Government ordered the Dharamtul Toll-bridge to be settled with the Lalung people to the exclusion of all the other backward communities ?

(f) Is it a fact that Government have asked the Deputy Commissioner to submit the names of the bidders of the Dharamtul Toll-bridge to Government ?

(g) If so, will Government be pleased to state why the names of the bidders of the said Toll-bridge have been asked for ?

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

252. (a) The hon. member is referred to the standard sale notices for Public Works Department toll-bridges and ferries, copies of which are placed on the Library table. Everything being equal, toll-bridges and ferries are let out to the natives of the Province.

(c)—Yes.

(d)—Yes.

(e)—The bridge being situated in the tribal area and following the principle enunciated by the previous Government the present Government have also decided to settle the bridge with a member of the Lalung Community.

(f) and (g)—As the accepted bids for toll-bridges are subject to confirmation by Government, lists of bidders are sent to Government along with the recommendations of the Deputy Commissioners.

\*Speech not corrected.

†Unstarred question No. 252(b) was disallowed.

**Dr. MAHENDRA NATH SAIKIA:** Will Government please state what is the basis of their information that this area is a tribal area ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** from the records.

**Dr. MAHENDRA NATH SAIKIA:** What area was taken as a unit to arrive at this decision ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** Area which is mainly inhabited by the tribal people.

**Dr. MAHENDRA NATH SAIKIA:** What was the radius of the area taken for calculation of population of the different communities.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** There is no radius fixed for the purpose.

**Dr. MAHENDRA NATH SAIKIA:** Will the Hon'ble Minister state what was the policy adopted by the former Government regarding this toll-bridge ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** The policy was to give preference to the tribal people.

**Dr. MAHENDRA NATH SAIKIA:** Is it not a fact that the former Government did not particularly mention that it should be settled with a member of the Lalung Community ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** We also did not mention anything like that as a matter of policy.

**Dr. MAHENDRA NATH SAIKIA:** Question 252 (d) is "Is it a fact that Government have issued instructions to settle the Dharamtul Toll-Bridge of the Nowgong District with the people of the Lalung Community" and the reply is "Yes". Then how this Government can say that they did not particularly mention the name of the Lalung Community ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** The bridge being situated in the tribal area mostly inhabited by Lalungs and following the principle enunciated by the previous Government, the present Government have also decided to settle the bridge with a member of the Community. Thus in spirit we followed the policy initiated by the previous Government.

**Maulavi MUHAMMAD AMJAD ALI:** Did the previous Government order that it should be settled with a man of the Lalung Community ?

**The Hon'ble the SPEAKER:** Tribal.

**Dr. MAHENDRA NATH SAIKIA:** I want to know from the Government whether there is any difference between the two orders of the out-going cabinet and the present cabinet ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** May I reply, Sir ? There is no difference of principle, but as the hon. member realises, the Lalungs are tribal people who are inhabiting that particular area.

**Dr. MAHENDRA NATH SAIKIA:** Is it only because the Lalungs are tribal people that is why Government issued instructions that the bridge should be settled with a Lalung to the exclusion of the other tribal communities ?

**The Hon'ble the SPEAKER :** Is it the intention of the hon. member to know why Lalungs were selected ?

**Dr. MAHENDRA NATH SAIKIA :** Yes.

**The Hon'ble the SPEAKER :** Then that is a very simple question.

**Dr. MAHENDRA NATH SAIKIA :** Then how the present Government have said that the same policy was adopted ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** Because that place is mainly inhabited by the people of the Lalung community and so the settlement has gone to tribal people.

**Maulavi MUHAMMAD AMJAD ALI :** We find that question (b) is missing. Are we to take it that there is no mistake and that no community has been left out by that omission in numbering of questions ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** The hon. member may ask this from the hon. questioner. We answered the question in the way it has come to us.

**Maulavi MUHAMMAD AMJAD ALI :** Or it may be that the question has been disallowed. In which case you may be able to say, Sir.

**The Hon'ble the SPEAKER :** All disallowed questions were sent to the hon. member concerned so that he might know what questions have been disallowed. I cannot remember the questions that were disallowed.

**Dr. MAHENDRA NATH SAIKIA :** Are Government going to adopt the same policy regarding the toll-bridges of other areas where the population of the Scheduled castes is comparatively greater ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** It may be taken into consideration.

**Dr. MAHENDRA NATH SAIKIA :** Did Government make an enquiry whether there are other toll-bridges in areas where the population of the tribal people and Scheduled castes is comparatively greater ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** No. But the point raised may be taken into consideration.

**Dr. MAHENDRA NATH SAIKIA :** Why did not Government take up the same policy with regard to other toll-bridges also ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** I have already answered that.

**Maulavi ABDUR RAHMAN :** May I know with whom it was settled ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** With the Secretary of the Lalung Association.

**Maulavi ABDUR RAHMAN :** Is it a fact that the man with whom it was settled is a relation to one of the members of this hon. House ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** I am not aware of that.

**Maulavi ABDUR RAHMAN :** Is it a fact that the highest bid was not accepted in this matter ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** The bid that was accepted was same as that was offered by the highest bidder.

**Maulavi ABDUR RAHMAN :** My question is whether the highest bid was not accepted although it came from the Lalung community ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** Government have accepted this amount which is equal to that of the highest bidder on the ground that this bidder is the Secretary of the Association. It was thought that if it was settled through the Secretary of the Association the whole community would be benefited by it.

**Maulavi ABDUR RAHMAN :** Is it not the principle of Government that the highest bid practically in all matters should be accepted ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** Not always. Government have not lost a pie in this case.

**Maulavi MUHAMMAD AMJAD ALI:** Was it settled with the present lessee by virtue of his office, or by his name ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** By virtue of his office.

**Dr. MAHENDRA NATH SAIKIA:** When was the representation made to the Government that the Secretary of the Lalung Association should be given settlement of that toll-bridge, I mean after the settlement was given at the first instance by the Deputy Commissioner or before that ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** The settlement was not granted by the Deputy Commissioner.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Has it been settled in the name of the individual person or as Secretary of the Lalung Association ?

**The Hon'ble the SPEAKER:** That was answered.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have a point in asking it, Sir.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** The settlement was given to Mr. so and so as Secretary of that Association.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Settlement has been given, according to the Hon'ble Minister, because he was the Secretary. May I know if it is a registered Society or Association ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** I have no information on that.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Will it be news to the Hon'ble Minister that if it is not a registered society and if Government suffer any loss the amount cannot be recovered from the Secretary or the Association ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** It was given by name in a representative capacity. Government have no grounds to believe that the money will be lost.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** How can it be realised if it is not a registered Society ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** From the person himself in his personal capacity.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Do I then understand that it was given in his personal capacity ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** When the lease is given saying so and so as Secretary to such and such Society, it is open to Government at their option to proceed to realise the money either from the individual or from the Society. Now the Government have no reason to believe that the money could not be recovered.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** On the question of a legal ruling, I am not prepared to take it from the Finance Minister. As a Finance Minister, he may lay down rulings over matters under his administration, but I am not prepared to take his ruling on this legal question.

**The Hon'ble the SPEAKER:** That is a question for the Courts to decide and we are not here to discuss that.

**Maulavi MUHAMMAD AMJAD ALI:** May I ask the Minister for Public Works Department what was the reason given by the officer conducting and settling the lease as to why the highest bid was not accepted ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** I have already replied.

**Dr. MAHENDRA NATH SAIKIA :** (rising to speak).

**The Hon'ble the SPEAKER :** I think the idea of all these interpellations is to elicit the fact that the settlement was given to one who is a relation of one hon. member of the House. (*Cries of "No", "No".*)

**Maulavi JAHANUDDIN AHMED :** The question was asked why the highest bid was not accepted.

**The Hon'ble the SPEAKER :** Is it also the rule that in all cases the highest bid should be accepted ?

**Maulavi MUHAMMAD AMJAD ALI :** If it is not done we want to know the reason why.

**Dr. MAHENDRA NATH SAIKIA :** Is it a fact that the Secretary of the Lalung Association, with whom now settlement has been made by the Government was one of the bidders and gave a bid of Rs.2,700 only, whereas the highest bidder who is also a Lalung, gave a bid of Rs.5,155 ?

**The Hon'ble the SPEAKER :** The Hon'ble Minister may reply if this is a fact.

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN :** I have already said that the amount of the highest bid has been accepted from the gentleman who is the Secretary of the Association.

**Mr. BAIDYANATH MOOKERJEE :** May I know, Sir, when the Gauhati-Shillong road was settled the highest bid was not accepted ?

**The Hon'ble the SPEAKER :** That matter was already discussed sufficiently.

### Improvement to Habiganj-Nabiganj-Sherpur Road

**Babu SHIBENDRA CHANDRA BISWAS** asked :

253. Will Government be pleased to state the length of road maintained by the Public Works Department in the Subdivision of Habiganj ?

254. (a) Will Government be pleased to state whether Habiganj-Nabiganj-Sherpur road was included in the Third Road Board Project for improvement of roads ?

(b) If so, why the above mentioned road has not yet been taken up for improvement up till now ?

255. (a) Is it a fact that the junction of Shakha Barak near Khowai river at Habiganj has been silted up ?

(b) Are Government aware that the communication at the beginning and the end of rains is neither possible by road nor by boats by the public of North Habiganj towards Nabiganj, Baniyachong and Ajmiriganj due to the above cause ?

(c) Are Government aware that the grievances of the public of North Habiganj and the possibilities of high water level road, were published for some times in the " Mukti " and the " Janasakti " in December, 1935 and January, 1936 ?

256. (a) Is it a fact that no sufficient money from the Road Board Project or Petrol Tax Project was spent for the benefit of the public of North Habiganj ?

(b) Is it a fact that Government have not a single furlong of road of theirs in North Habiganj area and the people got no share from the Central Fund as in the case of other Subdivisions in the Province ?

(c) Is it a fact that the Petrol Project Fund have to be distributed throughout the Province proportionately to all Subdivisions and Districts ?

257. (a) Is it a fact that the Habiganj Local Board on several occasions requested Government to take over the above Habiganj-Nabiganj-Sherpur road for improvement ?

(b) Do Government propose to take over the Habiganj-Nabiganj-Sherpur Road from the Local Board, as cold weather road as at present ?

(c) If not, do Government propose to make necessary arrangement to carry or remove the silt from the Shakha Barak in places or from the junction at least as referred in question No.255(a) ?

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

253.—10·02 miles.

254. (a) and (b)—No. The road was proposed for improvement under the Second Road Board programme but as it passes through low lying country and presents many engineering difficulties, the Road Board recommended its maintenance, if possible, as a cold weather, low level, motorable road only.

255. (a) and (b)—Yes.

(c)—Government have no information.

**Maulavi ABDUR RAHMAN:** With regard to (c), the question is "Are Government aware that the grievances of the public of North Habiganj and the possibilities of high water level road were published for some times in the "Mukti" and the "Janasakti" in December, 1935 and January, 1936". The answer is "Government have no information". May I know from the Hon'ble Minister whether this fact was represented to Government in this House on many occasions ?

**The Hon'ble Maulavi MD. ALI HAIDAR KHAN:** I do not remember.

**Maulavi ABDUR RAHMAN:** May I know whether the Deputy Commissioner of Sylhet and the Commissioner, Surma Valley, represented this fact to the Government on many occasions ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** This is a matter in which the grievances should be taken to the Communications Board. As was explained by me the other day, the Government have in these matters no option but to take the suggestions of the Communications Board.

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

256. (a)—This is a matter of opinion.

(b)—Government maintain 0·19 mile of the Nabiganj-Sherpur road at the Sherpur and under improvement from the Road Fund. There are other subdivisions too where there is no Public Works Department road or where nothing has yet been spent from the Road Fund.

(c)—No.



257. (a)—Yes.

(b)—No.

(c)—The Superintending Engineer, Southern Circle, after thorough investigation, is of opinion that a possible solution would be to dig a *khal* and close the opening in the Habiganj-Nabiganj road to prevent silting. There would be many conflicting interests as opening one route would mean the blocking of another. So Government have decided to wait for better times when funds are available.

### Post of Assistant Superintendent of Sericulture

**Khan Bahadur Maulavi KERAMAT ALI** asked :

258. Will Government be pleased to state—

- (a) Why the post of the Assistant Superintendent of Sericulture at Nowgong was abolished ?
- (b) Who was the Assistant Superintendent there then ?
- (c) How long did he work as such ?
- (d) Whether he had any special training ?
- (e) Whether he continued in service after the post was abolished ?
- (f) If so, as what ?
- (g) For how long he has been in service in this Department ?
- (h) Who is the Superintendent of Sericulture at present ?
- (i) When he was appointed to that post ?
- (j) Whether he has any special training ?
- (k) If so, what ?
- (l) What is the difference of pay between a Supervisor and an Assistant Superintendent of Sericulture ?
- (m) Whether there is any difference between the work of these two classes of officers ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI** replied :

258. (a)—The post of the Assistant Superintendent of Sericulture, Nowgong, was sanctioned in connection with the operation of the scheme for model rearing houses for the development of sericulture financed by the Government of India.

As the work of supervision greatly increased, it was necessary to appoint two Sericultural Supervisors in place of the Assistant Superintendent of Sericulture.

(b)—Maulavi Salehuddin Ahmed.

(c)—From the 10th April, 1937 to the 9th June, 1938.

(d)—He had some training in reeling in Mysore.

(e)—Yes.

(f)—As Sericultural Supervisor.

(g)—About 9½ years, of which 7 years as clerk, Sericultural Station,

Titabar.

(h)—Srijut Ratneswar Datta, B.Sc.

(i)—14th November, 1938.

(j)—Yes.

(k)—He underwent a course of training at the Protozoological Section of the Imperial Agricultural Research Institute and in filature work in Mysore.

(l)—Supervisors are on a fixed pay of Rs. 60 per mensem whereas the scale of pay of an Assistant Superintendent of Sericulture is Rs.100—5—200 per mensem.

(m)—Yes, if the reference is to the permanent Assistant Superintendent. If, however, the reference is to the temporary post of Assistant Superintendent sanctioned by the Government of India, the reply is in the negative.

**Khan Bahadur Maulavi KERAMAT ALI:** With regard to (h), Sir, what was Srijut Ratneswar Datta, B.Sc., before he was appointed to the post of Superintendent of Sericulture ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** I do not know it; I want notice (*laughter*).

**Khan Bahadur Maulavi KERAMAT ALI:** Was not Srijut Ratneswar Datta, B.Sc., an Assistant Superintendent of Sericulture at Titabar ?

**The Hon'ble the SPEAKER:** The Hon'ble Minister has already said that he did not know it.

**Khan Bahadur Maulavi KERAMAT ALI:** Is there any Assistant Superintendent of Sericulture now ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** Yes, there is one (*laughter*).

**Khan Bahadur Maulavi KERAMAT ALI:** When was he appointed, please ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** I cannot say the time exactly (*laughter*). Not in our time.

**Khan Bahadur Maulavi KERAMAT ALI:** Was he appointed within this year ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** Before our assumption of office.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know the name of the gentleman ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** Some Ramanath Sarma.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know his qualifications ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** He has passed the I.Sc. from Calcutta and has been studying sericulture as a special student.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know why Mr. Salehuddin Ahmed who officiated as Assistant Superintendent of Sericulture for over a year has not been reappointed ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** That gentleman was the Assistant Superintendent of Sericulture under the Government of India scheme. But afterwards the post was abolished and two Supervisors were appointed instead.

**Khan Bahadur Maulavi KERAMAT ALI:** It is stated that Maulvi Salehuddin Ahmed officiated as Assistant Superintendent of Sericulture from April, 1937 to June, 1938. Why was not the application of this candidate considered at the time of the appointment made recently ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** The selection was made by the Public Service Commission.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know what pay Maulvi Salehuddin Ahmed was drawing at the time he was acting as Assistant Superintendent of Sericulture ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** I do not know, Sir.

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** Is it not a fact that due to the excellent work done by the Assistant Superintendent of Sericulture the supervision work was greatly increased ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** The work of supervision was increased and so two Supervisors were taken in place of that post.

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** My question has not been answered.

**The Hon'ble the SPEAKER:** I think it is a matter of opinion.

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** May I know whether Government have got any information like that ?

**The Hon'ble the SPEAKER:** The Hon'ble Minister has said that the work has increased and therefore two Supervisors have been appointed.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know why his name was not put to the Public Service Commission.

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** That post was abolished, Sir, and he was retained as a Supervisor when two posts of Supervisors were created.

**Maulavi ABDUR RAHMAN:** The Hon'ble Minister said that Mr. Salehuddin could not be appointed because the Public Service Commission recommended another man. May I know whether there was only one recommendation or more than one ?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** I want notice.

### Utterance of "Bande mataram"

**Maulavi ABDUL BARI CHAUDHURI** asked :

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

- (a) Whether *Bande mataram* has been accepted as a Government slogan ?
- (b) Whether it is a fact that this slogan was repeatedly uttered by the students of the Kulaurah High School at the prize-distribution meeting in the School premises, in the presence of the Hon'ble Prime Minister ?
- (c) Whether the same resulted in serious disaffection amongst the Muhammadan students of the School ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

259. (a)—No, as Government are able to transact their business without the use of any slogan.

(b)—No. The Hon'ble Premier could not be present at the actual giving away of the Prizes and no slogans were uttered during that time. He was received at a public meeting at the school compound where the cry of *Bande mataram* was raised.

(c)—No. A counter-demonstration was organised in the streets after the Premier left ; but most of the Muhammadan pupils took no part in it.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Is it a fact that this slogan of "*Bande Mataram*" was shouted in this very Assembly Hall by the visitors and Members of the Legislative Assembly ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The hon. member should be as well acquainted with that fact as I am.

**Maulavi ABDUR RAHMAN:** May I know from the Hon'ble Minister the implication of the statement made in reply to question (a), viz., "Government are able to transact their business without the use of any slogan."

**The Hon'ble Srijut GOPINATH BARDOLOI:** The reply is sufficiently clear.

**Maulavi ABDUR RAHMAN:** Am I to take it that the business can be carried on with or without the slogan ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It means that Government do not depend on the use of any slogan to carry on their business.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** With reference to (c), are Government aware that the slogan "*Bande Mataram*" is not liked by the Muhammadans ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It is not liked by a certain section of Musalmans.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY:** May I know, Sir, which section of Musalmans like it ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** There are plenty of Musalmans who have no objection to this slogan "*Bande Mataram*".

**The Hon'ble the SPEAKER:** I do not think we can pursue this question any longer. These questions do not relate to information which is in the possession of Government and which should be elicited by questions.

**Maulavi JAHANUDDIN AHMED:** But these are relevant to the reply given by the Hon'ble Premier.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY:** May I know if "*Bande Mataram*" song is sung in Government institutions, that is to say, in schools and colleges as an every-day function ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** There is no bar to the singing of it in any place. But if it is objected to by certain other communities, Government would not encourage friction on account of the singing of such songs.

**Maulavi ABDUR RAHMAN:** Is it not a fact that due to this slogan communal friction has arisen in many schools and colleges ?

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

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Will Government be pleased to issue a circular to all educational institutions so that no such slogan be shouted ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I am not prepared to do it. So long as I see that there is no cause for friction, I see no harm in it.

**Maulavi MUHAMMAD AMJAD ALI:** Is it not a fact that shouting of "Bande Mataram" by students within college precincts alone sufficient to bring them into active politics ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** That is a matter of opinion.

*Re the Criminal Court at Nalbari*

**Srijut GAURI KANTA TALUKDAR** asked :

260. Will the Hon'ble Judicial Minister be pleased to state—
- (a) When the Criminal Court at Nalbari was started ?
  - (b) The number of cases, both complaint and police (to be shown separately), disposed of in that Court, year by year, upto the end of December, 1938 from the date of its opening ?
  - (c) Whether Government is aware that the number of cases is far more than the Magistrate can cope with ?
  - (d) Whether cases are being transferred to Gauhati owing to the fact that the Magistrate is overburdened with registration work ?
  - (e) Whether Government propose to give effect to the assurance given to me in connection with my cut motion on the demand for the Administration of Justice in the Budget Session of March 1938, for posting a Munsif at Nalbari on an experimental measure ?
  - (f) Do Government propose to post an Extra Assistant Commissioner at Nalbari for doing civil and registration works leaving the Magistrate to do criminal works, solely ?
  - (g) Whether Government is aware that an Extra Assistant Commissioner from Gauhati can be transferred to Nalbari without causing any detriment to the Gauhati Courts and loss to Government ?
  - (h) If so, do Government propose to transfer one of the Extra Assistant Commissioners from Gauhati for the above purpose ?

**The Hon'ble Babu KAMINI KUMAR SEN** replied :

260. (a)—Since July, 1936.

(b)—The statement is given below :—

From July 1936 to November 1937 total 101. During this period there was no full-time Magistrate at Nalbari. Details are not available.

	Complaint	Police	Total
1937 (from 7th December 1937 to 31st December 1937).	6	6	12
1938 ... ..	225	75	300

(c)—Owing to the registration work in addition to the criminal cases some difficulty is experienced.

(d)—Yes.

(e) & (f)—The proposals are under examination.

(g) & (h)—Do not arise in view of the reply above.

**Srijut BELIRAM DAS:** Are Government aware that some resolutions have been passed by the people of the mouzas of the Rangia, Nalbari and Tihu Circles and the respective Congress Committees against the opening of a subdivision at Nalbari?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir. Some resolutions have been received by me.

**Srijut BELIRAM DAS:** Are Government aware that the people of several mauzas and the respective Congress Committees passed resolutions to the effect that Nalbari should not be made a Subdivision?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir. There are some resolutions like that.

**Khan Bahadur Maulavi KERAMAT ALI:** Is it a fact that a representation has been submitted by the people of Nalbari that it should be made a Subdivision?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir.

**Srijut ROHINI KUMAR CHAUDHURI:** Are Government aware that the present Magistrate of Nalbari has also got to work as Sub-Registrar and most of his time is taken in Registration work?

**The Hon'ble Babu KAMINI KUMAR SEN:** Sir, it is clearly mentioned in the reply that owing to the registration work in addition to the criminal cases, some difficulty is experienced.

**Babu RABINDRA NATH ADITYA:** Are Government aware that our hon. friend Srijut Gauri Kanta Talukdar is very anxious about this question? (*Laughter*).

**Srijut BELIRAM DAS:** Are Government also aware that some people of Rangia and Tihu Circles have submitted representation to Government not to make Nalbari a Subdivision?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir. There are several petitions and counter petitions over this matter.

**Khan Bahadur Maulavi KERAMAT ALI:** Will Government see that it is made a Subdivision?

**The Hon'ble Babu KAMINI KUMAR SEN:** The question will be considered.

### Fodder growing by the cultivators

**Srijut GAURI KANTA TALUKDAR** asked:

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

(a) Whether the Department have taken any steps for introducing the practice of growing fodder amongst the cultivators?

(b) If so, what and with what result ?

(c) Whether Government propose to teach, induce and help the cultivators in growing fodder of improved variety first, in the villages where there is paucity of grass.

**The Hon'ble Babu AKSHAY KUMAR DAS** replied :

26L.(a)—Yes. The Department of Agriculture has been distributing for the last 20 years seeds and root cuttings of fodder crops and grasses through the Inspectors and Demonstrators. The Livestock Section has taken up more extensive demonstration of growing fodder crops by organizing "fodder gardens" in cultivators' land. For these "fodder gardens" the Department supplies seeds and root cuttings free of charge and supervises the planting and fencing and manuring of the gardens, thus teaching the cultivators how to do it. Over 100 gardens are now under trial.

(b)—The fodder grasses distributed are Napier grass, Guinea grass, Jowari Sun-flower, Soy-beans, Cowpeas, Oats, Jhara or Uridal, Keja, etc. Para grass introduced from Ceylon and Kikuyu grass from East Africa are showing a promise. Although the cultivators are slow and suspicious of innovations, they are gradually realizing the need of growing fodder crops and the idea is spreading widely. The demand for seed and root cuttings is increasing.

(c)—Yes. This is an important item in the programme of work of the Livestock Section.

**Maulavi MUHAMMAD AMJAD ALI**: Sir, the answer to the question No.261(b) is as follows:—"The fodder grasses distributed are Napier grass, Guinea grass, Jowari Sun-flower, etc." May I know whether they are all of English breed ?

**The Hon'ble Babu AKSHAY KUMAR DAS**: Yes, some of them are English grasses.

**Maulavi MUHAMMAD AMJAD ALI**: I want to know which of them are English breed.

**The Hon'ble Babu AKSHAY KUMAR DAS**: Napier grass and Guinea grass.

**Maulavi MUHAMMAD AMJAD ALI**: Sir, has the Hon'ble Minister made himself sure that these grasses are suitable for Indian cattle ?

**The Hon'ble Babu AKSHAY KUMAR DAS**: Yes, Sir, they are very much suitable.

**Maulavi MUHAMMAD AMJAD ALI**: May I know whether these grasses have been tried whether they are suitable or not and if so, in which places they have been tried ?

**The Hon'ble Babu AKSHAY KUMAR DAS**: They have been tried in some of the villages. I can mention the names of the villages such as Polashbari, Kokrajhar, Barpeta, Rathapur, Silchar, Lakhipur and Digboi.

**Maulavi MUHAMMAD AMJAD ALI**: May I know how many grass gardens are under trial in Assam Valley ?

**The Hon'ble Babu AKSHAY KUMAR DAS**: The names which I have mentioned above are the names of the gardens.

**Maulavi MUHAMMAD AMJAD ALI**: Is there any garden in Goalpara district ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** There is a garden at Kokrajhar in Goalpara district.

**Maulavi MUHAMMAD AMJAD ALI:** May we know whether the Hon'ble Minister has visited some of these gardens during his term of office as Minister in-charge of live-stock ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I have not visited Kokrajhar garden, but I have seen the Guinea grass in some other place.

**Maulavi MUHAMMAD AMJAD ALI:** Would the Hon'ble Minister make it a point to see the workings of these gardens during his next tours and also see which of these grasses would better suit the Indian cattle ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Sir, the report is there that these grasses are suitable, but if the hon. member can bring to my notice that some grasses are not doing well, then of course, I may visit the place to find out the reason for not doing well.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know whether any fodder garden has been started in Jorhat ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes, Sir, there is a fodder garden at Jhanzi.

**Maulavi MUHAMMAD AMJAD ALI:** Would the Hon'ble Minister be pleased to tell me what kind of grass would suit the flood-affected areas which go under water during the monsoon months ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Jhara grass would be suitable for the flood-affected areas.

**Maulavi MUHAMMAD AMJAD ALI:** Is it English breed ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** No, Sir, this is Indian grass.

**Mr. KEDARMAL BRAHMIN:** May I know whether the Hon'ble Minister would ask the Local Demonstrators to render all possible service in this respect ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Sir, at present the number of Demonstrators is not sufficient. When the Demonstrators will be increased, the hon. member may press this point.

**Maulavi MUHAMMAD AMJAD ALI:** Would the Hon'ble Minister say whether there is any garden under trial in the immigrant areas ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I cannot say that, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** Would the Hon'ble Minister examine this question and see if some gardens can be established in the immigrant areas because they are very much in need of fodder at all times of the year ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** This question will be considered when the immigrants will ask for it.



**Maulavi MUHAMMAD AMJAD ALI:** Sir, am I to understand that these gardens will be started when the immigrants will ask for it or they will be started by Government on their own initiative?

**The Hon'ble Babu AKSHAY KUMAR DAS:** If Government find that there is really need for it, then they will on their own initiative start the gardens.

**Maulavi MUHAMMAD AMJAD ALI:** Is the Hon'ble Minister prepared to take it from me that there is a persistent demand for grass in the immigrant areas and as such Government should take initiative in starting gardens in those areas?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes, Sir, that question will be considered.

### Assam Sanskrit Board

**Srijut GAURI KANTA TALUKDAR** asked:

262. (a) Will Government be pleased to state whether they received representations from some *Jyotirbid* Brahmins of Kamrup, demanding their representation in the Assam Sanskrit Board?

(b) Are Government aware that the *Jyotishi* section of the Assamese Brahmins, is a fairly big one and that the culture of *Jyotish* (Astrology and Astronomy) is mainly confined to this section of Brahmins?

(c) Do Government propose to appoint one of their qualified members in the said Board?

263. Will Government be pleased to state—

(a) Whether they propose to encourage the spread of higher knowledge of *Jyotish* (Astronomy and Astrology) amongst the educated youths of the Province?

(b) If so, do Government propose to get some deserving youths trained in the subject at Benares or some other suitable centre of learning?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied:

262. (a)—No. The Director of Public Instruction, Assam, however received a representation from the Secretary of the General Committee of the Mathurapur *Tol* for the appointment of a *Daibagna* Brahmin in the Assam Sanskrit Association but not the Board.

(b)—It is so.

(c)—The suggestion will be considered by Government.

263. (a) & (b)—These suggestions will be brought to the notice of the Assam Sanskrit Board.

### Permanently-settled Estates

**Maulana ABDUL HAMID KHAN** asked:

264. Will Government be pleased to state—

(a) How many Estates in the Goalpara District enjoy the status of a permanently-settled Estate?

- (b) How many of these Estates cover areas which came under the East India Company by virtue of their securing the *Diwani* in the year 1765 A.D. ?
- (c) Whether some of these Estates cover areas which came under the Company for the first time in the year 1826 ?
- (d) If the answer to question (c) above is in the affirmative, what are those Estates ?
- (e) Whether permanent settlement was at all made with the Zaminders of the present Goalpara District whose Estates fell outside the North East Rangpur District as it stood in the year 1822 A.D.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** replied :

264. (a) to (e)—The information in the possession of Government will be found on pages XXX to XXXII in the Introduction to the Land Revenue Manual to which reference is invited.

**The Assam Sales of Motor Spirit and Lubricants Taxation Bill, 1939.**

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I beg to move.....

**The Hon'ble the SPEAKER:** The Hon'ble Minister has to move his amendments to the Bill, there have been some amendments tabled by the Hon'ble Finance Minister and there are no other amendments from any other hon. member of the House. So, he should move his amendments.

*Clause 2*

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I beg to move that in the sixth and seventh lines of item (a) of clause 2 for the words "in this behalf" the words "for the purposes of this Act" shall be substituted.

Sir, by this amendment we want to clarify the point.

"In this behalf" as it appears in the original Bill may mean for the purpose of the Eastern Bengal and Assam Excise Act. By this amendment we want to clarify the position that it should mean only *for the purposes of this Act*, and it is with this intention that we have brought forward this amendment.

**The Hon'ble the SPEAKER:** Amendment moved :

"That in the sixth and seventh lines of item (a) of clause 2 for the words "in this behalf" the words "for the purposes of this Act" shall be substituted".

(After a pause)

The question is: "that in the sixth and seventh lines of item (a) of clause 2 for the words "in this behalf" the words "for the purposes of this Act" shall be substituted".

The motion was adopted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to move that in the seventh line of item (e) of clause 2 the words "may be" shall be deleted, and that in the sixth line of item (f) of clause 2 the words "may be" shall be deleted. These are printing errors, and the purpose of these amendments is to do away with these printing errors.

**The Hon'ble the SPEAKER :** Amendments moved :

"That in the seventh line of item (e) of clause 2 the words "may be" shall be deleted, and that in the sixth line of item (f) of clause 2 the words "may be" shall be deleted".

(After a pause)

The question is :

"That in the seventh line of item (e) of clause 2 the words "may be" shall be deleted, and that in the sixth line of item (f) of clause 2 the words "may be" shall be deleted".

The motion was adopted.

Clause 3

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, I beg to move that in the sixth line of sub-clause (2) of clause 3 between the words "the" and "amount" (occurring for the last time), the word "unpaid" shall be inserted.

The purpose of this amendment is to make clear what the unpaid amount of the tax is meant. It is only a verbal amendment.

**The Hon'ble the SPEAKER :** Amendment moved :

"That in the sixth line of sub-clause (2) of clause 3 between the words "the" and "amount" (occurring for the last time), the word "unpaid" shall be inserted".

(After a pause)

The question is :

"That in the sixth line of sub-clause (2) of clause 3 between the words "the" and "amount" (occurring for the last time), the word "unpaid" shall be inserted".

The motion was adopted.

The question is that clause 2 as amended do stand part of the Bill.

The motion was adopted.

The question is that clause 3 as amended do stand part of the Bill.

The motion was adopted.

The question is that clauses 4 to 26 of the Bill do stand part of the Bill.

The motion was adopted.

The question is that clause 1 of the Bill do stand part of the Bill.

The motion was adopted.

The question is that the title and preamble of the Bill do stand part of the Bill.

The motion was adopted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, I beg to move that the Assam Sales of Motor Spirit and Lubricants Taxation Bill, 1939, as amended be passed.

**The Hon'ble the SPEAKER :** Motion moved :

"That the Assam Sales of Motor Spirit and Lubricants Taxation Bill, 1939, as amended be passed".

**Maulavi ASHRAFUDDIN MD. CHAUDHURY :** Mr. Speaker, Sir, I rise to oppose the passing of this Bill.

In section 10 of the Bill we find that search at night has been allowed. This is contrary to the fundamental principles of the law of search prevalent in this country. Further we find that search of any building is allowed at night. It may be the case that a part of the building is used for the purpose of keeping petrol and lubricants, and the other part is used for residential purposes. It is simply awkward to enter such buildings at night, where females may also reside. Search at night is not allowed even in penal laws,

Then the right of appeal to the Judiciary has been taken away from the aggrieved party, and the executive officers have been given power to hear appeals.

In section 25(b) we find that "Any person aggrieved by any order under this Act may appeal (b) to the Deputy Commissioner, if such order is passed by an officer or person exercising powers under this Act", whereas in section 23 it is stated that "No Magistrate shall take cognizance of any offence punishable under this Act—(i) except upon the complaint or report of the Deputy Commissioner." So, the Deputy Commissioner has been made both the complainant and the appellate authority. Then we find in section 23(1)(ii) "except upon his own knowledge and suspicion", *i.e.*, if a Magistrate suspects, he may take cognizance of an offence punishable under this Act, but no provision has been made, unlike the usual practice, to debar him from trying that case.

Then, in section 23(2), it is stated: "Except with the sanction of the Provincial Government no Magistrate shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed." Now, under section 24 clause (2), we find "No suit shall be instituted against the Crown and no prosecution or suit shall be instituted against any person in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of". Whereas the aggrieved party has to bring a suit within four months from the date of the act complained of but the local Government is given the power to institute any case within six months of the commission of the offence.

As I have already said, while all the countries are now having their judiciary separated from the executive and while every people would like that the rights of appeal should not be taken away from the hands of the District Judge, why should it be taken away and delegated to the Executive Officers, and, in fact, we find that the Deputy Commissioner is the complainant and he is the gentleman who is practically to run the case. And again, Sir, what is most contradictory is that he would be the gentleman who will be the real complainant but who will again have the power to hear the appeal.

With these remarks, I say that this Bill should not be passed.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, this is a Bill which on the face of it looks very innocuous and only a taxation measure, but its penal clauses have imported certain very revolutionary principles which have already been mentioned by my friend Maulavi Ashrafuddin Md. Chaudhury. First, the complainant himself becomes the appellate authority and his order must be final under sub-clause (2) of clause 25, where it is said: "Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (3) be final." It has taken away the power of the judiciary as revising authority and the entire revisional jurisdiction has been left to the executive head, the Commissioner of Excise. Again, as has been pointed out by my friend, it would be difficult for an aggrieved person or for an accused who has been maliciously prosecuted to claim, in the Civil Courts, damage, because the period is limited to four months from the alleged date of the commission of any offence, whereas under the provision of sub-clause (2) of clause 23 it has been reserved to the Government to institute proceedings even after six months of the alleged date of the commission of the offence. There may be cases where Government may have started the proceedings under that provision four months after the alleged act of

commission and if the accused is acquitted honourably and he is advised to bring a case against the Government for damage or compensation, he cannot do so.

Again, power of search by night may be fraught with great danger for it will be impossible to use ordinary lights in petrol godowns, and I doubt whether the authorities or their orderlies will be so careful as to go there with only protected lights.

Next, Sir, there is according to our rules an objection to the passing of this Bill into Act to-day, unless you, Sir, come to the aid of the Government, for under rule 70, sub-rule (2) if any amendment be made, any member may object to the passing of the Bill at the same meeting. To-day amendments have been made by the Hon'ble Minister in charge, and I, therefore, object to the passing of this Bill to-day. This objection is not merely a technical one. I want to give Government some time to correct those deficiencies which have been so ably pointed out by my friend Maulavi Ashrafuddin Md. Chaudhury. All these irregularities and illegalities are of a very vital nature.

**The Hon'ble the SPEAKER:** Has the Hon'ble Finance Minister got anything to say with regard to the points raised by the hon. Leader of the Opposition?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, the only thing I wish to say in reply to the points raised by the hon. Leader of the Opposition and Maulavi Ashrafuddin Md. Chaudhury is that such points should have been brought before the House.....

**The Hon'ble the SPEAKER:** I think no other hon. member is going to speak. I am only asking the Hon'ble Finance Minister what he has got to say in regard to the point raised by the hon. Leader of the Opposition that the Bill cannot be passed now.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The amendments which on my suggestion have been now incorporated are nothing more than verbal alterations. I think, there is no point in saying that the Bill should not be passed on the same day if amendments are made where such amendments are nothing more than mere verbal alterations.

**The Hon'ble the SPEAKER:** Discussion may go on and I shall give my ruling later on.

**Maulavi MUNAWWAR ALI:** Mr. Speaker, Sir, I would request the Hon'ble Finance Minister to make it clear to us how he knows that there is no insurmountable difficulty in the way of the Bill being passed to-day. Attention has been drawn to some vital facts regarding this Bill. It will not do merely to say that he does not consider that there is any insurmountable difficulty. I would therefore request him to make it clear to us.

**Rai Bahadur PROMODE CHANDRA DUTT:** Mr. Speaker Sir, the legal difficulty that has been raised by my friend the hon. Leader of the Opposition refers to rule 70 (2).

It is true that rule 70 (2) lays down that if any amendments are made or carried by the House, the Bill cannot be passed if objected to by any member, but there is the discretion given to the Chair to overrule that objection. Now, in this case, as pointed out by the Hon'ble Minister, the alterations are verbal, and there are none which touch the principle of the Bill, so I do not think that there is any reason why the Bill should be hung up for another occasion. As regards objections on question of principles they ought to have been taken when the motion for consideration was moved. At that time no amendments were moved by any member. If any specific amendments had been tabled, all these questions could have been minutely discussed, but this cannot be done at this stage.

**Maulavi ABDUR RAHMAN:** Mr Speaker, Sir, I shall try to explain to the House certain unjustifiable measures that have been provided in the proposed Bill. In clause 3 (2) of the Bill—(levy of tax) it is provided—“If any tax payable under sub-section (1) is not paid within the time fixed by a notice issued in the prescribed manner, the prescribed authority may, in lieu thereof, recover a sum not exceeding double the amount of the tax so unpaid, or any smaller sum above the amount of the tax, which such authority may think reasonable to recover.” I do not find any reason why such latitude should be given to the collector of the tax to make the seller pay a larger amount than is due from him. We find in the case of sales by Local Boards and other Local Institutions that when the auction purchaser is unable to pay the amount of the bid, the thing is again put to auction, at the risk of the auction purchaser, but there is no such provision anywhere else that the collector shall be authorised to realise more than the actual amount which the original lessee had to pay.

Then, again, the following provision has been made under clause 4. “Any sum recoverable under section 3 may be recovered as an arrear of land revenue”. Under this section the collector has been given the power to realise it as land revenue, but I do not find any necessity to give any scope to realise more than the actual amount.

Then, again, coming to the other provisions. In clause 12 it is provided that “all searches made under section 11 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898, but under clause 11 searches can be made at night too.” I do not know, Sir, whether the Hon'ble Minister in charge of the Bill thought twice before he put this provision here that the searches can be conducted at night. In the Code of Criminal Procedure it is nowhere provided that searches can be conducted at night, and this has been very rightly pointed out by my hon. friend Maulavi Ashrafuddin Md. Chaudhury. Sir, if I know aright, in the Criminal Procedure Code there is no such provision that any search can be conducted at night.

Then, Sir, in connection with the search and the issue of warrant we find the word “officer” used, but this term “officer” has not been defined anywhere in the Bill. In some of the clauses it has been said that the Deputy Commissioner or the Excise Commissioner shall authorise other officers to make the search. It is not stated who will be the competent authority to make the search—it may mean a Constable or Excise Jamadar or any other person.

Then, in the penal sections of the proposed Bill there are some cumbersome provision. If a scrutiny be made into the details of this provision, it will be found that the trying court will find it very difficult to come to a decision, and the procedure under which a court has to proceed with the case.

Then, clause 18 provides that any person exercising powers under this Act who without reasonable grounds of suspicion enters or searches or arrests any person, etc. But in determining any vexatious arrest whether the Bill provides or gives sufficient powers to the court concerned to haul up the informant is to be seen by the House. In the Criminal Procedure Code we find that for false or vexatious charges there are various provisions, *i.e.*, sections 182 and 211, 250, etc.

With these words, I would request the House to think twice before they pass a legislation like this.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, as the hon. Rai Bahadur Promode Chandra Dutt has asked you to use your discretion in the matter of passing this Bill, I want to request you to use your discretion the other way. The hon. Rai Bahadur has said

that the House ought to have come with an amendment, but it is known to you, Sir, how there has been a plethora of legislation in this session as Bills have been brought one after another in such a hurry. So, I would ask you to consider whether the hon. members of this House have time and leisure to go through each of the Bills carefully. Secondly, when Government brings forward any legislation they ought to take the help of the best legal authority in the matter. The points which have been raised by my hon. friend Mr. Ashrafuddin Md. Chaudhury are very vital points and should have been seen by the legal adviser. It is no excuse now to say because no amendments were tabled in time, these Bills should be allowed to be passed. The points which have been raised, namely the prosecutor himself becomes the appealing authority and searches are to be carried at night also are simply outrageous to any lawyer and I put to you, Sir, as an experienced lawyer, whether you should allow these outrageous provisions to be incorporated in the Bill and in that view, I request you to exercise your discretion in not allowing the Bill to be passed to-day so that Government may have an opportunity of amending the Bill and remove these objectionable provisions.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, at the time when these objections were taken by the hon. members one after another, I was thinking whether, in making these objections they were serious or they were doing so merely because we happen to discuss these matters on April Fool Day (*Laughter*).

**Srijut ROHINI KUMAR CHAUDHURI:** On a point of information Sir, did not these objections occur to the Hon'ble Finance Minister?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** If the hon. member has some patience, I will also deal with these objections. Sir, these are objections which, in the first place, should have been advanced by these very members when the motion for consideration was moved by sending notices of amendments within the prescribed time so that such amendments might have been considered when the Bill was taken up clause by clause. It is only to-day that we hear these members complaining that even in the course of whole fortnight they had no time to go through the Bills.

One of the objections which has been raised by my hon. friends is that the order of the Excise Commissioner or such Revenue authority is not appealable. Not only these members, who have raised these objections have not taken the proper care of reading the Bill but have also shown colossal ignorance of the provisions which have been made in this Bill. If they go carefully into the provisions of the Bill, they will find that the provisions where the hon. members would like the orders to be appealable only relate to the confiscation of property; other orders will be appealable in the ordinary way under the Criminal Procedure Code.

Sir, these are the arguments—these are the objections which have been advanced not with any other object except that of delaying the legislation and putting obstacles in the way of the Government from getting this income and spending it for the benefit of the people. Sir, the rule that I have mentioned is quite clear.

As regards the objection that as the amendments have been made, the Bill cannot be passed to-day, it is for you, Sir, to say in what principle the Bill has been so altered or so changed that it cannot be passed to-day. I submit Sir, that you should exercise your discretion in our favour and allow the Bill to be passed to-day.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** May I enquire of the Hon'ble Finance Minister who will kindly give me the benefit of his

colossal knowledge of law whether there is any provision in this Bill excepting clause 25 for appeal? Clause 25 is "Any person aggrieved by any order under this Act may appeal to the Excise Commissioner—may appeal to the Deputy Commissioner". This refers not only to confiscation orders but also to Magistrates' orders imposing penalties of fines, etc., under the Bill.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I am not prepared to take my knowledge of law from the hon. Leader of the Opposition, and I am sure what I have said is correct. If he still has any reason to disbelieve that interpretation, the law court will be open to him.

**The Hon'ble the SPEAKER:** Now with regard to the objection that has been raised by the hon. Leader of the Opposition under sub-rule (2) to Rule 70 of the Assembly Rules to the effect that the Bill cannot be passed to-day as some amendments have been accepted, it will appear that the notice that the third reading of the Bill would be taken up to-day was given already by the Hon'ble Finance Minister. Now, from the speeches that have been delivered, it appears that the hon. members were taking some objections to some particular provisions of the Bill. Really they have raised some questions of principle. When the motion for taking the Bill into consideration was made, all these principles were not at all discussed by the hon. members who had the right to discuss the principles then. Then after the motion for taking the Bill into consideration was accepted, notice was also given that the Bill would be taken up clause by clause to-day.

And even then no amendments were tabled by the hon members to effect a change in the provisions which they are objecting to. To-day only a few amendments tabled by the Hon'ble Finance Minister has been accepted by the House. From those amendments themselves it would appear that they were very necessary amendments in order to make the meaning of some clauses clear and in order to remove some printing mistakes. So these are amendments which have made only some verbal alterations to the provisions of the Bill. But having regard to the fact that the hon. members had a right to table amendments to the provisions which they are now objecting to and also having regard to the fact that the motion for passing the Bill which was given notice of previously, would also be made to-day, I think that in such circumstances I should use my discretion in favour of allowing the motion.

The question is:

"That the Assam Sales of Motor Spirit and Lubricants Taxation Bill, 1939, as amended be passed".

The motion was adopted.

### The Assam Sales Tax Bill, 1939.

**The Hon'ble the SPEAKER:** The next item of business in the agenda is the consideration of the Assam Sales Tax Bill, 1939, clause by clause. There are some amendments tabled by the Hon'ble Finance Minister and there are no other amendments from any other hon. member of the House. So, I call the Hon'ble Finance Minister to move his amendments.

#### Clause 2

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I beg to move that in the sixth line of item (d) of clause 2, the "comma" after the word "is" and the words "may be" in the seventh line shall be deleted.

The amendment is merely verbal.



**The Hon'ble the SPEAKER:** Amendment moved:

"That in the sixth line of item (d) of clause 2, the 'comma' after the word 'is' and the words 'may be' in the seventh line shall be deleted."

After a pause the amendment was put and adopted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I beg to move that in the sixth line of item (e) of clause 2, the "comma" after the word "is" and the words "may be" in the same line shall be deleted.

**The Hon'ble the SPEAKER:** Amendment moved:

"That in the sixth line of item (e) of clause 2, the 'comma' after the word 'is' and the words 'may be' in the same line shall be deleted."

After a pause the amendment was put and adopted.

Clause 2 as amended and clauses 3 to 5 were then put and adopted.

Clause 1 also was then put and adopted.

The title and preamble of the Bill was then put and adopted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg, to move that the Assam Sales Tax Bill, 1939, as amended be passed.

**The Hon'ble the SPEAKER:** Motion moved:

"That the Assam Sales Tax Bill, 1939, as amended be passed".

(After a pause)

**The Hon'ble the SPEAKER:** May I take it that no one is willing to speak?

(After a pause)

The question is:

"That the Assam Sales Tax Bill, 1939, as amended be passed."

The motion was adopted.

### The Assam Amusements and Betting Tax Bill, 1939.

**The Hon'ble the SPEAKER:** Now we come to the consideration of the Assam Amusements and Betting Tax Bill, 1939, clause by clause.

#### Clause 3

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** I beg to move, Sir:

"That in the sixth line of sub-clause (1) of clause 3 after the words 'payments for admission' the words 'exceeding the value of rupee one per ticket' shall be inserted".

Sir, Indian life is generally dull and monotonous and there are very little arrangements for amusements. It is only the cinematograph exhibitions that our people go to enjoy and break their monotony. Whether cinema shows there are, and will be; they have to stay and they will be witnessed for breaking the monotony of life. So, I think while we are anxious to impose a tax upon these shows, the question should be considered very carefully.

The Hon'ble Finance Minister has times without number made reference that his idea is to tax only the rich. It is only in the fitness of things, therefore, that he would make a provision in the Bill that only rich people should be taxed and not the poor. I, therefore, urge upon him and the House that my amendment be accepted and that the tax be imposed on tickets whose value is above one rupee.

With these words, I move my amendment.

**The Hon'ble the SPEAKER :** Amendment moved :  
 "That in the sixth line of sub-clause (1) of clause 3 after the words 'payments for admission' the words 'exceeding the value of rupee one per ticket' shall be inserted".

(After a pause)

Am I to take that no other hon. member is to take part in this debate? (No hon. member then rose to speak). If so, the Hon'ble Minister-in-charge may reply.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, I beg to oppose the amendment moved by my hon. friend Mr. Maqbul Hussain Choudhury. I need not take much time of the House by making a long speech in doing so. If a man can afford to pay 8 annas or 1 rupee for going to a cinema, he by no means can be called poor and it will not be difficult for him to pay 6 pies more.

**The Hon'ble the SPEAKER :** The question is :  
 "That in the sixth line of sub-clause (1) of clause 3 after the words 'payments for admission', the words 'exceeding the value of rupee one per ticket' shall be inserted".

The motion was negatived.

**The Hon'ble the SPEAKER :** There is another amendment which stands in the name of Maulavi Muhammad Maqbul Hussain Choudhury to sub-clause (1) of clause 3 and another by Mr. D. B. H. Moore. As I read these amendments, I find that each of the item in each of these amendment is consequential on the item which precedes it, and therefore I shall ask Maulavi Maqbul Hussain Choudhury to move the whole amendment comprising all the items. I shall then ask Mr. Moore to move his amendments. I shall put the amendment of Maulavi Maqbul Hussain Choudhury first to the vote and then the others.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY :** I beg to move, Sir :

"That for items (i), (ii), (iii), (iv) and (v) of sub-clause (1) of clause 3, the following shall be substituted:—

(i) is more than one rupee but less than	...	...	...	One anna.
two rupees	...	...	...	One and
(ii) is two rupees or more	...	...	...	half anna."

**The Hon'ble the SPEAKER :** Amendment moved :  
 "That for items (i), (ii), (iii), (iv) and (v) of sub-clause (1) of clause 3, the following shall be substituted:—

(i) is more than one rupee but less than...	...	...	...	One anna.
two rupees	...	...	...	One and
(ii) is two rupees or more	...	...	...	half anna."

**Mr. D. B. H. MOORE :** Mr. Speaker, Sir, I beg to move—

"That for items (ii), (iii), (iv) and (v), of sub-clause (1) of clause 3, the following shall be substituted:—

"(ii) is eight annas or more, but is less than	...	...	...	One anna.
one rupee	...	...	...	
(iii) is one rupee or more, but is less than	...	...	...	Two annas.
two rupees	...	...	...	Four annas.
(iv) is two rupees	...	...	...	
(v) is more than two rupees, for every rupee or	...	...	...	
part in excess of the first two rupees, in	...	...	...	
addition to the payment of the first two	...	...	...	
rupees	...	...	...	Two annas."

**The Hon'ble the SPEAKER:** The amendment moved is:

"That for items (ii), (iii), (iv) and (v) of sub-clause (1) of clause 3, the following shall be substituted:—

(ii) is eight annas or more, but is less than one rupee ... ..	One anna.
(iii) is one rupee or more, but is less than two rupees ... ..	Two annas.
(iv) is two rupees ... ..	Four annas.
(v) is more than two rupees for every rupee or part in excess of the first two rupees, in addition to the payment on the first two rupees ... ..	Two annas".

Are not hon. members going to make speeches in support of the amendments.

**Mr. D. B. H. MOORE:** Mr. Speaker, Sir, we are not objecting to the principle underlying this Bill, but we feel that the rate of taxation envisaged which, if my calculation is correct, amounts to about 18½ per cent. is excessive. We feel that in taxation of this nature on any form of amusement three main factors should be borne in mind: firstly, the rate of taxation should not be so high as to prove a burden on the tax-payer; secondly, the rate should not be such as to cause any possible falling off in revenue due to the fact that the rate is high and that in consequence the support of the public might be withdrawn; and thirdly, we feel that the rate should not be so high as may possibly risk crippling proprietors of the particular forms of amusement which are covered by this Bill.

It follows, therefore, in our view that there must be what I may call a critical point of taxation about which such taxation might be considered excessive and below which it might be called inadequate. If the rate is excessive, then we feel there is a grave risk of the Bill defeating its very object.

After careful consideration of this question of rate, we have come to the conclusion that the figures given in the amendment which work out to two annas in the rupee, or 12½ per cent. is a reasonable rate of taxation, which may be expected to produce a reasonable amount of revenue and is not likely to cause hardship to the tax-payers.

There is one point, Sir, which I would like to emphasise concerning the question of the cinema industry in this province. This industry is a young one, and, we feel, is deserving of all possible support by Government. My friend Maulavi Maqbul Hussain Choudhury has already made a reference to the shortage of forms of amusement in this province for the general public. I would like to stress, however, that in our view private enterprise in the form of capital invested in the cinema business, which will provide inexpensive educational and other instructive programmes for the general public should, as far as possible, receive every encouragement. New improved cinema halls are being opened up all over the province and there is little doubt that this must be for the benefit of the public in general, for whom, as I have already said, there appears to be little enough amusement. Too high a rate of taxation in a measure of this nature will surely have the effect of stifling the support of the public for these cinemas and of course other similar forms of entertainment, and may have the effect of driving the proprietors of these forms of entertainment, particularly cinemas, into bankruptcy and will deprive the public of a simple yet instructive form of amusement. With the exception of very occasional race meetings and possibly travelling circuses, the cinema is probably the only form of amusement now available to the public.

If the Government can see their way to accept my amendment in the form in which it is tabled, then I feel sure that they will earn the gratitude of the general public and the gratitude of the cinema proprietors in particular.

### Adjournment

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

After lunch

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir. I am prepared to accept one part of the amendment moved by Mr. Moore provided, Sir, you give permission to do so; and that is in respect of the item of eight annas or more but less than rupee one. If I do not get such permission from you, Sir, or if my suggestion is not acceptable to the hon. mover, I shall have no other alternative but to oppose it.

**The Hon'ble the SPEAKER:** But the Hon'ble Finance Minister may consider whether any changes would be necessary in the other items.

**Mr. F. W. HOCKENHULL:** We did not quite catch what the Hon'ble Finance Minister said. Would he please repeat that?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I said that no other changes will be necessary if one of these amendments is accepted. I am prepared to accept the amendment in regard to item eight annas or more but less than rupee one.

**Mr. F. W. HOCKENHULL:** Then, what about the other items?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** That I cannot say, Sir.

**The Hon'ble the SPEAKER:** What I am asking is this whether the acceptance of this amendment would necessitate any consequential changes in other items.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** No Sir, because it means a reduction from one and half anna to one anna. In the item, as mentioned in the Bill instead of one and half anna it should be one anna.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I want to know from the Hon'ble Finance Minister whether he wants to put a tax so that the amusement may be prohibited or whether he wants that the tax should be levied in such a way so that it may bring greater amount of money to the provincial exchequer. I want to know the position about this.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I shall deal with the point raised by my hon. friend Khan Sahib Maulavi Mudabbir Hussain Chaudhuri after I had replied the question of the hon. mover and also after I get the permission of the Chair.

**The Hon'ble the SPEAKER:** If the Hon'ble Finance Minister is agreeable to accept any amendment, I cannot stand on his way. It is for the hon. mover to say whether he will not press for other items.

**Mr. D. B. H. MOORE:** Mr. Speaker, Sir, If I understood the Hon'ble Finance Minister correctly then I think, he proposes to accept item No. (ii) and reject items Nos. (iii), (iv) and (v) and he wants my approval to that. I am quite in agreement to the acceptance of item No. (ii), but with regard to his refusal to accept items Nos. (iii), (iv) and (v) I still feel that it would be unfair if the rate is not lowered up to  $12\frac{1}{2}$  per cent. In fact there should be a flat rate of  $12\frac{1}{2}$  per cent. on all tickets.

**The Hon'ble the SPEAKER:** Then am I to take it that the hon. member is not agreeable to isolate item No. (ii) and allow the Hon'ble Finance Minister to accept it?

**Mr. D. B. H. MOORE:** I can accept item No. (ii) but not the deletion of items Nos. (iii), (iv) and (v).

**The Hon'ble the SPEAKER:** Will the hon. member press amendments to other items?

**Mr. F. W. HOCKENHULL:** Sir, may I point out to the Hon'ble Finance Minister exactly what we are trying to get at. If the rate is not lowered then the price of each ticket will be Rs. 3 and in almost all cases a man will have to purchase two tickets of Rs. 3 each for attending the cinema or other entertainments. What is meant is that people will really go to places of amusements fewer times in the year than ordinarily they would have done if the tax were little more moderate. We are pointing out that the law of diminishing return must operate in a province like Assam. If the incidence of taxation is too high then it merely means that the gain to the Government Treasury will be lowered.

**The Hon'ble the SPEAKER:** Then the Hon'ble Finance Minister has to say whether he is agreeable to accept this amendment after what has been said now.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I would like to make my position clear. If the hon. mover is willing to isolate item No. (ii), I am prepared to accept the amendment with regard to this particular item. As regards other items, I would refer the hon. member who has moved this amendment to his own country and to say what percentage the people of his country have to pay on amusements like cinema, etc. Sir, I can assure him that the tax which we propose to levy, is far less than what the people of his country have to pay for such amusements. Our purpose is surely not to realise tax from the poor people and if a person of Mr. Hockenhull's position can afford to pay Rs. 4 for admission tickets for himself and Mrs. Hockenhull, I think he should not grudge and find it difficult to give us six annas more for the benefit of the poor people. (laughter).

**Mr. F. W. HOCKENHULL:** May I remind the Hon'ble Finance Minister that Assam is not populated by Hockenhulls? (Laughter.)

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** In reply to that remark, the only thing I would say is that those few people, who avail themselves of the class for which they pay two rupees or more, are either Messrs. Hockenhull or people of his position. Therefore, Sir, I am not prepared to accept the other amendments. But if the hon. mover is prepared to isolate the first item of the amendment, I shall be very glad to accept it. Otherwise, I shall have to oppose all the amendments.

**The Hon'ble the SPEAKER:** May I understand that if the hon. mover presses his amendments in regard to other items, the Hon'ble Finance Minister is not agreeable to accept the first item of the amendment?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** If the hon. mover isolates that item, I shall accept it, as I must oppose all the other amendments.

**The Hon'ble the SPEAKER:** But he is not going to isolate his first amendment. He wants all of them to be accepted.

**Maulavi MUNAWWAR ALI:** Is this the position, Sir, that if item No. (ii) is isolated this will be accepted by the Hon'ble Minister, and other items of his amendment would be left to their fate?

**The Hon'ble the SPEAKER:** Yes.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I do not understand the position taken up by the Hon'ble Finance Minister. Here is an amendment consisting of three or four parts; it is up to Government to accept any item of that amendment without any isolation. If the Hon'ble Finance Minister is agreeable to accept the first item of the

amendment, *i.e.*, the rate of tax for tickets of the value of eight annas or more but less than one rupee should be one anna in place of one and half anna, as provided in the Bill, there is absolutely no difficulty as regards acceptance of that item only. In that case, the other items will be put to vote. Why does he make a condition precedent to the effect that only on the withdrawal of the remaining parts of the amendment he will accept the first part? I do not think this is the idea of the Hon'ble Finance Minister himself.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** If the whole amendment is not treated as a whole, I am prepared to accept the part specified before by me.

**The Hon'ble the SPEAKER:** Why not? I shall place the different parts separately. Now, what is Hon'ble Minister going to do with Maulavi Maqbul Hussain Choudhury's amendment?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, I oppose that amendment also on the same grounds as I stated in relation to Mr. Moore's amendment.

**The Hon'ble the SPEAKER:** Then I put Maulavi Maqbul Hussain Choudhury's amendment first.

The question is: "that for items (i), (ii), (iii), (iv) and (v) of sub-clause (1) of clause 3, the following shall be substituted:—

(i) is more than one rupee but less than two rupees—one anna.

(ii) is two rupees or more—one and half anna."

The motion was negatived.

Then, with regard to Mr. Moore's amendment, item (ii) stands accepted by Government.

The question is "that for item (ii) of sub-clause (1) of clause 3, the following shall be substituted:

"(ii) is eight annas or more, but is less than one rupee—one anna."

The motion was adopted.

Then, I put the other parts of the amendment.

The question is: "that for items (iii), (iv) and (v) of sub-clause (1) of clause 3, the following shall be substituted:—

"(iii) is one rupee or more, but is less than two rupees—two annas.

(iv) is two rupees—four annas.

(v) is more than two rupees for every rupee or part in excess of the first two rupees, in addition to the payment on the first two rupees—two annas."

The Assembly divided.

AYES—36

- |   |  |
|---|--|
| 1. Babu Hirendra Chandra Chakravarty.       | 9. Maulavi Abdur Rahman.                       |
| 2. Srijut Jogendra Narayan Mandal.          | 10. Maulavi Dewan Muhammad Ahab Chaudhury.     |
| 3. Dr. Mahendra Nath Saikia.                | 11. Maulavi Muhammad Amjad Ali.                |
| 4. Srijut Rohini Kumar Chaudhuri.           | 12. Maulavi Ashrafuddin Md. Chaudhury.         |
| 5. Maulavi Abdul Aziz.                      | 13. Maulavi Badaruddin Ahmed.                  |
| 6. Maulavi Abdul Bari Chaudhury.            | 14. Maulavi Ghyasuddin Ahmed.                  |
| 7. Khan Bahadur Hazi Abdul Majid Chaudhury. | 15. Maulavi Jahanuddin Ahmed.                  |
| 8. Maulavi Abdul Matin Chaudhury.           | 16. Khan Bahadur Maulavi Keramat Ali           |
|   | 17. Maulavi Muhammad Maqbul Hussain Choudhury. |

## AYES—36

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|--|-----------------------------------|
| 18. Maulavi Matior Rahman Mia.                     | 26. Mr. A. H. Ball.               |
| 19. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 27. Mr. F. W. Blennerhasset.      |
| 20. Maulavi Munawwar Ali.                          | 28. Mr. W. R. Faull.              |
| 21. Maulavi Naziruddin Ahmed.                      | 29. Mr. F. W. Hockenull.          |
| 22. Maulavi Saiyid Sir Muhammad Saadulla.          | 30. Mr. W. J. Gray.               |
| 23. Khan Bahadur Maulavi Sayidur Rahman.           | 31. Mr. D. B. H. Moore.           |
| 24. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.    | 32. Mr. R. A. Palmer.             |
| 25. Col. A. B. Beddow.                             | 33. Miss Mavis Dunn.              |
|  | 34. Srijut Benode Kumar J. Sarwan |
|  | 35. Mr. C. Goldsmith.             |
|  | 36. Mr. P. Parida.                |

## NOES—51

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|---|---------------------------------------|
| 1. The Hon'ble Srijut Gopinath Bardoloi.        | 24. Srijut Kameswar Das.              |
| 2. The Hon'ble Mr. Fakhruddin Ali Ahmed.        | 25. Babu Karuna Sindhu Roy.           |
| 3. The Hon'ble Babu Kamini Kumar Sen.           | 26. Mr. Kedarmal Brahmin.             |
| 4. The Hon'ble Srijut Ramnath Das.              | 27. Srijut Krishna Nath Sarmah.       |
| 5. The Hon'ble Babu Akshay Kumar Das.           | 28. Srijut Lakhesvar Borooah.         |
| 6. The Hon'ble Maulavi Md. Ali Haidar Khan.     | 29. Babu Lalit Mohan Kar.             |
| 7. The Hon'ble Srijut Rupnath Brahma.           | 30. Srijut Mahadev Sarma.             |
| 8. The Hon'ble Khan Bahadur Maulavi Mahmud Ali. | 31. Srijut Mahi Chandra Bora.         |
| 9. Kumar Ajit Narayan Dev.                      | 32. Srijut Omeo Kumar Das.            |
| 10. Mr. Arun Kumar Chanda.                      | 33. Srijut Paramananda Das.           |
| 11. Mr. Baidyanath Mookerjee.                   | 34. Rai Bahadur Promode Chandra Dutt. |
| 12. Srijut Beliram Das.                         | 35. Srijut Purandar Sarma.            |
| 13. Srijut Bepin Chandra Medhi.                 | 36. Srijut Purna Chandra Sarma.       |
| 14. Srijut Bhuban Chandra Gogoi.                | 37. Babu Rabindra Nath Aditya.        |
| 15. Babu Bipin Behari Das.                      | 38. Srijut Rajani Kanta Barooah.      |
| 16. Srijut Bishnu Ram Medhi.                    | 39. Srijut Sankar Chandra Barua.      |
| 17. Babu Dakshinaranjan Gupta Chaudhuri.        | 40. Srijut Sarveswar Barua.           |
| 18. Srijut Debeswar Sarmah.                     | 41. Babu Shibendra Chandra Biswas.    |
| 19. Srijut Gauri Kanta Talukdar.                | 42. Srijut Siddhi Nath Sarma.         |
| 20. Srijut Haladhar Bhuyan.                     | 43. Maulavi Muhammad Amiruddin.       |
| 21. Srijut Jadav Prasad Chaliha.                | 44. Mr. Benjamin Ch. Momin.           |
| 22. Srijut Jogendra Chandra Nath.               | 45. Srijut Bhairab Chandra Das.       |
| 23. Babu Kalachand Roy.                         | 46. Srijut Bideshi Pan Tanti.         |
|   | 47. Srijut Dhirsingh Deuri.           |
|   | 48. Mr. Jobang D. Marak.              |
|   | 49. Srijut Karka Dalay Miri.          |
|   | 50. Srijut Khorsing Terang.           |
|   | 51. Srijut Rabi Chandra Kachari.      |

The motion was negatived.

**The Hon'ble the SPEAKER:** The question is that clause 3 of the Bill as amended do form part of the Bill.

The motion was adopted.

## Clause 8

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to move that the following shall be added as item (e) to sub-clause (1) of clause 8.

“(e) That the entertainment is provided by the management of a Tea Estate for the benefit of the estate's labour force for which no charge for admission is made”.

I have proposed this amendment in accordance with the assurance I gave that the purpose of this Bill is not to tax entertainments, which are given for education purpose and as this kind of entertainment does not fall under (a), (b), or (c) of clause 8 (1) I have brought this amendment to make the purpose here clear. (*Hear, hear*).

**The Hon'ble the SPEAKER:** Amendment moved:

“That the following shall be added as item (e) to sub-clause (1) of clause 8.

(e) That the entertainment is provided by the management of a Tea Estate for the benefit of the estate's labour force for which no charge for admission is made”.

**Mr. F. W. HOCKENHULL:** Mr. Speaker, Sir, we beg to acknowledge the courtesy and the consideration which the Hon'ble Finance Minister has shown us, and which only goes to prove that we have at least some points of view which he shares. (*Laughter*).

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

“That the following shall be added as item (e) to sub-clause (1) of clause 8—

(e) That the entertainment is provided by the management of a Tea Estate for the benefit of the estate's labour force for which no charge for admission is made”.

The motion was adopted.

The question is that clause 8 of the Bill as amended do form part of the Bill.

The motion was adopted.

## Clause 15

**Mr. D. B. H. MOORE:** Mr. Speaker, Sir, I beg to move: that in the sixth line of clause 15, for the words “seven per cent.”, the words “four per cent.” shall be substituted.

Sir, there is very little for me to say on this particular amendment beyond what I said in the debate on the first reading of this Bill. We submit that 7 per cent. is excessive and that 4 per cent. would be more reasonable to come into line with the percentage accepted by the Royal Calcutta Turf Club. There is one small point which I should like to raise and that is the point made by the Hon'ble Finance Minister, in which, if I understood him aright, he stated that he did not approve of the principle of betting by people of small incomes which would mean wasting private means on what might be termed a form of gambling. I would just like to point out that so far as race meetings are concerned, there is a considerable amount of expenditure incurred on the maintenance of these meetings and in the general organization and running. A certain amount of this expenditure is met from the entrance charges made, but also a considerable sum is made from the percentage of the takings of the totalizator generally amounting to something like ten per cent. My point then is that if the rate of taxation is made excessive it will undoubtedly affect the takings of the totalizator, which in turn will react upon the money to be found in connection with the running of race meetings. Race meetings are a harmless form of entertainment which is appreciated by the whole world over, and I therefore submit that the rate of 4 per cent. instead of 7 per cent. should be accepted by the House.



**The Hon'ble the SPEAKER:** Amendment moved:

"That in the sixth line of clause 15 for the words "seven per cent." the words "four per cent." shall be substituted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I oppose this amendment on the ground that in addition to getting income from the people it is also our intention that we should put as much check as possible in the way of those people who go and waste their money on the race course to the deprivation of the benefit of that money not only to themselves but also to their families. And, Sir, if a person has money to waste on the race course I do not see any reason why he should not be taxed at the rate of even more than 7 per cent. for such pleasure. If I had been left to myself I would have increased the percentage to even more than 7 per cent. and I think the hon. member, who wants to reduce this rate is not justified in claiming this reduction. If these people do not like to pay the tax they need not go to the races and we shall be happy to see these people spending the money so saved on their ownself and the families.

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

"That in the sixth line of clause 15, for the words 'seven per cent.' the words 'four per cent.' shall be substituted".

The motion was negatived.

**The Hon'ble the SPEAKER:** The question is that clause 15 of the Bill do form part of the Bill.

The motion was adopted.

*Clause 18*

**Mr. D. B. H. MOORE:** I beg to move that for sub-clause (1) of clause 18 the following shall be substituted:—

"18. (1) There shall as from the date on which this Act comes into force, be charged, levied and paid to the Government of Assam out of all monies received by a licensed bookmaker for bets made in an enclosure set apart on any race, a tax on backers, hereinafter referred to as the betting tax, amounting to four per cent. of all such monies".

Mr. Speaker, Sir, the object of my tabling this amendment is to correct the point to which I drew attention in the previous debate, namely, that under the existing Bill it is proposed to tax the gross receipts of the totalisator but in the case of the bookmaker only the amount paid out in bets, that is to say, the disbursements. The effect of this, in our view, as I have already stressed will be, firstly unfair as it will be penalising the totalisator. To make this quite clear I would like to point out that in the case of the totalisator if the gross takings are going to be taxed as against the disbursement only for the bookmaker, then the tax paid by the totalisator must, of necessity, be considerably greater than the tax to be paid by the bookmaker.

There is also a point which I stressed before and which I would like to stress again particularly in the case of the bookmaker. That is, where a race is won by a horse which is not actually backed, in that particular case the bookmaker will pay no tax on his takings which, we feel, will be very considerable. No disbursement would be made to the backers for the reason that there will be no backers on that particular horse and no tax will be paid by the bookmaker. In the case of the totalisator that point does not arise because the totalisator has to pay tax on the total receipts regardless of which horse wins a particular race.

Another principle involved here is one to which we object, namely, that the profits of the bookmaker are not to be taxed under the Bill. We submit that this is unfair. If a bookmaker is to make profit, as he will be doing invariably if he is to carry on his business, then it is only fair that he should pay his share of taxation (*Hear, hear*).

The third point is rather relative to the point which I have just mentioned, that is, the effect of this Bill will be to exempt the bookmaker from all taxes on his profit but at the same time to tax the sportsman who is prepared to risk his money on a bet.

Lastly a point which, we feel, Government should appreciate is that if this amendment as framed is accepted, then more revenue will accrue to Government.

I think these are the main points which I have to make and I merely emphasise the points which I raised before and I, therefore, commend my amendment to the acceptance of the House.

**The Hon'ble the SPEAKER:** Amendment moved:

"That for sub-clause (1) of clause 18 the following shall be substituted:—

18. (1) There shall as from the date on which this Act comes into force, be charged, levied and paid to the Government of Assam out of all monies received by a licensed bookmaker for bets made in an enclosure set apart on any race, a tax on backers, hereinafter referred to as the betting tax, amounting to four per cent. of all such monies".

**Khan Bahadur Maulavi KERAMAT ALI:** I support this amendment because, I think, if it is accepted, Government will make more income.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I entirely agree with the hon. Khan Bahadur and Mr. Moore when they say that if we accept this amendment Government will get more money. My difficulty is however only with regard to the last line of the amendment, and if the hon. mover agrees to substitute seven per cent. in place of four per cent. I shall have no objection to accept this amendment.

**Mr. D. B. H. MOORE:** I am prepared to accept that.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Then, Sir, I accept the amendment, because 7 per cent. is a consequential change as has been provided in the Bill.

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

"That for sub-clause (1) of clause 18 the following shall be substituted:—  
18. (1) There shall as from the date on which this Act comes into force, be charged, levied and paid to the Government of Assam out of all monies received by a licensed bookmaker for bets made in an enclosure set apart on any race, a tax on backers, hereinafter referred to as the betting tax, amounting to *seven per cent.* of all such monies."

The motion was adopted.

**Mr. D. B. H. MOORE:** I beg to move that in the third and fourth lines of sub-clause (2) of clause 18, the words "at the time when the money is paid to the backer" shall be deleted.

In view of the acceptance of the previous amendment it is essential that these words should be deleted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Yes.

**The Hon'ble the SPEAKER:** The question is: "that in the third and fourth lines of sub-clause (2) of clause 18, the words 'at the time when the money is paid to the backer' shall be deleted."

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is that clause 18 of the Bill as amended do form part of the Bill.

The motion was adopted.

#### Clause 20

**Mr. D. B. H. MOORE:** I beg to move that in the second and third lines of sub-clause (2) of clause 20, for the words "by them to backers in satisfaction of bets", the words "to them by backers for bets" shall be substituted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I also accept this because it is necessary in view of the amendment we have already accepted.

**The Hon'ble the SPEAKER:** The question is : "that in the second and third lines of sub-clause 20, for the words 'by them to backers in satisfaction of bets', the words 'to them by backers for bets' shall be substituted".

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is that clause 20 of the Bill as amended do form part of the Bill.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is that clauses 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 19, 21 and 22 do form part of the Bill.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is that the title and preamble of the Bill do form part of the Bill.

The motion was adopted.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to move that the Assam Amusements and Betting Tax Bill, 1939, be passed.

**The Hon'ble the SPEAKER:** The motion moved:

"That the Assam Amusements and Betting Tax Bill, 1939, be passed".

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** I rise to oppose the passing of the Bill in this meeting. Sir, in view of the fact that some substantial amendments have been accepted which affect vitally the provisions of the Bill, I think, my objection should be upheld.

**The Hon'ble the SPEAKER:** Why does the hon. member ask for postponing the passing of the Bill?

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** So that we may get sufficient time ...

**The Hon'ble the SPEAKER:** For what purpose?

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** To have further consideration of the provisions of the Bill after amendment .....

**The Hon'ble the SPEAKER:** What further examination of the Bill is necessary? All substantial amendments have been moved and what further examination is necessary, may I know?

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** Under the rules, I think, the House has got a privilege to ask for the postponement of the passing of the Bill in a particular meeting and to take time for consideration of the Bill. This is a privilege given to the members of the House.

**The Hon'ble the SPEAKER:** But the rule also gives a discretion to the Chair whether the matter should be postponed or not. The hon. member is to show why that discretion should not be used. I am anxious to know the grounds why I should not exercise the discretion in favour of the motion.

**Babu HIRENDRA CHANDRA CHAKRAVARTY:** My ground is this. This is a taxation Bill and we from this side of the House did not like it. For this reason we wanted to fight out the Bill inch by inch. And from this side we should see that this taxation Bill may not come, or if it is likely to come we must get sufficient time for the consideration and satisfy ourselves that we could do whatever was possible for us.

**The Hon'ble the SPEAKER:** But I want to know what more fighting is necessary. The hon. members have fought by tabling amendments and I want to know what further fighting is necessary.

**Srijut ROHINI KUMAR CHAUDHURI:** May I say a few words, Sir, in this connection? When a motion for the passing of a Bill is made before the House two courses are open to the House, either to throw it out altogether on merits, or when the House has not decided as to the advisability, the House can under this rule take time to consider.

This is a very salutary provision which has been laid down so that before deciding either to pass the Bill or to throw it out the House may have some time to think over the amendments. After consideration when the motion for passing the Bill actually comes, afterwards the House must come forward either to reject the Bill as amended or pass it. As I say this is a salutary provision which should be ordinarily followed. Moreover, Sir, if I hear you right, I think you said that if the amendments are merely technical or verbal, this discretion ought to be exercised in favour of the Bill being passed; and if the amendments are of a substantial nature and some sort of consideration is necessary this rule should be given effect to.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: \*** Another point, I may say in this connection is, Sir, that clause 3, sub-clauses (3), (4) and (5) have levied four annas tax, six annas tax and three annas tax respectively for every rupee in excess of Rs.2. But neither the Finance Minister nor any of the other members could show that by levying a tax like this, or a higher tax as proposed in the amendment of Mr. Moore the province is going to be benefited or not. That has not been made clear. We are not in a position to know whether the tax as proposed in the Bill would bring more money to the coffers of Government. That has not yet been made quite clear. We are to know whether Mr. Moore's amendment could not be accepted so that more money could come to Government.

**The Hon'ble the SPEAKER:** The hon. member ought to have spoken when the amendment was being discussed.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY: \*** I rose to draw attention so that the Finance Minister might give a reply.

**The Hon'ble the SPEAKER:** Then the hon. member should have spoken out loudly and drawn my attention.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I want to make the point of my hon. friend more clear. You wanted to know from my hon. friend Mr. Chakravarty why this side of the House wants to take time. As every one knows that I as Leader of the Opposition did say at the time the Bill was introduced that we are out to help the Hon'ble Finance Minister as far as possible and, therefore, although we pointed out that there are certain defects in the Bill we tried to help him. Even to-day certain amendments have been accepted by the Hon'ble Finance Minister and they were accepted simply on the ground that by accepting them more money will come as tax than otherwise. The point which the Khan Sahib wanted to elicit from the Hon'ble Finance Minister when he asked for the Bill to be taken into consideration clause by clause was whether he could say that his idea was to get more money by this Bill or simply if he wanted to fix a rate of taxation. Thereby he wanted to elicit this fact whether Government has taken any census as to the numbers that patronised that First and Second Class in the shows. The point is that if the number shows a small figure then by putting a higher rate probably he will get more money. If it is patronised by a large number then a higher rate of taxation may drive cinema-goers to a lower class. It is for

\* Speech not corrected.

giving the Government a chance for collecting such figures and to see whether Mr. Moore's amendment would not be more beneficial to the provincial exchequer than this attitude has been taken by this side of the House.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, it is really surprising for me to see that the Hon'ble the Leader of the Opposition and the other members on the Opposition Benches should have taken this attitude particularly when they have stated that they would help us in every possible way to bring this Bill easily to the Statute Book. Sir, the principle of the Bill as accepted by the House, remains the same. It is true that in certain cases amendments which lower the rate of taxation from one anna six pies to one anna, have been made but I would like to ask these hon. members to say in what direction such an acceptance of amendment has changed the purpose for which this Bill was introduced. In fact these amendments were made in accordance with the wishes of hon. members of the Opposition, and if such amendments had not been accepted, their objections would not have been given due consideration. It is difficult to see why they should require further time to consider this matter.

Thirdly, Sir, I have been asked by the hon. Khan Sahib Mudabbir Hussain and the hon. Leader of the Opposition, whether I have verified the fact that this taxation would bring us more money. It is known, Sir, that at present we do not get a single pie out of amusements.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I never said, Sir, that this Bill is not going to bring in any money. But what I said was whether any opinion had been taken of the richer people who are expected to pay higher rates. It is perfectly patent to every one that this sort of taxation will bring in more money.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** As regards this point I can only say Sir, that in the case of those people who patronise the higher classes and pay two, three or four rupees for the sake of entertainment it would matter less to them whether they pay four annas or six annas more by way of taxation. If they go to see any entertainment they will go there irrespective of the fact that they will in future have to pay four annas or six annas more. It is only in the case of the poorer people where such consideration can arise. But, as hon. members will realise, we have only put six pies on those people who usually go to the lower classes. It will matter very little to Mr. Hockenull or the Leader of the Opposition whether he has to pay six annas or four annas as tax for going to a cinema.

**Maulavi JAHANUDDIN AHMED:** May I know from the Hon'ble Minister whether the cinema company will supply them with first class seats on payment of third class rates?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am really unable to understand the point made by the hon. member. I do not go to the cinema at all.

Personally, Sir, I do not see any reason why the hon. members should not help us in getting this legislation passed. Sir, we have not departed from the principle or the purpose for which this Bill is introduced, and when we agree to the principle and the purpose, I see no reason why hon. members should now say that the Bill should not be passed to-day.

**The Hon'ble the SPEAKER:** With regard to the objection that has been taken under sub-rule (2) of Rule 70 that the motion for the passing of the Bill should be deferred on the ground that some amendments have been made, it appears to me that the hon. members objecting to the passing of the Bill rely upon the letter of the rule. The rule says that, "if

any amendment be made, any member may object to the passing of the Bill at the same meeting ; and such objection shall prevail, unless the Speaker, in his discretion, allows the Bill to pass." The rule gives a discretion to the Chair whether he should allow the Bill to pass at this stage or not. And this discretion should be exercised on sufficient and reasonable grounds. In this Bill some amendments have no doubt been made. In fact most of the amendments made by the hon. members have been accepted by the Hon'ble Finance Minister. One amendment which the Hon'ble Finance Minister himself proposed was in compliance with what the members of the European Group wanted. It appears from the list of amendments that most of the amendments really relate to the rate of taxation. With regard to the amendments it may be said that the amendments which were not liked by the hon. members who are now objecting were not passed. It appears that all the amendments which have been accepted were also supported by the hon. members who are now objecting to the Bill being now passed.

The hon. Srijut Rohini Kumar Chaudhuri has said that the object of the rule is to give an opportunity to the members to decide whether they should agree to have the Bill passed or to oppose it at the last stage. Admitting that to be so, it appears to me, the spirit of the rule as I understand it, require me to see whether the objection to the passing of the Bill has been raised by those members who do not like the amendments which have been made, (*Hear, hear*). For it is only in the case of the objection of members not liking the amendments made, the question arises whether they should make up their minds as to whether they are to throw out the Bill or to agree to the passing of it. Now, in this case, as I have pointed out, there is no case made out that any amendment which was not liked by any section of the House has been accepted. There was only one amendment tabled by Maulavi Maqbul Hussain Chaudhuri which was objected to by the Hon'ble Finance Minister, but that the Hon'ble Minister is not raising any objection to the Bill being passed. If the principle of the rule was otherwise than what I understand it to be the rule ought to have been to the effect that, "whenever any amendment is made or discussed, then if there is an objection to have the Bill passed at the same sitting it should prevail". But hon. members should see that the rule is, if any amendment made to the Bill is carried, then an objection can be made to the passing of the Bill in the same sitting. (*A voice*: By anybody?) Of course. But the real intention is that if any amendments which are accepted but which are not liked by some members and the objection comes from those members then the Speaker will not exercise the discretion in allowing the Bill to be passed in the same sitting. Now Mr. Rohini Kumar Chaudhuri himself said that the principle is to give the House an opportunity to consider whether the third reading of the Bill should be opposed. If that was the sole principle then the rule would have been that whenever any amendment is discussed whether it is lost or carried, the House may raise an objection and the Speaker will postpone the passing of the Bill if he does not agree to exercise his discretion in favour of allowing the Bill to be passed, in the same sitting. The hon. Mr. Rohini Kumar Chaudhuri has said that time is necessary for them in order to decide whether they should change their mind and agree to pass the Bill. The attitude of the hon. Mr. Chaudhuri's party has all along been an attitude of systematic opposition and when there is a section of the members of the House who think that even without the vote of the Opposition the Bill may be passed, I do not think there will be any useful purpose served by postponing the motion for passing the Bill. Therefore, in

view of the circumstances explained, I find that there is no reasonable ground for me not to exercise the discretion which has been given to me. Therefore, I overrule the objection and I allow the motion to be moved.

(After a pause)

I think no other member is going to take part in the debate.

(After a pause)

The question is that the Assam Amusements and Betting Tax Bill, 1939, be passed.

The motion was adopted.

### **The Assam Commissioners' Powers Distribution Bill, 1939**

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to move that the Assam Commissioners' Powers Distribution Bill, 1939, (introduced in and passed by the Assam Legislative Council) be passed.

**The Hon'ble the SPEAKER:** The motion moved is that the Assam Commissioners' Powers Distribution Bill, 1939, (introduced in and passed by the Assam Legislative Council) be passed.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Is there no amendment?

**The Hon'ble the SPEAKER:** No, there is no amendment.

The question is that the Assam Commissioners' Powers Distribution Bill, 1939, (introduced in and passed by the Assam Legislative Council) be passed.

The motion was adopted.

### **The Assam Motor Vehicles Taxation (Amendment) Bill, 1939**

**The Hon'ble the SPEAKER:** The Hon'ble Prime Minister may move for the passing of the Assam Motor Vehicles Taxation (Amendment) Bill, 1939. There are no amendments to any of the clauses of the Bill.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I beg to move that the Assam Motor Vehicles Taxation (Amendment) Bill, 1939, be passed.

**The Hon'ble the SPEAKER:** The motion moved is that the Assam Motor Vehicles Taxation (Amendment) Bill, 1939, be passed. Will there be no discussion on this?

(After a pause)

**The Hon'ble the SPEAKER:** The question is that the Assam Motor Vehicles Taxation (Amendment) Bill, 1939, be passed.

The motion was adopted.

### **The Goalpara Tenancy (Amendment) Bill, 1939 (discussion continued from the 17th March, 1939)**

**The Hon'ble the SPEAKER:** Then comes the Goalpara Tenancy (Amendment) Bill, 1939, to be moved by the Revenue Minister for its reference to a Select Committee.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Sir, have I to reply or any other hon. member would like to speak on this?

**The Hon'ble the SPEAKER:** On the 17th March, when this motion was under discussion six members spoke. Is any other hon. member going to speak to-day ?

**Srijut JOGENDRA NARAYAN MANDAL:** Mr. Speaker, Sir, I am much disappointed to go through the Goalpara Tenancy (Amendment) Bill 1939, as sponsored by the Hon'ble Revenue Minister. Although a hope has been given to bring in a change of a far-reaching character of the Act, it appears that the object is going to be frustrated. The Bill is an eye wash and illusory in its character. The measures of relief which is sought in the Bill are really unsatisfactory. With the continued trade depression and economic depression, condition of peasantry has become deplorable. It was more so in the district of Goalpara because of the distressed state of the people due to havoc caused by the last earthquake and the flood. The district of Goalpara is mostly a jute growing district. Both the upper class or landlords and tenants depend primarily on jute crops and now they have been driven hopelessly to miserable conditions for abnormal fall in the prices of jute and other crops. The daily burden and growing feeling of discontent and dissatisfaction among the masses are the causes of growth of labour and peasant movements.

The Hon'ble Finance Minister has indicated the disappointing progress of collections of land revenue in the province. In the khas mahal area the raiyats got relief by way of land revenue reductions, and they expect 50 per cent. revenue reduction this year. The Goalpara Tenancy Act of 1929 is an imitation of the Bengal Tenancy Act which has been amended and passed in the Bengal Assembly giving a greater relief to the peasantry in the province. It is for these reasons that there have been agitations among the masses demanding redress of the grievances, real and genuine. But what facilities and substantial rights and safeguards are to be secured for the poverty-stricken raiyats in the permanently-settled districts of Goalpara, who are hard hit by the hard and stringent provisions of the Tenancy Act. Sir, the existing Goalpara Tenancy Act was framed and imposed in the teeth of opposition for keeping down under burden of exploitation. Even the present amending Bill by its nature and safeguards it provides to the Zemindars may be characterised as a Zemindary Act and not as a Tenancy Act. The Hon'ble Minister-in-charge might have received memorandum of their grievances and I hope he will not hesitate to recognise their claims both in fairness and expediency.

What do we find in the Permanent Settlement Regulations ? Lord Cornwallis desired to relieve the Zemindars as well as the peasantry from the worry and ruin which were than experienced before 1793. The Zemindars were made the proprietors of the soil and great considerations were shown to them but at the same time he expected that same considerations should be shown by the Zemindars to the impoverished raiyats. This second aspect of the thing came to be forgotten, ignored and gradually totally lost sight of, and the raiyats had to agitate against the system from time to time. The main object which was mentioned in the Lord Cornwallis's Instrument of Instructions of 1793 is "the protection of raiyats." The Bengal Tenancy Act and all its subsequent amendments embody an endeavour to redeem a pledge that was given at the time of Permanent Settlement. Rights were then reserved to Government to enact regulations for the protection and welfare of the dependent Talukdars, raiyats and other cultivators of the soil whenever necessary and the condition required it. But the whole scheme was an unsystematic mass of machinery which was a complete failure in practice. The occasional disturbances and oppressive methods adopted by the



Zemindars and the illegal exactions of *abwabs* and other fees are really deplorable and these could not be checked in any way. However, in the district of Goalpara, as has been said, the prolonged distress in the economic life of the peasants, the last earthquake and flood with the consequent deterioration of the land value, brought into very clear light the need of a drastic remedy. When the existing Tenancy Bill of 1929 was considered in a Committee of the representatives of both tenants and Zemindars, there was an understanding at the time when new laws were enacted and decisions were arrived at in the Committee only to see how the Act was consistent with the conditions and situation of the tenants and how it worked. But shortly after the passing of the Act certain difficulties had arisen and there was a cry for these long years and it is going to be unheeded and suppressed. It may be said by others that it was a piece of legislation achieved in a spirit of compromise. But I say that any measure or Act in any Legislature cannot be said to be beneficial to the interest of all for all time to come. We must consider the time and circumstances when the Goalpara Tenancy Act was considered and passed. It was at a time when land value and price of jute and other agricultural produce was very high.

Now an amendment of the Goalpara Tenancy Act is demanded under a very peculiar economic condition of the people and the constitutional change in the Provincial Government. The Bill does not provide for the duties which the Zemindars should have towards their tenants. On the other hand the Bill seeks to provide for a special procedure to safeguard the interest of the Zemindars. Few innovations that are incorporated in the Bill are not beneficial to the interests of the raiyats, they will remain either dead provisions in the Act or they will be used in protecting the rights of the landlords. I do not know why the power of civil court should be curtailed to settle or reduce rents in a fair and equitable way. I do not know when an exceptional circumstance will arise to authorise a revenue executive officer for the purpose. This is a tedious and expensive procedure for the tenants. We see in the Bill how a poor tenant will have to go through the clumsy procedure in the Registration office and the Deputy Commissioner's office for registering an instrument of transfer with a heavy item of expenditure with other legal costs. First the transferor will have to purchase a stamp of requisite value and then he will have to tender to the registering officer (1) a registration fee, (2) a process fee with notices of transfer, (3) landlords' registration fee and (4) the cost of transmission of landlords' registration fee.

By reducing the transfer fee, the Bill does not give any relief to the tenants, rather it imposes upon them a heavy burden and thereby causing impediments to the free rights of transfer and making their economic life more difficult. It is a legal necessity that landlords' fee should be abolished as in Bengal. Again the provision for technical defects in the procedure for forfeiture of the purchase money is very hard and penal. Is it a safeguard or a means of exploitation?

The Bill proposes to ameliorate the condition of under-raiyats by adding a proviso to section 41 of the Act. But it is very strange that while considering the amount of rent paid by the raiyat to the landlord and in fixing the maximum of rent to be paid by the under-raiyat, another side of the fact has not been taken into consideration. I mean no consideration has been made for fixing the maximum rent to be paid by tenants or raiyats to the Zemindars in consideration of the amount of revenue paid by the Zemindars to the Government. Is it not a partial consideration of the whole system of revenue? The ultimate effect of this proviso will be

to cut away the land under the feet of under-raiyats. The raiyats will not in this case settle any holding to any under-raiyats and they will be bound under circumstances to sue for arrears of rent and purchase the land in auction sale. What will be the fate of the under-raiyats then? They will have to lead their lives as *adhidars* or day labourers only. It is again angerous where recalcitrant under-raiyats conspire against the superior raiyats to oust them by stopping payment of rents and ultimately purchasing the holdings on taking fresh settlements from still higher landlords. The effect will be an embittered relations between classes of raiyats leading them to ruinous litigations. We hope we may not be grievously mistaken in going through the most intricate system of land regulations.

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, the scope of the Bill is very narrow. So, before reference to the Select Committee is made I would simply register my protest against certain provisions of the Bill which are wanting, which, I find, during the labours of the Select Committee, the scope of the Bill will not allow us to incorporate.

The first thing that I want to say is the question of easementary rights. There was an occasion when I myself along with 7 other members of my district sent notice of an amending Bill to the Goalpara Tenancy Act, where these provisions for the easementary rights were given. I refer to my friend, Srijut Jogendra Chandra Nath who was one of the sponsors of this Bill and is now sitting on the Government Benches, to say if the same provision of the easementary rights found place in his Bill as well. The easementary rights, as were mentioned in those Bills, the settled raiyats of a village shall enjoy for their own use and not for any other purpose. The rights had to be given only to the settled raiyats which would appear to be not unreasonable or unjust. First, right to collect fuel from waste land and forests of their landlord; then right to take dead Sal posts for construction of their houses from the forests of their landlord; right to take wood for manufacture of agricultural implements for their use from the forest of their landlord; right to fish for their consumption in the pieces of water in the waste lands of their landlord; right to graze cattle in the waste lands of their landlord; right to take thatching grass, reeds and bamboos for their domestic purposes from the waste lands and forests of their landlord; right to take pieces of earth as known as *Hira Mati* for manufacturing earthen wares for their domestic use.

These are the rights for which we have been clamouring for a long time to be codified. There was litigations between landlords and tenants and more than once cases went up to the High Court and some cases, as I understand, are still pending. Therefore, it was with a view to remove that difference between landlords and tenants that most of these provisions were incorporated in the Bill. An extract from the Statement of Objects and Reasons in our Bill would make it clear:

“Before the passing of the Goalpara Tenancy Act, the raiyats of the Zemindary Estates of Goalpara district were to some extent contented and enjoyed some privileges, but the operation of some of the harsh provisions of the said Act have made their lot very miserable. This amendment is the outcome of suggestions made by the tenants of all classes all over the district which they have themselves put forward in several Krishak Conferences. It is high time that the embittered relations between the raiyats and the landlords are removed once for all and lasting peace be sought to be established by doing justice to the cause of the aggrieved tenants by acceding to their most reasonable minimum demands for the benefit of both the parties”.

Before they launch upon the ruinous litigations, as it is known, for a long time, these rights would be conferred upon the raiyats by the amending Bill.

The second point, Sir, is about partial relinquishment. This is a point which has been urged more than once in Krishak Conferences. And I believe, my Hon'ble friend Mr. Fakhruddin Ali Ahmed who presided over one of these conferences would be in a better position to know that This is a point which was raised by resolutions and during discussions. It must be brought to his notice and brought home to him that partial relinquishment is a thing which is very much wanted by many raiyats. The point will be clear if I give one instance. If a certain raiyat has got 50 bighas of land and by chance out of these, 30 bighas lie waste on account of deposit of sand, these 30 bighas he will not be able to relinquish to his landlord as he has got to relinquish the entire 50 bighas. For example, somehow he cultivates his fifty bighas with the help of his three sons. He will not be able to do so if his sons go away or if some of them die. When he finds himself not in a position to cultivate the entire fifty bighas, these provisions of the Goalpara tenancy Act will not allow him to relinquish any part of his holding. So this is much needed; this partial relinquishment is a thing which has been urged upon by the Goalpara raiyats times without number. Transferability is another aspect of the Bill which fall short in the Government Bill. Lands to the tenants are their property. Before a raiyat holds certain land for 12 continuous years, he does not attain the status of an occupancy tenants. He cannot sell any part of his holding. Because of that disqualification he does not attain that right. Under-raiyats who are mostly poor want to fall back upon their only resource, which is land, in times of difficulty and this artificial distinction between occupancy and non-occupancy raiyats is giving immense trouble and works harshly on the tenants.

The last point which I want to speak about is the certificate procedure. Some effective step should have been taken to do away with the certificate procedure which is now working very harshly on the Goalpara tenants.

Sir, *abwabs* are a feature which ought to have found a place in the Government Bill, as this, as is well known, is working very harshly upon the Goalpara tenants.

Subdivision of tenancies is another factor which the Government Bill is particularly silent about.

All these points should have been taken into consideration before the Bill was drafted.

With these few words, I beg to resume my seat.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I am thankful to the hon. members who have participated in this debate and who have made various suggestions but at the same time I repudiate the charges which have been levelled by them against us that we have not fulfilled our pledges which we made to the tenants of these districts. The provision of this Bill, as I explained at the time of moving the motion before the House, deals with the specific grievances of the tenants in the permanently-settled areas. It may be that some of the hon. members would like us to go further than what we have done, but we feel what we have done will help the tenants much more than if we had accepted the suggestions by these hon. members. The question which relates affecting the tenants is the question of reduction of rents, but is it possible for me, or anyone, to fix a rent, or a standard of rent, without taking all the circumstances and all the facts into consideration? Have we done anything wrong if we have made a provision in this Bill under which in cases where

rent is said to be high or excessive, a Revenue Officer would be appointed who after making an enquiry into the condition of the people and the circumstances prevailing in the particular locality, would determine what rent is reasonable and should be charged from the tenants for different lands in that particular area.

**Maulavi GHYASUDDIN AHMED:** On a point of information, Sir. Is it possible to appoint such an officer without a record-of-rights?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** If a record-of-rights had been in existence this difficulty would not have arisen. It is because of the absence of such a record of-rights that Government have taken the power of getting the rent determined in the manner stated. I think the hon. members who have raised a cry that the rent should be reduced will agree with me that it is not reasonable or just to reduce rent haphazardly and without taking all these facts into consideration.....

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir. May I know what the Hon'ble Minister means by 'haphazardly'?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Not, a single hon. member has been able to show me, either to-day or on any previous occasion what should be the standard of rent in a particular area. If any hon. member can convince me of such a standard I shall have no objection in accepting the same.

**Maulavi JAHANUDDIN AHMED:** May I know from the Hon'ble Minister what rate of reduction of rent he has made in the Court of Wards Estates?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** So far as I know the rent in the Bijni Wards Estate is not said to be very excessive, and from a conversation which I had with some people of the locality I found that they were more satisfied with the rate of rent prevailing in the Bijni Court of Wards than any where else.

So Sir, if what we have done is not considered to be just, I do not know what other provision will satisfy the hon. members.

Then, Sir, an objection has been raised by the hon. Mr. Ghyasuddin Ahmed that we have differentiated between Sylhet and Goalpara in making registration even in transfer below the value of Rs.100, compulsory in the case of Goalpara while it was not so in the case of Sylhet. If I remember aright, it was this very hon. gentleman who had suggested at the Dhubri Conference that registration should be made compulsory even for such transfers.

**Maulavi GHYASUDDIN AHMED:** On a point of personal explanation, Sir, I never said that registration should be made compulsory. What I said was that if we made registration compulsory Government shall have to establish many sub-registry offices throughout the district.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** As I was saying it was in consonance with the wishes expressed at the Dhubri conference that we have made this provision. If now it is objected to on the ground that there should be no differentiation I shall be the first person to accept the suggestion and to agree to an amendment which the hon. member may later bring before the select committee or before the House.

Another question has been raised with regard to *abwabs* and easementary rights. If we have not made any provision with regard to these matters it is not because we do not want to give relief on these accounts to the poor tenants, but our difficulty is that, if we make a list of these illegal exactions, such enumeration instead of helping the tenants will be doing them harm, for the simple reason that Zemindars will realise those

dues not mentioned in the Act. It is this difficulty which I would like hon. members to realise fully before taking further action in this connection.

**Maulavi JAHANUDDIN AHMED :** What about the provisions which are not included in the Bill ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Sir, we are providing legislation in order to give protection to the tenants, and in this Bill we can only bring those matters which relate to them in their capacity as tenants.

**Maulavi JAHANUDDIN AHMED :** On a point of information, Sir. Has the Hon'ble Minister gone through the provisions of the private Bills and is he prepared to accept some of the provisions of those Bills ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Sir, I have gone through the Bills of which the hon. members have given notice and without definitely knowing what provisions they will now want to be discussed in the Select Committee, it is very difficult for me to give that guarantee. If there be any changes which the hon. member would like to bring in the Select Committee and if those changes are consistent with the principle of the Bill which has been introduced by Government, I shall have no objection in allowing these hon. members to discuss those or any other relevant matters in the Select Committee as well as on the floor of the House after the Bill has emerged from the Select Committee stage.

Thirdly, Sir, I have already explained one position with regard to certificate procedure. We know this procedure has never been resorted to and cannot be resorted to in Goalpara so long as there is no record-of-right and, if such is the case, Government do not see any necessity of bringing any legislation with regard to a measure about which no grievance exists. But if it is the wish of the hon. members that this chapter relating to the certificate procedure should be deleted, I shall have neither any objection nor I shall stand in the way of the deletion of this chapter.

This is all I need say at this stage. I hope hon. members who have taken such keen interest in this matter will also show their keen interest in the Select Committee stage and will help us in the common cause of providing relief to the poor peasantry.

**Maulavi MUHAMMAD AMJAD ALI :** I have not been able to follow one point. The Hon'ble Minister says because the record-of-right is not prepared, there is some difficulty to delete the chapter for certificate procedure. What does he mean by that ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** I never said that. What I said was that as the grievance is more imaginary than actual, it is not considered necessary by Government to come forward with an amendment in this connection.

**Maulavi MUHAMMAD AMJAD ALI :** What that has got to do with the certificate procedure ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Sir, I have nothing to add to what I have already said.

**Maulavi ABDUL AZIZ :** With regard to Section 3(2)(a) I want to know from the Hon'ble Minister if this provision does not go against the general law of Transfer of Property Act ?

**The Hon'ble the SPEAKER :** What is the use of bringing this question at this stage ? The Select Committee will look into that.

**Maulavi ABDUL AZIZ :** As regards the landlord's registration fee it is said that it will be transmitted by the Deputy Commissioner as provided in sub-section (2)(c) of section 3. I want to know how it will be transmitted—by post or some other way ?

**The Hon'ble the SPEAKER :** These are minor matters which may be considered by the Select Committee. It is all very good that all these points have been raised by the hon. member because that will be noted in the proceedings and will be considered by the Select Committee.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Sir, I have already said that I have nothing to add.

**The Hon'ble the SPEAKER :** The question is that the Goalpara Tenancy (Amendment) Bill, 1939 be referred to a Select Committee consisting of the following members :—

1. Srijut Jogendra Chandra Nath,
  2. Srijut Paramananda Das,
  3. Mr. Jobang D. Marak,
  4. Kumar Ajit Narayan Dev,
  5. Srijut Sontosh Kumar Barua,
  6. Maulavi Muhammad Amjad Ali,
  7. Maulavi Ghyasuddin Ahmed,
  8. Maulana Abdul Hamid Khan,
  9. Srijut Sarveswar Barua and
  10. The Mover (The Revenue Minister)
- (Four members to form a quorum).  
The motion was adopted.

#### **The Assam Excise (Amendment) Bill, 1939**

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, I beg to introduce the Assam Excise (Amendment) Bill, 1939.

(The Bill was introduced)

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, I beg to move that the Bill be taken into consideration.

Sir, in moving this motion I need hardly add to what has already been stated in the Statement of Objects and Reasons. The purpose of this Bill is to get a revenue by imposing taxation on foreign liquor and also for this purpose to bring within compulsory registration clubs which have hitherto been exempted from registration and from paying this duty.

**The Hon'ble the SPEAKER :** Motion moved is "that the Assam Excise (Amendment) Bill, 1939 be taken into consideration".

**Mr. D. B. H. MOORE :** Mr. Speaker, Sir, it appears from the Statement of Objects and Reasons that it is proposed to introduce a system of passes for the import of duty-paid foreign liquor and also a system of licenses which will be required to be taken by all clubs, in the words of the Statement, "in order to secure greater control over the consumption of liquor by such associations".

Sir, we are not clear exactly what the Hon'ble Minister-in-charge has in mind by the words "control over the consumption". If by "control over the consumption" it is intended to convey a system of checking whereby at periodic times statements are to be submitted by club authorities to Government, then we can see no particular objection. But, if on the contrary, by "control" it means Government taking power to control the quantity of liquor which is consumed either monthly or quarterly or annually in any particular Club, then we have no hesitation in saying that such an action is one to which we cannot lend our support.

I would therefore invite the Hon'ble Minister to explain precisely what is meant by the words "control over the consumption" and explain further the real intention which is behind this measure which, as far as we can see, will yield a negligible revenue.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, the information required by the hon. member is very simple. It is not our intention to control the quantity of liquor consumed by the members of clubs. As a matter of fact, as far as Government is concerned, we shall get more tax if the members of the clubs consume more liquor and wine than they have been doing in the past. Our only purpose is to register these clubs so that by registering them we may be able to realise the tax which we intend to levy on liquor, wine and beer consumed by the people. It is not our intention to restrict the quantity of liquor, wine and beer consumed by them and I hope, in view of this explanation the hon. member will not oppose this Bill.

**The Hon'ble the SPEAKER:** The question is that the Assam Excise (Amendment) Bill, 1939 be taken into consideration.

The motion was adopted.

#### Adjournment

The Assembly was then adjourned till 11 a.m. on Monday, the 3rd April, 1939.

*Shillong,  
The 16th June, 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.

**MEMBERS OF THE COUNCIL OF MINISTERS**

1. The Hon'ble Srijut GOPINATH BARDOLAI, M.A., B.L., in charge of Home and Education Departments.
2. The Hon'ble Mr. FAKHRUDDIN ALI AHMED, Barrister-at-Law, in charge of Finance and Revenue Departments.
3. The Hon'ble Babu KAMINI KUMAR SEN, B.L., in charge of Local Self-Government, Legislative, Judicial and General Departments.
4. The Hon'ble Srijut RAMNATH DAS, B.L., in charge of Medical, Public Health, Welfare of Labour, Boilers, Factories and Electricity Departments.
5. The Hon'ble Babu AKSHAY KUMAR DAS, B.L., in charge of Excise and Agriculture Departments.
6. The Hon'ble Maulavi MD. ALI HAIDAR KHAN, in charge of Public Works Department.
7. The Hon'ble Srijut RUPNATH BRAHMA, B.L., in charge of Forest and Registration Departments.
8. The Hon'ble Khan Bahadur Maulavi MAHMUD ALI, in charge of Co-operative Societies and Industries Departments.