



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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a. m. on
Tuesday, the 4th April 1939.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

St. Edmund's College, Shillong

Srijut HALADHAR BHUYAN asked :

*233. Will Government be pleased to state the amount of grant given annually to the St. Edmund's College as a whole ?

*234. Will Government be pleased to state—

(a) The nature of control exercised by the Government over the accounts and administration of the said college ?

(b) Whether Government exercise the same control over the St. Edmund's College affairs as they do in case of other aided colleges ?

*235. Will Government be pleased to state as to how many members of the Indian staff are natives of the Province and how many are outsiders ?

*236. (a) Is it a fact that some members of the staff are not paid for the vacation while some are paid during the vacation ?

(b) Is it a fact that some members of the staff enjoy the benefits of the Provident Fund while others are not allowed to join the same ?

(c) In view of the grants paid by Government to the said College, do Government propose to enquire into these matters and take early steps ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

233.—Rupees 10,000 per annum for the school and Rs. 8,000 per annum for the B.T. class.

Srijut HALADHAR BHUYAN : Are Government aware that there are two sections—one Cambridge University section and the other Calcutta University section in this College ? May I know whether this amount applies to both sections ?

The Hon'ble Srijut GOPINATH BARDOLOI : Which amount ?

Srijut HALADHAR BHUYAN : Rupees 10,000.

The Hon'ble Srijut GOPINATH BARDOLOI : This is given for the school.

Srijut HALADHAR BHUYAN : Not for the College ?

The Hon'ble Srijut GOPINATH BARDOLOI : No, it is given in the name of the school.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

234. (a)—The Director personally inspects the college, examines the accounts and sees that the conditions of the grant have been observed. The accounts are also audited, as in all aided schools, by the Audit Department.

(b)—The control differs in some respects in that this college has both a collegiate and a school section and has, therefore, to comply not only with the requirements of the University but also those of the Provincial Government. The control is thus stricter than over other aided colleges.

Srijut HALADHAR BHUYAN: Do the College authorities submit any budget when they ask for the grant-in-aid ?

The Hon'ble Srijut GOPINATH BARDOLOI: I think, Sir, they do.

Srijut HALADHAR BHUYAN: Will Government take it from me that they do not submit any budget when they ask for the grant-in-aid ?

The Hon'ble Srijut GOPINATH BARDOLOI: I will enquire if it is a fact.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

235.—Five members of the Indian Teaching Staff, College Department, are natives of Assam and 5 are outsiders.

236 (a)—All full-time and two part-time lecturers are paid for the vacation.

(b)—One part-time lecturer is the only one who does not enjoy the benefit of the Provident Fund.

(c)—Government do not perceive any matter for enquiry.

Srijut HALADHAR BHUYAN: Are Government aware that before the year 1935, Professors of the Calcutta University Section were not paid for the vacation but due to pressure from the Calcutta University, they are now paid for the vacation ? Will Government now give such pressure to the College authorities to pay for that period in respect of Cambridge Section also ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, the matter will be enquired into.

Srijut HALADHAR BHUYAN: If the College authorities do not agree to pay the vacation fees, are Government going to refuse the grant or not ?

The Hon'ble Srijut GOPINATH BARDOLOI: The whole thing will depend on the result of the enquiry. At present it has been found, at least from the report, that they are acting according to the conditions of the grant. If it is found that they do not act according to the conditions of the grant, Government will see that the grant is properly utilised or withdrawn.

Srijut HALADHAR BHUYAN: Are Government aware that the fees of this College are very high, *i.e.*, Rs. 21 per month ?

The Hon'ble Srijut GOPINATH BARDOLOI: I do not exactly remember the amount. Decidedly the amount of fees is very much higher than in all the Colleges.

Srijut HALADHAR BHUYAN: In view of this, should not the College authorities pay the professors during the vacation periods ?

The Hon'ble Srijut GOPINATH BARDOLOI: That is a matter of opinion. All the same, Government do desire that the staff of any College should be adequately paid for their work.

Srijut MAHI CHANDRA BORA: May we know the reason of giving such a huge recurring grant to this institution ?

The Hon'ble Srijut GOPINATH BARDOLOI: The amount is not very huge in that way ; but all the same, the hon. member has got to take into consideration that we have got to train our teachers in some college or other and we had to pay even a heavier amount before that at Dacca College.

Wardha Scheme of Education

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY asked :

- *237. Will Government be pleased to state whether it is a fact—
- (a) That two officers of the Education Department will be sent—one from the Inspectorate line and the other from the Training School Staff—to study the Wardha Scheme of Education and that two schools will be started in the Province as an experimental measure for the purpose ?
 - (b) Is it a fact that the Hon'ble Prime Minister visited Agna, a village in the district of Sylhet and there he started a Vidyamandir school under the Wardha Scheme ?
 - (c) Are Government aware that the Muslims are vehemently opposed to the principle of the Wardha Scheme ?
 - (d) Is it a fact that by a Karachi resolution, the Congress was pledged to safeguard the religion and culture of the minorities ?
 - (e) Have Government examined the question in order to ascertain if the attempt of the Hon'ble Prime Minister to introduce the Vidyamandir system is a violation of that pledge or not ?
 - (f) Are Government aware that the introduction of the Vidyamandir system has created a sensation among the Muslim community in this province ?
 - (g) Do Government propose to impose the said scheme on the Muslims ?
 - (h) Are Government aware that the Muslims of the Central Provinces have started Civil Disobedience Movement as a protest against the introduction of the Vidyamandir system of education there ?
 - (i) Do Government propose to stop the proposed scheme, if any, in Assam ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

237. (a)—No : the money has been provided to get two young men trained in the Wardha Scheme of Education.

(b)—No. He wanted to visit Agna, where an ordinary Middle English School was supposed to have been taking up vocational education making the institution self-supporting. For shortness of time he could not even visit this school.

(c)—No.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: My question (c) was "Are Government aware that the Muslims are vehemently opposed to the principle of Wardha Scheme" and the reply is—"No". Is this a fact?

The Hon'ble the SPEAKER: Was not this matter sufficiently discussed before in the House? There were questions and also a cut motion in this connection.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: The matter was not sufficiently discussed because the time at our disposal was very short.

The Hon'ble the SPEAKER: Can a question be sufficiently discussed in the question time? Very well, the hon. member may put one question more.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: On the floor of this House did not the Moslim members of the House oppose the scheme?

The Hon'ble the SPEAKER: If they opposed everybody knows it.

The Hon'ble Srijut GOPINATH BARDOLOI: Who opposed and who did not oppose that has been brought to the notice of the House. Those hon. members who spoke on behalf on the cut motion apparently opposed the scheme.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Then, Sir, it is admitted that the Moslims are against this scheme.

The Hon'ble the SPEAKER: The question is whether the members of this House are opposing. On a previous occasion the hon. member asked whether the Moslim community as a whole are opposing the scheme.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

(d)—Yes.

(e)—Government are not aware that it is so. As Government are not taking up the Vidyamandir Scheme, the question does not really arise.

(f)—No.

(g)—Does not arise.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: With regard to (g), the question is whether Government propose to impose the said scheme on the Moslims and the reply is "Does not arise". The Hon'ble Premier said that money will be spent from the Government exchequer.

The Hon'ble the SPEAKER: The hon. member will look into the answer given to a previous question.

The Hon'ble Srijut GOPINATH BARDOLOI: That is exactly what I mean to say. We are not discussing in this question the Vidyamandir scheme which is different from the Wardha Scheme.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

(h)—So far as Government are aware, *satyagraha* was started by some Muhammadans at one place, before they understood the nature of the scheme. The Central Provinces Muslim League have since accepted it.

(i)—Does not arise.

Superintendent of the Assam Government Press

Srijut ROHINI KUMAR CHAUDHURI asked :

- *238. Will Government be pleased to state—
- (a) When the Superintendent of Assam Government Press last went on leave and for what period ?
 - (b) Whether he drew any house allowance during the period of his leave ?
 - (c) If so, under what rules he is entitled to such allowance while a substitute is taken in his place ?
 - (d) Was any house allowance drawn by his substitute during the period when the permanent Superintendent was on leave ?
- *239. (a) Are Government aware that during the leave period of the Superintendent of Assam Government Press, his house was occupied by the Hon'ble the present Finance Minister ?
- (b) If so, will Government be pleased to state—
 - (i) Whether the Hon'ble the Finance Minister paid any rent himself for the period of his occupation ?
 - (ii) If so, to whom ?
- *240. Are Government aware that the Superintendent clears up private debts of the Press employees by deducting certain sums from the salaries without their consent ?
- *241. Will Government be pleased to state—
- (a) The number of Foremen in the Assam Government Press and the name of the permanent Foreman ?
 - (b) Whether the man who was deputed to Madras for training has returned and joined his duty ?
- *242. (a) Is it a fact that the Superintendent of the Press has appointed a Reader to work as Foreman during the absence of the permanent Foreman ?
- (b) If so, will Government be pleased to state whether the Superintendent obtained the approval of the Local Government for such appointment ?
 - (c) If not, why not ?
 - (d) Do Government propose to act on the recommendations of the Retrenchment Committee for abolition of the post of the Superintendent of Government Press ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

238. (a), (b), (c), (d) and 239. (a) and (b)—The hon. member is referred to the replies to starred questions Nos. 202 and 203 put by Maulavi Jahanuddin Ahmed, M.L.A., in this session of the Assembly.

240.—The reply is in the negative. The Superintendent, however, does his best to see that defaulters who have taken goods on credit from the caterers of the Press Canteen do pay up their dues by easy instalments. As he is responsible for the introduction of the Canteen system with all guarantee of clean and good food stuffs he considers that he is under a moral obligation to see that dues are paid up. He is quite willing however, to abandon the Canteen system and let the employees obtain their needs outside the Press on any terms they can arrange.

Srijut ROHINI KUMAR CHAUDHURI: In view of the objections made by some of the employees, do Government propose to ask the Superintendent to stop this practice ?

The Hon'ble Babu KAMINI KUMAR SEN: That means stopping the canteens.

Srijut ROHINI KUMAR CHAUDHURI: I mean stopping the practice of realising dues from the employees against their wishes?

The Hon'ble Babu KAMINI KUMAR SEN: That will mean that the canteen will have to be closed because they would not come unless an undertaking is given by the Superintendent.

Srijut ROHINI KUMAR CHAUDHURI: Is this system prevalent in any other Department?

The Hon'ble Babu KAMINI KUMAR SEN: I am not aware of it, Sir.

Maulavi JAHANUDDIN AHMED: Are Government aware that in no other department this practice is followed?

The Hon'ble Babu KAMINI KUMAR SEN: I have already replied to that question.

Maulavi JAHANUDDIN AHMED: As I am giving information will Government consider the desirability to stop such indiscriminate high-handedness of the Superintendent of Press?

The Hon'ble Babu KAMINI KUMAR SEN: I have already replied. We can, however, abandon the canteen system and let the employees go outside.

Srijut ROHINI KUMAR CHAUDHURI: Will Government enquire and consider if it is desirable to stop the practice, that is all that I want.

The Hon'ble Babu KAMINI KUMAR SEN: All right, Sir, I will consider that.

The Hon'ble Babu KAMINI KUMAR SEN replied:

241. (a)—One Foreman—Maulavi Shamsuddin Ahmed.

(b)—Yes.

242. (a)—No.

(b) and (c)—Do not arise.

(d)—The recommendation is under examination.

***Maulavi ASHRAFUDDIN MD. CHAUDHURY:** With regard to 242 (a), will Government be pleased to state whether anyone performed the work of the Foreman during the absence of the permanent man?

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

Re Babu Jyotish Chandra Das, a clerk in the office of the Director of Public Instruction, Assam

Maulavi MUHAMMAD AMJAD ALI asked:

*243. (a) Is it a fact that one Babu Jyotish Chandra Das has recently been appointed to a post in the office of the Director of Public Instruction, Assam?

(b) If so, what is the age of the said Babu Jyotish Chandra Das?

(c) Is he related to the Hon'ble Babu Akshay Kumar Das?

(d) What led to his appointment?

(e) Where did he serve before the said appointment?

(f) Has he been confirmed in preference to many clerks in the said office, serving from before?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

243. (a)—Babu Jyotish Chandra Das was appointed to a post in the office of the Director of Public Instruction, Assam, in July, 1936.

(b)—Thirty-five years 5 months.

(c)—Government have no information.

(d)—The Director of Public Instruction selected him from among the applicants for the post on the ground that he belonged to the Scheduled Castes which were under-represented in the office and had extremely good recommendations from the offices in which he had worked.

(e)—In the following offices :—

(1) Inspector General of Police.

(2) Director of Agriculture.

(3) Registrar of Co-operative Societies.

(4) Shillong Municipal Board.

(f)—No.

Re appointment of Srijut Rajkumar Suresh Chandra Gohain, M.A.

Maulavi MUHAMMAD AMJAD ALI asked :

*244. (a) Is it a fact that one Srijut Rajkumar Suresh Chandra Gohain, M.A., has been recently appointed to a post in class III of the Assam School Service ?

(b) If so, what is his age ?

(c) What pay is he drawing now ?

(d) Whether he will have preference in matter of promotion over others ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

244. (a)—The Director of Public Instruction makes these appointments and the matter is in the hands of the Director of Public Instruction.

(b) to (d)—Do not arise.

Treatment of Leprosy

Maulavi MUHAMMAD AMJAD ALI asked :

*245. Will Government be pleased to state—

(a) Whether it is a fact that Leprosy is spreading in the districts of Goalpara, Darrang, Kamrup and Sibsagar ?

(b) If so, what steps do Government propose to undertake to combat the spread of the disease ?

(c) Whether there are arrangements in the State, the Board and the Private dispensaries for treatment of Leprosy cases ?

(d) If so, what are they ?

(e) Do Government consider them sufficient ?

- (f) Do Government propose
- (i) to undertake a survey as was done in the case of *Kala-azar*?
 - (ii) to arrange for free and compulsory treatment of leprosy cases as was done for the eradication of *Kala-azar*?

The Hon'ble Srijut RAMNATH DAS replied :

245. (a)—Government have no reason to believe so.

(b)—Does not arise.

(c)—Yes.

(d)—Government maintain a Leper Asylum or colony at Sylhet and Tura and aid a Leper Ward at Dhubri, asylums at Gauhati and Barpeta and a Mission colony at Jorhat, where lepers are taken in as residents and treated. They have also provided land for a Mission colony at Santipara in Goalpara. Treatment centres exist at all State hospitals and local board dispensaries where the disease is known to exist and at all Public Health Department dispensaries. At 31 of the local board dispensaries special injection sheds for lepers have been provided for the lepers. Treatment is given by means of Hydnoceol injections and intramuscular injections of E. C. C. O. and other oil preparations and potassium iodide. In 1938 there were 232 treatment centres under supervision of Government in the province and 4,375 cases were treated.

(e)—The provision can never be fully satisfactory to Government until every early case can be brought under treatment. The Sub-Assistant Surgeons of the Public Health Department are constantly engaged in survey for leprosy in conjunction with *Kala-azar* survey, and propaganda to induce early cases to report themselves is continually carried on. It is, however, difficult to get all cases to submit, and the staff is limited.

(f) (i)—Survey, as has been stated, is already done in conjunction with *Kala-azar* survey. Government are considering an improvement in this matter.

(ii)—Treatment is free. The treatment of leprosy covers a period of two years and Government do not consider it practicable or justifiable to make it compulsory. The important thing in leprosy is to induce the patient to disclose himself in the very early stages when it is hardest to detect cases in any ordinary survey and when, on the other hand, they are most susceptible for treatment.

Maulavi MUHAMMAD AMJAD ALI: Was there a leprosy survey done by the Government of Assam some years before?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir, it was done in 1928.

Maulavi MUHAMMAD AMJAD ALI: Has the Hon'ble Minister in charge gone through the report of the Committee?

The Hon'ble Srijut RAMNATH DAS: I have not gone through that report, Sir.

Maulavi MUHAMMAD AMJAD ALI: Would he like to go into it very soon?

The Hon'ble Srijut RAMNATH DAS: Sir, the other day I have already stated that Government would improve the organisation as regards the leprosy treatment and they would appoint a trained leprosy officer to carry on the survey and treatment in future.

Maulavi MUHAMMAD AMJAD ALI: Do I understand the answer like this, that Government are trying to appoint a trained officer to survey cases and there would be some survey made?

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

Maulavi MUHAMMAD AMJAD ALI: The Hon'ble Minister says that the staff is limited. After receipt of the question has he tried to provide any money in the Budget to make provision for the staff?

The Hon'ble Srijut RAMNATH DAS: The Budget was framed many months before I received this question, Sir.

Maulavi MUHAMMAD AMJAD ALI: May I know when these questions were received?

The Hon'ble Srijut RAMNATH DAS: I do not know the actual date. These questions are received by the Assembly Office, Sir.

The Hon'ble the SPEAKER: When did the hon. member send these questions?

Maulavi MUHAMMAD AMJAD ALI: On the 25th of December, 1938 and the Budget was considered in the middle of February. What steps do Government like to take to bring these cases for treatment?

The Hon'ble Srijut RAMNATH DAS: Sir, as I have already stated, we have got a certain number of centres and a certain number of Asylums. Beyond that Government cannot say anything more at present.

Srijut RAJENDRA NATH BARUA: Is it a fact that the Sub-divisional Officer, Golaghat, is carrying on a leprosy survey?

The Hon'ble Srijut RAMNATH DAS: Survey is being carried in Mikir Hills, Sir.

Maulavi MUHAMMAD AMJAD ALI: My question has been differently answered by the Hon'ble Minister in charge. May I know how Government are trying to bring these cases for early treatment—I mean those that desire to be successfully treated.

The Hon'ble Srijut RAMNATH DAS: Government are going to appoint a trained officer for these purposes very soon, Sir.

Srijut ROHINI KUMAR CHAUDHURI: So Government have absolutely no idea of what is going to be done.

The Hon'ble Srijut RAMNATH DAS: Propaganda is being done now. It is by persuasion that this has got to be done, Sir.

Maulavi MUHAMMAD AMJAD ALI: Can the Hon'ble Minister give us an idea of the sort of propaganda for leprosy cases that is being done?

The Hon'ble the SPEAKER: It is difficult for the Hon'ble Minister to give the whole scheme here in the course of an answer to a question.

Maulavi MUHAMMAD AMJAD ALI: Can the Hon'ble Minister give me an idea in what way propaganda is being made?

The Hon'ble the SPEAKER: The Hon'ble Minister has given some idea.

Maulavi MUHAMMAD AMJAD ALI: The Hon'ble Minister has not, Sir. At least we are not being told what sort of idea he has.

The Hon'ble Srijut RAMNATH DAS: Sir, propaganda is made like this: Generally people are instructed not to mix with lepers. If any one is suffering from leprosy, he is asked to go for treatment and not to spread infection. People are made to understand from local officers what are the measures adopted. This is the propaganda that is at present being carried on.

Srijut ROHINI KUMAR CHAUDHURI: Will treatment centres be located where there are large number of lepers?

The Hon'ble Srijut RAMNATH DAS: Where there are cases, there are centres, Sir.

Maulavi MUHAMMAD AMJAD ALI: Can the Hon'ble Minister give me an idea in which parts of the province this disease is found in large numbers?

The Hon'ble Srijut RAMNATH DAS: From the figures I may say that in Kamrup district the number is the largest, Sir.

Maulavi MUHAMMAD AMJAD ALI: I want to know simply those districts where this disease abounds?

The Hon'ble Srijut RAMNATH DAS: If the hon. member wants I can quote the figures on which I have based this answer, Sir.

Maulavi MUHAMMAD AMJAD ALI: I have nothing to do with figures. I want to know the places where the number is the largest.

The Hon'ble Srijut RAMNATH DAS: Sir, where there are cases there are centres and I have already said that the number in Kamrup is the largest.

Maulavi MUHAMMAD AMJAD ALI: These figures cannot be in the air, there must be places where they exist?

The Hon'ble the SPEAKER: The Hon'ble Minister is not in a position to name the places where this disease is most prevalent.

Maulavi MUHAMMAD AMJAD ALI: I am not satisfied, Sir.

The Hon'ble the SPEAKER: How can I compel the Hon'ble Minister to satisfy the hon. member? From the nature of the question it appears to me that an answer cannot be given by the Hon'ble Minister on a matter like this off hand, which will satisfy the hon. member completely.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Probably my hon. friend will be satisfied if the result of the leprosy survey undertaken in 1928 be given to him. If I remember aright, Goalpara was the district where the number is the highest.

The Hon'ble the SPEAKER: But the Hon'ble Minister says he has not gone through that report.

The Hon'ble Srijut RAMNATH DAS: But I have got figures for the last 3 years, Sir.

Imperial Services of the Province

Maulavi ABDUR RAHMAN asked :

*246. (a) Will Government be pleased to state the probable saving of the province, if the cadres of the Indian Civil Service, Indian Police Service and Indian Medical Service are reduced by 50 per cent.?

(b) Do Government contemplate to take any step in this matter?

(c) Do Government contemplate to replace them by superior Provincial Services?

(d) If so, what is the move of the Government in this matter?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

246. (a)—At present it is impossible for Government to reply to this hypothetical question in view of many complex and uncertain factors which are involved, e.g., the pay that will be given to new services to do the work of the Imperial Services and the strength of their cadre that will be necessary to replace the services.

(b), (c) and (d)—The Retrenchment Committee has made certain recommendations on this subject which are at present treated as confidential. These are at present under the consideration of Government which will, in due course, announce the decisions which may be arrived at.

Maulavi ABDUR RAHMAN: Is it that the Government say 'no' in reply to this question?

The Hon'ble the SPEAKER: Government say that at present it is impossible for Government to reply to this question.

The Hon'ble Srijut GOPINATH BARDOLOI: As the question is more or less hypothetical, it is impossible to give the information asked for.

Maulavi ABDUR RAHMAN: May I know whether Government have the intention of reducing the number of officers by 50 per cent.

The Hon'ble Srijut GOPINATH BARDOLOI: It is clear from the answer that the Retrenchment Committee made certain recommendations on this subject and these recommendations are now under the consideration of Government.

Srijut ROHINI KUMAR CHAUDHURI: When does the Government expect to come to a decision?

The Hon'ble Srijut GOPINATH BARDOLOI: Soon, I hope.

Creation of new posts after the Reforms

Maulavi ABDUR RAHMAN asked :

*247. (a) Is it a fact that since the inauguration of the Reforms, many new posts have been created?

(b) If so, do the present Government propose to abolish some of them?

The Hon'ble Srijut GOPI NATH BARDOLOI replied :

247. (a)—The question appears to be rather vague. Only the posts obligatory under sections 265, 296 and 305 of the Government of India Act, 1935, namely, those of the Assam Public Service Commission (Chairman, 2 Members and Secretary), the Member, Assam Revenue Tribunal, and the Governor's Secretary respectively have been created along with the appropriate staff of clerks.

(b)—No.

Maulavi ABDUR RAHMAN: Does not the provision in the Government of India Act empower this House to take steps to reduce these posts by a legislation.

The Hon'ble Srijut GOPINATH BARDOLOI: No, Sir. We can have the personnel changed but the posts are obligatory under the Act.

Maulavi ABDUR RAHMAN: Can it not be possible on the part of this Hon'ble House to recruit the personnel on a smaller pay by adopting a legislation?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, that matter is under the consideration of the Government.

Maulavi ABDUR RAHMAN: Was not such a thing discussed before this Hon'ble House and the previous Government gave an assurance of bringing such a legislation?

The Hon'ble Srijut GOPINATH BARDOLOI: I don't remember that fact, Sir.

Maulavi ABDUR RAHMAN: Is it not a fact that Bills from various parts regarding the Revenue Tribunal are hanging over this House for the last two years?

The Hon'ble the SPEAKER: There is also a Bill from Srijut Rohini Kumar Chaudhuri.

Maulavi ABDUR RAHMAN: There are certain other Bills hanging or the last two years.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes Sir, and this Government is also contemplating the same.

Srijut ROHINI KUMAR CHAUDHURI: Sir, is it in the contemplation of the Government to introduce a Bill for Revenue Tribunal ?

The Hon'ble Srijut GOPINATH BARDOLOI: As I said, the matter is under the consideration of the Government.

Srijut ROHINI KUMAR CHAUDHURI: May I know why no such Bill was brought forward by the Government in this session ?

The Hon'ble Srijut GOPINATH BARDOLOI: It may be seen Sir, that Government have already brought forward many taxation Bills and so it was not possible for Government to pay attention to many other matters which they wanted to attend.

Maulavi ABDUR RAHMAN: Did not the Government consider that by bringing such a legislation there would have been greater savings ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, Sir, there might be a small saving but we are going out for bigger avenues.

Maulavi ABDUR RAHMAN: May we know what is the present pay of the Member of the Revenue Tribunal ?

The Hon'ble Srijut GOPINATH BARDOLOI: The present pay, I think, is Rs. 3,500.

Maulavi ABDUR RAHMAN: Can it not be possible to secure men on lower scale of pay from this province ?

The Hon'ble Srijut GOPINATH BARDOLOI: That is a matter of opinion, Sir. The whole matter will be considered when the question will be taken up.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister take it from me that a man can be secured from this province on Rs. 1,500 per month ?

The Hon'ble Srijut GOPINATH BARDOLOI: It is very difficult to say. It may be quite possible or may not be possible.

Srijut ROHINI KUMAR CHAUDHURI: May I know whether there was any difficulty in introducing such a Bill excepting that Government had no time to do so ?

The Hon'ble Srijut GOPINATH BARDOLOI: As I said, Sir, the whole matter is under the consideration of the Government.

Srijut ROHINI KUMAR CHAUDHURI: My question, Sir, is that Government to take up this legislation.

The Hon'ble Srijut GOPINATH BARDOLOI: I have nothing more to say than what I have already said.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister be pleased to say whether there is any such suggestion in the report of the Retrenchment Committee to this effect ?

The Hon'ble the SPEAKER: The report of the Retrenchment Committee is still confidential.

Establishment of a High Court in Assam

Maulavi ABDUR RAHMAN asked :

*248. Will Government be pleased to state—

(a) Whether Government propose to establish a High Court in Assam ?

(b) If so, when it is likely to materialise ?

*249. Do Government propose to separate the Judiciary and the Executive of the Province ?

*250. Do Government propose to have a separate Judicial Service for the Province ?

*251. Do Government propose to place the Magistracy of the Province under the direct control of the Judges instead of the District Magistrates ?

*252. Do Government propose to appoint practising pleaders of repute to represent the Crown in all cases, at present conducted by the subordinate rank of the police ?

The Hon'ble Babu KAMINI KUMAR SEN replied :

248. (a)—Yes. The addresses passed by both Houses of the Legislature have been forwarded to the Government of India.

(b)—Impossible to say.

Khan Bahadur Maulavi KERAMAT ALI: May I know, Sir, why it is impossible ?

The Hon'ble Babu KAMINI KUMAR SEN: It is impossible because the matter lies with the Secretary of State.

Khan Bahadur Maulavi KERAMAT ALI: May we know what will be the position if the Secretary of State accepts the recommendation of the Assam Government ?

The Hon'ble Babu KAMINI KUMAR SEN: This is a hypothetical question, Sir.

Maulavi ABDUR RAHMAN: May we know when the proposal of both the Houses was sent to the Secretary of State ?

The Hon'ble Babu KAMINI KUMAR SEN: I cannot tell the exact date, Sir. I think it was just after the assumption of Office by the present Government.

Srijut ROHINI KUMAR CHAUDHURI: Are we to understand that no reply has been received as yet from the Secretary of State ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir, no reply has been received as yet.

Srijut ROHINI KUMAR CHAUDHURI: Has any reminder been sent ?

The Hon'ble Babu KAMINI KUMAR SEN: No, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Do Government propose to send any reminder ?

The Hon'ble Babu KAMINI KUMAR SEN: These reminders are to be forwarded by the Governor's Secretary and not by us.

Srijut ROHINI KUMAR CHAUDHURI: Should not the Government move in the matter and ask the Governor's Secretary to do so ?

The Hon'ble Babu KAMINI KUMAR SEN: That will be done, Sir.

The Hon'ble Babu KAMINI KUMAR SEN replied :

249.—The proposal is under consideration.

Maulavi ABDUR RAHMAN: May we know since when the proposal has been under the consideration of the Government ?

The Hon'ble Babu KAMINI KUMAR SEN: After the assumption of office by the present Ministry.

Maulavi ABDUR RAHMAN: May we know whether any practical shape has been given in the matter ?

The Hon'ble Babu KAMINI KUMAR SEN: I cannot say that. We are examining the proposal accepted by the United Provinces Government over the matter.

Maulavi ASHRAFUDDIN MD. CHAUDHURI: May we know when we shall get an idea of that Sir ?

The Hon'ble Babu KAMINI KUMAR SEN: As soon as possible, Sir.

Maulavi ABDUR RAHMAN: May we know whether Government themselves took initiative in the matter or they were compelled to do so by the public ?

The Hon'ble Babu KAMINI KUMAR SEN: No, Sir. We ourselves took initiative on the matter and as I have already said we are examining the proposal accepted by the United Provinces Government.

Srijut ROHINI KUMAR CHAUDHURI: May we have an idea of the expenditure that the scheme will involve ?

The Hon'ble the SPEAKER: The hon. member is going too far.

The Hon'ble Babu KAMINI KUMAR SEN: I cannot say that now, Sir.

The Hon'ble Babu KAMINI KUMAR SEN replied :

250.—The proposal is being examined.

251.—No.

Maulavi ABDUR RAHMAN: Sir, my question was "Do Government propose to place the Magistracy of the province under the direct control of the Judges instead of the District Magistrates" ? Now, may I know whether Government have thought over the matter that if the Magistracy is placed under the control of the Judges then fair justice will be imparted to all ?

The Hon'ble the SPEAKER: It is also a question of opinion.

The Hon'ble Babu KAMINI KUMAR SEN: Unless the question of separation of Judiciary and Executive is decided, it is not possible to do anything in the matter.

Khan Bahadur Maulavi KERAMAT ALI: For how long the question of separation of Judiciary and Executive is under the consideration of the Government ?

The Hon'ble Babu KAMINI KUMAR SEN: I have already answered that, Sir.

Khan Bahadur Maulavi KERAMAT ALI: Does the Hon'ble Minister expect that it will take some shape soon ?

The Hon'ble Babu KAMINI KUMAR SEN: Yes, Sir, we hope so.

Babu KAMINI KUMAR SEN replied :

252.—No.

Maulavi ABDUR RAHMAN: May I know the reason why there is such a big 'No'?

The Hon'ble Babu KAMINI KUMAR SEN: Government do not see any justification for it.

Maulavi ABDUR RAHMAN: Do not the Government consider the fact that by adopting such a measure there can be a good amount of saving?

The Hon'ble Babu KAMINI KUMAR SEN: No, Sir, there will not be any saving.

Maulavi ABDUR RAHMAN: May I know whether Government have considered this matter.

The Hon'ble Babu KAMINI KUMAR SEN: I have already answered that, Sir.

Maulavi ABDUR RAHMAN: May I know in what way there will not be any saving?

The Hon'ble Babu KAMINI KUMAR SEN: I cannot say that, Sir. The present system is working quite well.

Maulavi ABDUR RAHMAN: Are Government prepared to take it from me that if senior pleaders are engaged instead of junior Police Inspectors then the cases will be better conducted?

The Hon'ble Babu KAMINI KUMAR SEN: That will be rather expensive and sometimes unnecessary.

Superior posts in Assam held by members of the Assam Civil Service

Maulavi ABDUR RAHMAN asked:

*253. (a) Is it a fact that when a member of the Indian Civil Service holds temporarily any of the superior posts, he gets Rs. 1,000 but when the same is held by a member of the Assam Civil Service, he gets Rs. 1,275 per mensem?

(b) If so, do Government propose to examine the question?

*254. (a) Will Government be pleased to state whether the Retrenchment Committee examined this question?

(b) If so, with what result?

The Hon'ble Srijut GOPINATH BARDOLOI replied:

253. (a)—No.

(b)—Does not arise.

Maulavi ABDUR RAHMAN: With regard to question No.253(a), am I to understand, Sir, that when a member of the Indian Civil Service holds any of superior posts of the province, he gets Rs.1,000.

The Hon'ble the SPEAKER: The question is rather vague.

Maulavi ABDUR RAHMAN: My question is that whenever any member of the Indian Civil Service holds any superior post he gets Rs.1,000 whereas the officers of the Assam Civil Service get Rs.1,275 when they hold the superior posts of the province.

The Hon'ble Srijut GOPINATH BARDOLOI: If I explain the matter I think my hon. friend will be satisfied. The Indian Civil Service Cadre is divided into two classes, the senior and the junior. The senior division begins from a salary of Rs.1,050 and the junior from Rs.450 or Rs.500 up to Rs.1,000. So far as the officers of the provincial services

getting into listed posts is concerned, those officers generally get an excess of Rs.300 per mensem over the salary which they were drawing at the time when they were promoted to the listed posts. This is the rule which now prevails, so that it need not necessarily be an amount of Rs.1,275; it may be less and oftentimes it is more. Generally the seniormost man in the provincial service, who has rendered 17 or 18 or even 20 years' service, get into a listed post. Therefore it oftentimes happens that an officer who draws Rs.900 or Rs.1,000 is promoted to a listed post, in which case the salaries of such officer vary from Rs.1,200 to Rs.1,300. So the rule does not say that in every case when a provincial service man is promoted to a listed post, he would get Rs.1,275

Maulavi ABDUR RAHMAN: May I know what is the special qualification required for holding a listed post?

The Hon'ble the SPEAKER: That is going beyond the scope of the question.

The Hon'ble Srijut GOPINATH BARDOLOI: Efficiency and seniority.

The Hon'ble Srijut GOPINATH BARDOLOI replied:

254. (a)—No this specific question was not brought up.

(b)—As Government have not taken any decision over this matter, the recommendations of the Retrenchment Committee cannot be published at this stage.

Maulavi ABDUR RAHMAN: Is it not a fact that if this question is examined and my suggestions taken, there will be some saving to the provincial exchequer?

The Hon'ble Srijut GOPINATH BARDOLOI: I may inform the hon. member that the listed posts, the Indian Civil Service and the Indian Police Service cadres are governed by rules framed by the Secretary of State for India, and if any change has got to be made we can only recommend to the Government of India for such change or alteration in any of the rules. We can only forward our recommendations.

Maulavi ABDUR RAHMAN: Is it not a fact that recommendations of the Provincial Government are very often accepted by the Secretary of State for India?

The Hon'ble Srijut GOPINATH BARDOLOI: Not in all cases. I would expect that if the recommendations go with the whole force of the opinion of this House, some consideration would be made.

Maulavi ABDUR RAHMAN: Is it not a fact that listed posts are under the control of the Provincial Government?

The Hon'ble Srijut GOPINATH BARDOLOI: These listed posts are also governed by the rules made by the Secretary of State.

Maulavi ABDUR RAHMAN: Are not these posts considered as provincial posts?

The Hon'ble Srijut GOPINATH BARDOLOI: They are listed posts, not provincial.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that some officers of the Assam Civil Service, who do not even hold listed posts, draw more salary than some of the officers of the Indian Civil Service?

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

Report of the Retrenchment Committee

Maulavi ABDUR RAHMAN asked:

*255. (a) Do Government propose to publish the report of the Retrenchment Committee?

(b) If so, when ?
 (c) Have Government given effect to any of the recommendations of the said Committee ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED replied :

255. (a)—Yes.

(b)—As soon as it is printed.

(c)—The recommendations are now under consideration and a resolution announcing Government decisions thereon will be published in due course.

Srijut ROHINI KUMAR CHAUDHURI : May I know whether the report published in the *Amrita Bazar Patrika* is correct ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : I have not read the report published in the *Amrita Bazar Patrika*, so I cannot say whether it is correct or not.

Maulavi ABDUR RAHMAN : As regards (c), may I take it that Government have not given effect to any of the recommendations of the Retrenchment Committee while preparing the Budget ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : I have nothing to add to what I have already stated on previous occasions that in some cases Government have already accepted the recommendations; in other cases the question is being examined and the Government resolution embodying the acceptance of the recommendations will be published in due course.

Maulavi ABDUR RAHMAN : May I know whether the hon. members of this House are entitled to give their opinion on those recommendations ?

The Hon'ble the SPEAKER : This question has also been replied on previous occasions.

Srijut ROHINI KUMAR CHAUDHURI : May I know whether after the statement made in this House by my hon. friend Khan Bahadur Maulavi Sayidur Rahman to the effect that the report was somehow got hold of by the Press and published in the *Amrita Bazar Patrika*, Government enquired if that report was exactly the one which was made by the Retrenchment Committee ?

The Hon'ble the SPEAKER : This question has been answered.

Srijut ROHINI KUMAR CHAUDHURI : Have Government made any enquiry after the statement of Khan Bahadur Maulavi Sayidur Rahman ? That is what I want to know.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Is it possible for us to make an enquiry now when we are busy from morning till night ?

Khan Bahadur Maulavi KERAMAT ALI : Could not Government enquire as to whether such a report was published in the papers ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : We have already stated that the matter will be taken into consideration. If any suggestion is put forward from any side of the House, we shall certainly appreciate the willingness of the hon. members in helping us to solve this difficulty.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : May I know from the Hon'ble Minister whether any co-operation is required from the public in a matter like this ?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED : Certainly, in a matter like this the co-operation of all concerned is necessary.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Is it the practice of the Ministry to enquire personally into these matters? My hon. friend the Finance Minister said that he was busy throughout day and night in, this session and so he could not make any enquiry. Nobody wanted him to play the role of the C.I.D. The leakage has taken place not from this House, but from somewhere else. He could have asked his Secretary to have an enquiry made into the matter.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Sir, the way in which we deal with matters may be different from that in which my hon. friend the Leader of the Opposition might have dealt with in the past. Unless and until I am satisfied that the report published in the *Amrita Bazar Patrika* is the correct one, I am not prepared to take any action in the matter. I have already said that I have had no time to go through the report published in the *Amrita Bazar Patrika*.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are glad to hear that my hon. friend wants to follow a special brand of procedure.

Maulavi ABDUR RAHMAN: Was it not the idea of the House, when the Retrenchment Committee was formed, that the recommendations would be placed before the House?

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: That will be done in due course.

The Hon'ble the SPEAKER: That question was discussed threadbare on the previous days.

UNSTARRED QUESTIONS

(to which oral answers were given)

Re the Chutia Community in Assam

Srijut SANKAR CHANDRA BARUA asked :

271 (a) Are Government aware that the Chutia community of Assam is one of the most backward communities amongst the Caste Hindus?

(b) Are Government aware that the Chutias are unrepresented in the Assam Senior and Junior Civil Services, Assam School Services, Public Works Department, Agriculture and Industries, etc.?

(c) Do Government propose to give preference to the Chutia candidates, over others of the Caste Hindus whenever equally qualified candidates are found?

(d) Is it a fact that a deputation of the Chutias waited upon the Hon'ble Premier of Assam to lay before him their grievances?

(e) If so, what are the steps taken by the Ministry to redress their grievances?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

271. (a)—Yes.

(b)—Subject to further enquiry, Government are prepared to accept this as correct.

(c)—Every consideration will be given to qualified Chutia candidates, but Government cannot agree, as a matter of principle to give preference to all such cases.

(d)—Yes.

(e)—The hon. member is referred to the reply to (c) above.

Srijut SANKAR CHANDRA BARUA*: When Government accept the statement that the Chutia Community is unrepresented, will they make an effort to appoint qualified candidates when available ?

The Hon'ble Srijut GOPINATH BARDOLOI: The question has already been answered under (c). Every consideration will be given to qualified candidates.

Visit of the Hon'ble Premier to Kulaura

Maulavi ASHRAFUDDIN MD. CHAUDHURY asked :

272. (a) Is it a fact that during the visit of the Hon'ble Premier to Kulaura (district Sylhet), there was a disturbance due to the zeal of Babu Subode Chandra Palit ?

(b) Is it a fact that Babu Subode Chandra Palit entered the mosque with boots on and arrested a school student on that occasion ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

272. (a)—There was a disturbance caused not by the Inspector, but by the excited crowd and some students of the school.

(b)—No. The Subdivisional Officer enquired and found this allegation groundless.

The Superintendent of Police in subsequent enquiry also came to the same conclusion.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is it a fact that the disturbance was caused by certain Moslem goondas who attacked a bus carrying lady passengers ?

The Hon'ble the SPEAKER: This question was also discussed in connection with a cut motion.

The Hon'ble Srijut GOPINATH BARDOLOI: The disturbance was caused not by the Inspector.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Have the miscreants concerned since apologised for their misconduct ?

The Hon'ble Srijut GOPINATH BARDOLOI: Certain students have tendered apology.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: Is it not a fact that a false case has been started at the instance of that police officer ?

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

Assistant Surgeons and Government Dispensaries

Maulavi ABDUR RAHMAN asked :

273. (a) Are Government aware that the Assistant Surgeons do more touring than treatment ?

(b) If so, will Government be pleased to state whether the inspection work done by them cannot be done by some other agency ?

274. Will Government be pleased to state the number of cases treated by the Government Assistant Surgeons in various headquarters of the Districts and Subdivisional hospitals during 1938 ?

275. Do Government propose to provide travelling dispensaries for the areas where medical aid is not available ?

* Speech not corrected.

276. (a) Are Government aware that many dispensaries are unable to supply anything but coloured water to patients for want of medicine ?

(b) If so, what steps do Government propose to take to provide the dispensaries with more money ?

277. Do Government propose to stop all private practice of the Government Medical Officers ?

278. Are Government aware of the fact that at present there are many M. Bs. as private practitioners in various towns ?

279. (a) Is it a fact that Assistant Surgeons realise a fee of Rs. 4 from injured persons for their examination ?

(b) If so, do Government propose to reduce the fees so imposed ?

280. Do Government propose to prepare a map of all the subdivisions of the province, showing the areas that have medical facilities and those that have not ?

281. Will Government be pleased to state the number of promoted Assistant Surgeons now holding the posts of Civil Surgeons in the province either permanently or temporarily ?

The Hon'ble Srijut RAMNATH DAS replied:

273. (a)—No. This may only occur occasionally when on account of epidemic the Assistant Surgeon has to do an unusual amount of touring.

(b)—Does not arise.

274.—No records are kept to show which cases are seen by the Assistant Surgeons personally and which are not.

275.—Not at present. Government are engaged in the trial of a system of subsidized practitioners for the benefit of such areas.

276. (a) and (b)—No: such a statement would be a gross exaggeration. Government are aware that the funds allotted to many dispensaries by the Local Boards concerned are inadequate, and will consider the whole question of Local Board finance in dealing with the amendment of the Local Self-Government Act.

Maulavi ABDUR RAHMAN: With reference to the reply given, may I enquire of the Hon'ble Minister whether it is a fact that generally Local Board Dispensaries get Rs. 200 to 250 per year for medicine.

The Hon'ble Srijut RAMNATH DAS: I am not aware, Sir.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister take it from me that in certain dispensaries where nearly 20,000 patients are treated annually a provision of Rs. 200 only is made for medicine ?

The Hon'ble Srijut RAMNATH DAS: I have already said, Sir, that I am not aware.

Babu DAKSHINARANJAN GUPTA CHAUDHURY: Is the hon. questioner Vice-Chairman of a Local Board ?

Maulavi ABDUR RAHMAN: In a dispensary where the outturn was 19,000 we could not provide more than Rs. 200 for medicine.

The Hon'ble Babu KAMINI KUMAR SEN: May I know the name of the dispensary, Sir ?

Maulavi ABDUR RAHMAN: Bamai,

The Hon'ble Srijut RAMNATH DAS replied :

277.—No.

278.—Yes.

279. (a)—The Assistant Surgeons are not entitled to charge fees for examination of injured persons in the course of their duty, and Government have no information that they do so. In their private practice Assistant Surgeons may charge a fee of Rs.8 for medico-legal examination.

(b)—No.

Maulavi ABDUR RAHMAN: With reference to the answer given, may I know the significance of the words 'in the course of their duty'?

The Hon'ble Srijut RAMNATH DAS: When their services are requisitioned by the Magistrate or the Police Officer, they cannot charge.

Maulavi ABDUR RAHMAN: Supposing an injured man is sent to the hospital, is he allowed to get free treatment, Sir?

The Hon'ble Srijut RAMNATH DAS: For treatment he will not be charged, Sir.

Maulavi ABDUR RAHMAN: May I know, Sir, if an injured man is sent to the hospital, whether he will be treated free?

The Hon'ble Srijut RAMNATH DAS: He is treated free.

Maulavi ABDUR RAHMAN: Are Government aware that no injured persons are examined by the Doctors unless they are paid Rs.4?

The Hon'ble the SPEAKER: The answer is already there?

Maulavi ABDUR RAHMAN: Is it a fact that no injury reports can be obtained from the doctors unless they are paid Rs.4?

The Hon'ble Srijut RAMNATH DAS: Reports are quite different, Sir.

Maulavi ABDUR RAHMAN: Are Government prepared to issue instructions to the Assistant Surgeons that in case of injuries they should not charge anything for the reports?

The Hon'ble Srijut RAMNATH DAS: They are not inclined to do it.

Maulavi ABDUR RAHMAN: Is it not a fact that in 1933 there was a question in reply to which Government stated that no fees can be charged?

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

Srijut ROHINI KUMAR CHAUDHURI: Has that been modified, Sir?

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

Mr. BAIDYANATH MOOKERJEE: When the Medical officers are in hospital, are they supposed to be on duty?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir. But not for the general purposes of medico-legal examination and reports.

The Hon'ble Srijut RAMNATH DAS replied :

280.—Government have already prepared a map showing the places with dispensaries for their own guidance.

281.—Three permanently and two temporarily.

Appointment of a temporary Lecturer in Mathematics in the Cotton College, Gauhati

Maulavi MABARAK ALI asked :

282. Will Government be pleased to state—

- (a) The names of persons nominated by the Public Service Commission recently for the post of the temporary Lecturer in Mathematics in the Cotton College, Gauhati ?
- (b) Who got the first nomination ?
- (c) Who has been appointed in the said post ?
- (d) Whether it is a fact that the minimum requisite qualification for the post was 2nd Class M.A. in Mathematics with teaching experience in any Arts College ?
- (e) Whether it is a fact that for the post of the Lecturer in Mathematics in the Murarichand College, Sylhet, the minimum requisite qualification has been required to be an M.A. in Mathematics of any Indian University with high class honours in B. A. or B.Sc. ?
- (f) What is the reason of laying more stress on Honours instead of a high class in M.A. ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

282. (a) & (b)—The names recommended by the Assam Public Service Commission in the order of preference are—

1. { Maulavi Muhib Ali.
Srijut Phanidhar Dutta.
2. Babu Rasikranjan De.

(c)—Srijut Phanidhar Dutta.

(d)—Yes.

(e)—Yes.

(f)—The Department desired the need for a lecturer specially qualified in pure Mathematics to be considered in this particular vacancy. Government decided not to restrict the Commission so closely but accepted the necessity for a high standard of aptitude throughout the Mathematics course.

Srijut MAHADEV SARMA : May I know, Sir, whether in matter of appointment in the Education Department educational attainments will be given preference to any other considerations ?

The Hon'ble Srijut GOPINATH BARDOLOI : The matter has not yet been decided.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : May I know whether the selection was allowed only in this particular case over the results of the B.A. and B.Sc. examinations ?

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

The Hon'ble the SPEAKER : For this question the hon. member is not in his seat. On the date the question is put the member should be in his seat.

Maulavi MUHAMMAD AMJAD ALI : That has been relaxed by the Hon'ble Speaker.

The Hon'ble the SPEAKER: The answers to unstarred questions are placed on the table of the hon. members. On the day on which a particular question is answered the questioner concerned in the question should be in his seat. If on the day a question is answered, the questioner concerned be in his seat, then for supplementary questions to be put on the answers to that question on a subsequent day, the absence of the questioner from the House is not considered to be a bar to putting of supplementary questions.

Re the children of the Tea Garden Labourers

Srijut BINODE KUMAR J. SARWAN asked :

283. Will Government be pleased to state the number of Primary Schools established by Government or by Firms in the tea gardens for the labourers in both the Valleys of the Province ?

284. (a) Do the present Government propose to take more interest to educate the children of the backward tea garden labourers ?

(b) Do Government propose to keep reserved some special scholarships and Government posts for the deserving children of the labourers as they have done for the Backward Tribes and Scheduled Caste people ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

283.—In 1937-38 they were the following :—

	Assam Valley	Surma Valley
A class	6	4
B „	19	46
C „	36	4

Srijut BINODE KUMAR J. SARWAN: Can I have a list, Sir, showing the location of the schools ?

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

Maulavi Saiyid Sir MUHAMMAD SAADULLA: He wants to know the places where these schools are located ?

The Hon'ble Srijut GOPINATH BARDOLOI: I am not in a position to give that information.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Will the Hon'ble Premier send him a list ?

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

Mr. F. W. HOCKENHULL: Is the Hon'ble Minister aware that since 1937-38 this list has been very largely added to as a result of the fact that we are going to have a school in every tea garden ?

The Hon'ble Srijut GOPINATH BARDOLOI: We have an assurance given by Mr. Hockenull that by the end of December 1939 each tea garden will have a school.

Srijut ROHINI KUMAR CHAUDHURI: May I know if this list is up to date ?

The Hon'ble Srijut GOPINATH BARDOLOI: It has been revised up to 1937-38.

Mr. F. W. HOCKENHULL: That is so, it is over a year old.

The Hon'ble Srijut GOPINATH BARDOLOI replied :

284. (a)—Yes.

(b)—Government have already decided that the case of children of tea garden labourers should be first considered in the matter of "backward" college scholarships. They are also considering the reservation of scholarships for studies in Middle Schools.

As regards services also their cases would be taken into consideration whenever candidates fit for any appointment would be found. At present 12 per cent. of the posts are reserved for "Others", which would include tea garden labourers and the question of a specific reservation will be considered when the number of applicants justifies it.

Srijut BINODE KUMAR J. SARWAN: May I know from the Hon'ble Prime Minister as to in what way he wishes to take more interest in improving the condition of the labourers by giving them more facilities for education?

The Hon'ble Srijut GOPINATH BARDOLOI: The reply is already there; it is very clear.

Motion expressing disapproval of the Government communiqué regarding the hours fixed for stoppage of music before mosque

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I beg to move:

"That in the opinion of this House the hours fixed for stoppage of music before mosque by Government communiqué, dated the 9th January 1939, published in the *Assam Gazette* of 11th January 1939, are unsuitable, and interfere with the religious prayers by the Muslims of this province."

Sir, this is a measure which I want to characterise as *Anti-God*, *Anti-Society*, and *Anti-religion*. This unwanted measure has ended all peace. A paper reported the other day that Chamberlain is working for peace, Mussolini has been working for peace, and Hitler is working for peace. (Hear, hear). But we shall soon find that the whole of Europe is in peace.

My hon. friend, the Premier, Srijut Gopinath Bardoloi, is a Congress-man and the rest of the Cabinet has been brought to his way of thinking. He has been fighting long for the independence of India and sacrificed a good deal for his ideal of liberty. But at the first semblance of power in his hands, he has taken away from one section of the people, entrusted to his care, and denied them the same liberty for which he was so long been fighting.

Sir, at the outset I must clearly state that I am opposed to any timing whatsoever. Government cannot, and no earthly power can dictate to us to say our prayers at certain fixed hours. It has been fixed by God and the *Koran*. Government here wants us by that communiqué to know that Government wish it to be definitely understood that the order will be strictly enforced. They rely, however, on the good sense of both communities to see to it, in the interests of public peace, and of the establishment of friendly relations, that the order is obeyed. The timings for one month will make my point clear. For December 1938, the hours which in Calcutta and suburbs were declared as periods for Muhammadans prayer in mosques were:—5-53—6-38 a.m. for morning prayer, 12-45—1-30 p.m. for *Jumma Namaz*, 3-45—4-15 p.m. for *Ashar*, 5-20—5-45 p.m. for *Maghrib*, and 7-20—8 p.m. for *Isha* prayers.

Here, in this connection I am obliged to say that we are not going to bow down to any earthly power regarding the timings of prayer in Muslim mosques. Government, as a matter of fact, has no right to dictate to us our prayer timings. It has been fixed by God and by the *Koran*. (*Hear, hear*).

Sir, a question was asked, to which Hon'ble Mr. Fakhruddin Ali Ahmed, a Musalman Minister replied that this timing is specially fixed for congregational prayers. To him I would reply that congregational prayers are not the only prayers said in a mosque. Congregational prayers take only some 5 to 10 minutes, but before and after the congregation they have got to say their prayers, *viz.*—*Sunnat, Nafal and Tilawat*. It will not be news to the House that there is not a single moment when a mosque is likely to be without prayers, and there is absolutely no gap between one prayer time and another. No time can elapse between one fixed session of one prayer time and another. They have not provided in that list for *Tarabi* and *Shab-i-barat and Shabi-Qadr*. These two prayers are held throughout the whole night on a fixed night during the year. Then there are *Ashura, Idul-fitr and Id-uz-zoha* on which days these prayers are held in the mosques, and no time has been given for these in their communiqué.

Sir, it will be clear to the House that no time can be fixed by clock dials for Musalmans to go to the mosque to say their prayers. Sun-dial is applied as the method for timings of Muslim prayers. And there is no gap when they are not saying their prayers in the mosque. If not for anything, it is out of respect for the religious place that the music before mosque should be stopped.

If my memory has not failed to serve me well, Sir, I heard the Hon'ble Premier to say the other day that everyone has a right to use the King's highway in any manner he likes. Political science will tell him, Sir, that everyone has a liberty to use his right in any manner provided he does not infringe upon the right of others. Did I not hear him say that drawing upon past experience, it had grown as an unwritten convention that music used to be stopped before all mosques out of respect for the religious feelings of the Musalmans.

It has grown as a neighbourly good feeling between the Hindus and Mussalmans. It has grown out of respect for the good feeling between both the communities. It had come to stay but for the unwanted measure of the present Government. That this was so in all parts of the province, would be apparent from the form of the license granted to the processionists. The matter was left to the Police and barring a few instances of solitary troubles, the entire province was free from communal riots.

This Notification on the part of the Government of Assam is a novelty. None of the Indian provinces have thought it fit to issue such a communiqué, though we hear, Sir, communal troubles in other provinces are of everyday occurrence. Newspapers come full of such instances. The Cawnpore and Allahabad riots are fresh in our memory. Bengal has been taken as a model. Hon'ble Premier likes to take shelter under the fact that Bengal has a Moslem as the Head of the Cabinet and the Government of that gentleman has been responsible for initiating such a measure. But the whole thing is misunderstood. The model has been wrongly followed. It is left to the Police. He has not issued it as a Government communiqué. Only practice there is to direct the Police and *Police Gazette* publishes certain timings. This is a measure only to check sporadic apprehended troubles. Much of the troubles is due to the slackness or the communal feelings of the officers and mischief-making propensities of the communally minded people. The communiqué is an armoury for them

There were places and occasions where it was absolutely unknown and not existent. People used to pass on silently without a murmur before mosques and it was absolutely a peaceful affair to pass on with processions. But feelings have been strained. People getting stiff over it. Sir, there was a time when the sister-communities used to enjoy in the festivities and rejoicings of each other. But due to this sort of measure, they have been drawn apart and asunder. It, instead of ending communal discord, is likely to create communal discord. This communique is not the proper solution for ending communal troubles over the question of music before mosque.

Sporadic cases of communal troubles occurred in the past but neither the bureaucratic Government nor the previous Government nor any Government for the matter of that took into their head to generalise from specific or sporadic cases. The present object of issuing this communique is to prevent recurrence of such troubles, but I am afraid that instead of gaining this object, the communique is an instrument of multiplying communal troubles.

In my place of Goalpara, Sir, I may be permitted to mention here that the Hindus and Mussalmans have been living in perfect peace and harmony and to my memory there has never been the slightest instance of communal outbreak between the communities. On the other hand, our Hindu friends in my place have been always more reasonable and out of respect for the Moslems had long left passing in processions in those streets which lie through mosques or stop music wherever they come across one. Feelings have not run high. But this communique is a likely factor to incite feelings. I have found a dismay. I have found misgivings in the minds of both my Hindu and Mussalman friends. Festivals and religious ceremonies that used to give unmixed joy to people are now visiting people with gloomy looks and attended with suspicions.

It has robbed of our joy. It has created unrest and the Cabinet, in their attempt to do away with troubles, are going to create a lasting unrest in the country. It will be a standing disgrace to the cause of the country and much needed liberty.

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

The Hon'ble the SPEAKER : Motion moved :

"That in the opinion of this House the hours fixed for stoppage of music before mosque by Government communique, dated the 9th January, 1939, published in the *Assam Gazette* of 11th January, 1939 are unsuitable and interfere with the religious prayers by the Muslims of this Province".

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY : Mr. Speaker, Sir, I beg to rise to support the motion moved by my hon. friend Maulavi Muhammad Amjad Ali. At the outset kindly allow me to offer my thanks for your kindly granting us an opportunity to discuss the question and ventilate our grievances against the unjust action of the present popular and non-communal Government. Sir, it seems that some Moslem members of the Cabinet are absent from the House and it shows that they do not take any interest in this most vital question.

Now the main issue before the House is this. It has been the custom in this province from time immemorial to stop music before mosque. And this time-honoured custom was broken by the order of the present Government.

Now, Sir, let us examine whether my above claim is true. As a specific case in point, I may illustrate the case of Sylhet. Here, Sir, is the copy of the license which is issued by the District Officials at the time of granting license to any procession. This is the form of the license: "License is hereby granted under the provisions of sections 30 and 31 of Act V of 1861". Under heading 4 it says: "No music may be played nor any other noise made near any place of public worship, any hospital or any private house when it has been made known to the carrier that there is any person dangerously ill in such house".

Sir, now I beg to stand upon the following grounds :—

That it has been the custom in this province from time immemorial to stop music before mosque. Secondly, this custom has passed into law under the provisions of sections 30 and 31 of Act V of 1861 and the form of license quoted above has been always granted to the processionists. I may again read the contents of that license "No music may be played nor any other noise made near any place of public worship, any hospital or any private house when it has been made known to the carriers that there is any person dangerously ill in such house." Sir, it has always been customary to grant the license in the above form. The non-Muslims have always taken that license without any objection. The Hindu processionists are also taking the license in the above form. That a compromise was duly arrived at by the leading members of the two communities on the 14th October last at a conference convened by the Deputy Commissioner. The terms of that compromise, after being signed by the members on behalf of the local Congress and Muslim League, were released by the Deputy Commissioner and were published in the press and were circulated in the town as well as the suburbs. Now, even the Hon'ble Premier who went down to Sylhet also accepted the terms of the compromise and after some discussion, those proceeding of the meeting was signed by the Hon'ble Prime Minister, Mr. Gopinath Bardaloi on 7th November, 1938. The Hon'ble Prime Minister remarked, "After some discussion it was agreed that the last compromise should be made the basis for further discussions and also Committee should be accepted for the purpose of further amplifying the terms of compromise between the two communities of Sylhet". Now, Sir, in that compromise the principle is recognised that it is improper not to stop music before mosque when objected to. It was, in fact, a confirmation of the long standing custom and a recognition of the spirit of the provisions of the Act of 1861. It was a most reasonable compromise agreed upon between the leading members of the two communities, anxious to restore good relations between them as they have always lived in peace and amity in this part of the country. It is regrettable that, taking advantage of the political situation of the non-Moslem community, they have not only disregarded the time honoured custom but defied the terms of the licence and have been trying to change the whole thing, thus provoking the religious feeling of an orthodox people like the Moslems of this part of the country. It is always disastrous to provoke religious feeling by defying a time-honoured custom which has passed into law, or by going back upon a principle underlying the compromise agreed upon between the sober element of society.

Now, Sir, I beg to quote a resolution which was passed unanimously at a Moslem Conference. The resolution is this: "That the Moslems of the province assembled at a meeting protest against the Government communique dated 9th January 1939 allowing music before mosque by regulating prayer times at certain hours and views it with great concern as an invasion on their religious rights and privileges enjoyed from time immemorial and as productive of great tension in feeling and discord amongst the different

communities and as a disturbing factor in happy and harmonious relationship between the Hindus and Moslems. This meeting therefore strongly urges upon the Government to withdraw the said communique and request the Hon'ble Members of the Assam Legislature, particularly the Moslem Members thereof belonging to different groups to bring pressure upon the Government to rescind the said communique without further delay".

Sir, the resolution has no doubt voiced emphatically the sentiments of the Moslems of Assam. Hundreds of meetings were held in different parts of the province and Moslems recorded their emphatic protest against the communique on music before mosque issued by the Government. Sir, even on the floor of this House, the Hon'ble Prime Minister was attacked on many occasions regarding the communique. He tried to make an evasive reply and escape from his ugly position.

Sir, we, the poor and innocent people of Assam, lived in peace and harmony for the past decades. But just after the assumption of their office, the present Ministry suddenly took a very communal turn and under the ill advice of some extreme communalists who were outsiders and who had no connection with the welfare of the province, the Government issued a communique on music before mosque. Assam had no such communique before and this is the first of its kind in the province. Government, at first, tried to avoid this unpleasant and unhappy communal tension and tried to make a compromise between the two communities at Sylhet. A committee was formed for the purpose and after due consultation, the Committee on the 14th October 1938 issued the following statement which was signed by all those present. The statement is: "We on behalf of the Hindu Community say that music before places of public worship when objected to is improper and we express regret for all those who did not stop music". But, Sir, all these pledges were thrown to the winds and some of the outsiders were hankering after cheap leadership.....

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir, may I know whether there was anything else in that statement or this was all?

The Hon'ble the SPEAKER: Let the hon. member finish his speech. The hon. member may go on.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Sir, some of the outsiders who were hankering after cheap leadership took this as a golden opportunity and were mainly responsible and instrumental in creating communal tension in the province. The Congress Government, in order to satisfy the extreme communalist supporters of their party, had to yield to their dictates. The cry of *Hindu Dharma Ki Jai* and *Bardaloi Ministry Ki Jai* were shouted before the Qudrat-ullah mosque at Sylhet and it gave provocation to the Moslems and wounded their feelings.

Now, Sir, it is clearly proved that this ill conceived communique is mainly responsible for the communal riots in the different parts of the province.

Sir, on a point of personal explanation and in reply to my hon. friend Babu Lalit Mohan Kar recommending the other day for flogging and expulsion and confiscation of property of persons taking part in communal riots, I, for myself can assure the House that I whole-heartedly endorse his views. But, Sir, before they come to any final conclusion, I appeal to the House to judge who deserve this flogging and expulsion, either a communalist like myself or the authors and the bulk supporters of this communique which has brought about this communal tension in the province. But I am not so unkind like my friend as to drive them out

from the shores of India to far off China and Ceylon. The minimum reward which I want to confer on them is this that if we want real peace and concord in the country, let all the members of this House irrespective of caste and creed combine together and make a serious effort to drive this present communal and reactionary Ministry from office. (*loud laughter*).

The Hon'ble Srijut GOPINATH BARDOLOI: We would only explain our attitude in regard to this motion at this stage and it is this, Sir.

Maulavi MUHAMMAD AMJAD ALI: Sir, there are some other hon. members wishing to speak on this.

The Hon'ble the SPEAKER: Yes, other members will be allowed to speak. The Hon'ble Premier has got the right of giving two replies.

The Hon'ble Srijut GOPINATH BARDOLOI: The whole attitude of the Government, so far as this communique is concerned is this, that we had been compelled to issue this communique and to take action in consonance with that communique. In consideration of the tension that was prevalent in Sylhet at that time, it may take some-time for me to put before the House the causes that led to this tension. That tension expressed itself not merely in Sylhet but I think it started in this town of Shillong, the capital of the Province. It is not an unknown fact to many that even the house I occupied was surrounded at a certain time by at least 300 Moslems. There were also times when it was found that the tension was so high that it might have broken out into a riot at any moment. In my reply which I propose to make later on, I will deal with the matter in detail, but at present it is sufficient for me to say that the atmosphere.....

The Hon'ble the SPEAKER: Really the Hon'ble Minister has got half an hour for this reply. He can give all the facts now and in the final reply he can give all his arguments to meet the points raised.

The Hon'ble Srijut GOPINATH BARDOLOI: Well, then, Sir, as I said, before soon after the fall of the last Ministry there was a tension—a tension for which, I can definitely say, Government was not at all responsible. This tension was created by giving it a definite communal colour by the statements that Islam was in danger and by so many other things which became the talk of the day. They are unpleasant things and I do not propose to repeat them now.

Maulavi JAHANUDDIN AHMED: May I know one information, Sir?

The Hon'ble the SPEAKER: No. (*Many voices:* Sit down, sit down).

Srijut ROHINI KUMAR CHAUDHURI: Do you mean to say, Sir, that points of information should never be raised?

Khan Bahadur Maulavi KERAMAT ALI: Who is to ask the hon. member to sit down, Sir, yourself or somebody else?

The Hon'ble the SPEAKER: Order, order. Every hon. member has a right to speak. Instead of interrupting the Hon'ble Premier in this way, an hon. member may put all his questions by a speech. It is a very important debate. The Hon'ble Premier should be allowed to go on uninterrupted as far as practicable.

The Hon'ble Srijut GOPINATH BARDOLOI: This unfortunate tension, Sir, spread to Sylhet also. During the last Puja a serious riot broke out. The riot, as it threatened, was surely greater than what actually happened. (*A voice: Imagination?*) It may be, but we have to proceed according to the report of the local officers. (*A voice: And outsiders also?*) If it is the intention of hon. members to hear me, then I suppose, I should be allowed to proceed.

The Hon'ble the SPEAKER: The hon. members ought not to show any impatience. Let the Hon'ble Premier have his say.

The Hon'ble Srijut GOPINATH BARDOLOI: A riot broke out and the cause of the riot is supposed to have been music before mosque. As a result of that riot, not only some people were injured, but an unfortunate boy was also drowned. At least that is the report. How he died it is very difficult to know even to-day. What is known is that he, along with two other boys, was chased by a mad crowd; after a time, the other boys was recovered from water; but the unfortunate boy, it was found two days later, had died. If the matter had stopped there, then Government might not have taken any responsibility over an action of the kind about which a discussion has arisen to-day. But the tension continued. Reports began to appear that neither the Hindus nor the Muhammadans were prepared to tolerate each other, and the fear of a clash was present every moment. Sir, in order to bring about unity, Government directed the local officers to make an attempt to confer with the leaders of the two communities and try to bring about a settlement by which the interests of both the Communities in the matter of their religious observances and religious worship might be safeguarded. As a result of that, I suppose, it was on the 14th of October, the Deputy Commissioner of Sylhet effected a certain sort of settlement, the terms of which were like this; that the Hindu community would not take out processions with music if it was objected to by the Musalmans and the Muslims expressed regret for the excesses that were committed by some of the members of their community during the riot. Government thought that possibly there was an end of the matter. But the matter did not rest there. From the side of the Hindus, representation after representation came to the effect that the people who entered into an agreement on their behalf had absolutely no right to sell the rights of the Hindus in the enjoyment of their right to use the King's high-ways which they had for a long time. Similarly, Sir, when this objection was being raised by the Hindus, similar protests were continued to be raised by the Musalmans also. The result was that the tension, which was expected to abate, continued to increase. The tension between the two communities definitely grew worse and it was thought that, unless by some process some agreement could be brought about, there was a definite danger of riots breaking out again at any time.

This was not confined to Sylhet alone. Reports of apprehension of riots were also received from Hailakandi and other subdivisions of Sylhet. Therefore, Sir, it became absolutely necessary for Government to take some action. So, Sir, with the best of motives, I made it a point to see all those persons who might be expected to co-operate in bringing about amity between the two communities. I was accompanied by my hon. colleagues Mr. Fakhruddin Ali Ahmed and Mr. Ali Haidar Khan. But the unfortunate part of our efforts was this, that a certain section of the Muhammadan population, instead of co-operating in this move, definitely non-co-operated, at least with the two Hon'ble Ministers who had accompanied me. So, Sir, this could not be interpreted as anything else than a political move. There was absolutely no reason—when we had gone

there for the best of purposes,—why those Muhammadan gentlemen should keep out from meeting these gentlemen, unless it was entirely a political move. As a matter of fact the report of the District Officers both Civil and Police was definitely to the effect that the whole thing was political and not at all religious.

Therefore, Sir, we found that although it might have been possible to solve the communal matter, it was impossible for us to settle disputes which was political. When the communal question or rather religious question was mixed up with politics, the difficulty of solving the problem became all the more greater. In spite of that Sir, we made it a point to go to the houses of the hon. gentlemen of Sylhet both Hindus and Muhammadans and we entreated them to come and meet together. As a result of this attempt, it was possible, which was at one time considered impossible, to make the leaders of both the communities meet together. At that time the question that was brought before the members of both the communities was whether the agreement that was arrived at on the 14th of October could not be made the basis of bringing amity between the two communities. To this, Sir, both the parties agreed. It was said from the side of the Muhammadans that the agreement should subsist, but it was also definitely agreed that this agreement should be enlarged in such a manner as to respect the religious feelings of both the communities. With that object in view we sat for about four or five hours in one stretch and an agreement was then arrived at in a line not very much different from the one which was accepted in the beginning. To this, both the sections said that they were agreeable but each section of the house, on account of what happened on the previous occasion, said that they could not agree to this terms unless they had consulted the members of their own community in a public meeting. The terms that were agreed upon are as follows:—

The time from after sunrise up to 12 O'clock was considered to be free for all, and then again anybody would be free to do anything as they like from two hours after sunset till morning. Of course, I do not exactly remember details. On the other hand it was decided that so far as *Nagarkirtan* and *Sankirtan* are concerned, they could be carried on in the town throughout all the hours of the day and night whether before mosque or not. Sir, after this agreement was arrived at we thought that there was an end to this matter ; but soon after we turned our back to Sylhet and reached Shillong telegrams after telegrams were received by us repudiating these terms. Therefore, Sir, in spite of the best efforts of the Government, it had absolutely no other option but to take upon itself the responsibilities of finding a solution by which the feelings of both the communities might be respected. We may say, Sir, that this was the course which had to be taken as a last alternative. We did our best to convince the members of both the communities that it was a matter for settlement between them and that Government will only be too pleased to register their agreement in the shape of a communique for the purpose of uniform action in the places where there was this conflict ; but when it was found that it was absolutely impossible for both the parties to do so, Government could not shirk its responsibilities of finding a solution for this and in this regard Government adopted the system that prevails in Bengal. It would be seen, Sir, that between the 3rd of November when we visited Sylhet and the date of issue of this communique, long time elapsed and opportunities were given in the meanwhile to both the communities to come to some understanding. It must be emphasised again, Sir, that when we found that no other action was possible, only then we decided that the best way of arriving at a settlement over this matter would be by adopting the course of procedure which was adopted in Bengal. So, Sir, according to Bengal timings, we fixed the hours of prayers and we have no reason to believe that the timings that have been

adopted in Bengal would in any way interfere with the religious worship of the Muhammadans of this province. Now, Sir, this measure was taken with the definite object of bringing the communal tension to an end, and therefore also it is our definite attitude that if we find that the tension is no longer existing in the country then Government will have no business to continue to enforce this communique. Then, Sir, it has been said that no timings have been given for *Idd* prayer and *Shab-i-barat* and on one or two other occasions when continued prayers are necessary. I should like to say in this respect that Government will only be too pleased to take them into consideration and fix the timings accordingly in consultation with the Hon. Leader of the Opposition. But, Sir, so long the tension prevails, so long ill-feeling between the two communities exist and so long there is an attempt on the part of one community to transgress on the religious feelings of other, Government will have no other option but to adopt such line of action as we have adopted now. Therefore, Sir, the attitude of the Government is that they would be very pleased to hear the suggestion from the hon. members of this House who want to take part in this discussion and that they would take them into consideration and come to some line of action, after hearing them.

Maulavi ASHRAFUDDIN MD. CHAUDHURY*: Mr. Speaker, Sir, the whole trouble started from the town of Sylhet and as a citizen of that town, I want to clear something which has not been cleared by the Hon'ble Prime Minister. I am not going to say anything about that eventful night or whether the Muhammadans are responsible for the disturbances or whether any Hindu Member of Legislative Assembly belonging to the Congress group was responsible for this. I am not going to discuss about that and make the proceedings of the House unpleasant. But what I want to say is that after the eventful episode of that night, several meetings of the leading citizens of both the Hindu and Muhammadan communities were held and after laborious struggle a compromise was arrived at in which it was stated that both the communities must have respect for the places of worship of each community. In view of that, I don't think, there was any justification for the Government to interfere with that. It was decided that the Hindu community should not create any disturbance before places of worship of the Muhammadans and the Muhammadans should also show respect for *Kalibari* or any *Akra* or any other places of worship. That was the agreement according to which respect was to be shown to the places of worship of every community.

Now, the settlement was arrived at on the 14th October, in which all the leading gentlemen of both the communities took part. Not only the District Congress, but the Hindu Mahasabha and the Moslem League also joined that conference. Babu Brojendra Narayan Chaudhuri and Kumar Gopika Raman Roy were also there. So, practically the leading men of all the communities were present. In view of this settlement, I do not see any justification on the part of Government to interfere on the plea that some people of the Hindu community did not like that agreement. I should say that that was a most sound agreement, which respected the feelings of all communities. That settlement was arrived at in consonance with the custom prevalent in the district of Sylhet. The custom was, as has already been stated by my hon. friend Maulvi Dewan Md. Ahabab Chaudhury, that all music should be stopped in front of a house of worship, be it a mosque, an *Akhra*, or a church. There are, of course, some people in both the communities who want to create trouble, and I don't know why Government paid heed to their demand and interfered with the religious rights

*Speech not corrected.

of the Mussalmans. It is an insult for Moslems to seek the help of Government in fixing their prayer time. So far as prayer is concerned, every Moslem must take the law in his own hand. This Government Communiqué is responsible for serious disturbances in the province, and it will cause disturbances in future. My Hon'ble friends Mr. Fakhruddin Ali Ahmed and Maulavi Ali Haidar Khan have no experience of thousands of village mosques. In those places they have no clock to regulate their time of prayers.

How many Moslem in the villages have any idea of time? When a Hindu procession passes by a mosque in any village the Hindu processionists will say "your prayer time is up", but the Moslem will say "No, it is not yet up", and so disturbance will follow. Sir, since the advent of the British Government in this country, no attempt was ever made to fix the prayer time for the Moslems. And we emphatically say that we are not going to tolerate this insult, this undue and unjust interference with our religious rights. Is it conceivable that our prayer time should be regulated by timings made by Government?

Sir, the Government has also admitted that time for Friday prayer should be extended from 12-30 to 2 p.m. The High Court has also admitted the validity of this timing. But the Government Communiqué fixed the time from 12 45 to 1-30 p.m. No Moslem will come up to Government for settling their prayer time, and no Moslem will tolerate any attempt on the part of Government to do that. Of course there may be a few Moslems who may submit to this sort of interference, but no Moslem who is true to his faith will tolerate such unjust intervention.

The Government has said in their Communiqué that these timings prevail in Bengal, but the Hon'ble Minister forgets that no procession is allowed by Akhoda Mosque, which is situated in the centre of the city of Calcutta. I have already submitted, Sir, that far from bridging the gulf between the two communities this Communiqué has made it wide, and it is likely in the near future to endanger public safety. You can maintain peace in towns by means of your police force, but who will maintain peace in the villages? Every procession is not accompanied with men like Hon'ble Srijut Gopinath Bardoloi. So, some one will say that the prayer time is up but other will say it is not up as the village people have no idea of time. So troubles are bound to arise.

Again, Sir, so far as morning prayer is concerned, the time fixed is from 5-30 to 6-30 a.m. In a town like Shillong many Moslems get up from bed at 7 or 8 a.m. So, it seems that those Moslems who get up after 6-30 will be deprived of offering their morning prayers. What can be more insulting to the religious rights of Moslems than this?

So, I say that the settlement which was arrived at by the leading men of both the communities on the 14th October was a very reasonable one. Government ought to have left it there. Instead of doing that, Government have thought it better to interfere with our time of prayer. We shall never tolerate this. We will never allow this Government Communiqué to regulate our prayer time.

My friend over there has said that the two Muhammadan Ministers were not received by the Moslems. I say this is no reason for issue of this Communiqué. My people, of course, belong to a race which for the last 50 years are not hobnobbing with the officials. But time has changed. It is not for this ground that they were not received. But so far as our Premier is concerned, I must be very frank here. Though he was very sincere when he left Sylhet, he was not so when he reached Shillong. I think the decision of the 14th of October was sound. I say again, Islam is for peace and let us always remain in peace.

Adjournment

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

After lunch

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY:

Mr. Speaker, Sir, "The Muslims and the Hindus in India are like an old married couple. They have frequent quarrels, but still they are to live together—I believe they cannot live without quarrels either". This is a remark made by some foreign author. I also echo the voice, and say, we may have quarrels frequently but still we are to live together side by side as neighbours and brothers. It was an unfortunate occurrence that took place in October 1938 in Sylhet, and it was a temporary occurrence which has left no permanent effect on the Muslim and Hindu Communities. The Communiqué which has been issued by the Government which, I should say, is nothing but outrageous is giving temporary quarrels a permanent shape. The Hon'ble the Premier, with two of his Muhamadan Colleagues, went to Sylhet to study the situation, and he studied it well, but I am sorry, he could not give us the benefit of his study. Some of the Muhammadan gentlemen refused to see his two Colleagues, but they did see the Hon'ble Premier and placed all their grievances before him. The Hon'ble Premier knew that the Musalmans of Sylhet did not blame the entire Hindu community for this occurrence. Some of the Hindus and some of the Musalmans were responsible for that occurrence. I also say that I do not blame the entire community. We have a firm belief that some outsider was behind the screen and not a genuine resident of Sylhet. The Hon'ble Premier, if he would enquire into the affairs, would have been convinced beyond the shadow of a doubt. Before I blame him, I would say in the words of the poet Dagh "*Ghar ko Jab ug legi hai, Tu ghar ke cherag hai*" i.e., "if the house has got burnt, it is due to the house lamp". The Hon'ble Premier did not issue that Communiqué in his personal capacity, but he has done it as the mouthpiece of the entire Cabinet, which includes some mosque-goers also. So, I do not blame him alone, but if any blame is to be ascribed it is to be ascribed to the entire Cabinet. The question is very serious, and, that is why when this discussion was raised by my hon. friend Maulavi Amjad Ali, all his Muhammadan colleagues left the House one after another, and only after some time when they had gathered some courage they slowly came in. The notorious Communiqué has done away with the time-honoured custom of Sylhet. The Hindus of Sylhet use to go with their processions, but they always stopped the music before the mosques. It was found from the records of the Police Superintendent, Sylhet, that in 1937 only some 3 or 4 licenses were issued for processions, but after the acceptance of office by this Cabinet, almost every quarter populated by Hindus began to ask for licenses. Some 32 processions passed the mosque, but nothing happened, but when the 33rd procession passed there was a *golmal* and that unhappy occurrence took place. If the Muhammadans had prearranged this they could have started the *golmal* when the 1st, 2nd or 3rd or 4th procession passed but it was not till the 33rd procession passed, and that was a procession of a gentleman who is not a permanent resident of Sylhet, who can have no friendliness or brotherly feeling with either the Muslims or Hindus of Sylhet, that this unhappy incident took place. This gentleman gave the provocation. However, Sir, the matter was somehow compromised

by the leaders of both the communities in a meeting that was held on the 14th October, 1938, but during all this time a very prominent gentleman of Sylhet was writing all sorts of inciting articles in newspapers. The *Jugantar* of Calcutta says that he submitted a report to the Hon'ble Premier which contained the following sentence :—

সারা রাতি খাপি শহরের নিরীহ অধিবাসীর গৃহে প্রবেশ করিয়া ছুর্তগণ লুটতরাজ, মারপিট মেগেদের ধর্ষণ ইত্যাদি অমানুষিক বীভৎস অত্যাচারের তাণ্ডব সুর করিয়া দেয় এবং ভোর ৪ ঘটিকা পর্যন্ত এই পশুবৃত্তির উল্লাস চলিতে থাকে। অথচ একজন পুলিশও সাহায্যের জন্য অগ্রসর হয় নাই, (মুগাহর কলিকাতা সংখ্যা ২৪শ আশ্বিন মঙ্গলবার)।”

By hooligans it is meant Musalmans. Sir, it is a libellous statement against the Muhammadans ; not only against the Muhammadans of Sylhet but against the Government as established by law and order. This is entirely false. Sir, I am sorry that after the publication of such false and scurrilous writing the Hon'ble Premier did not think it fit to hold an enquiry. There was no contradiction from the writer, nor from the Hon'ble Premier, though it was pointed out to him when he went to Sylhet by gentlemen of both communities. Sir, not only the Communiqué is outrageous for the peace and tranquility in Sylhet but it is committing an outrage specially upon the poor Muhammadans. When the Hon'ble Premier said that he was compelled to issue such a circular, I asked by whom ? He said that he was compelled by circumstances. I say that is not, because after the 4th of October—the day of that unfortunate occurrence—there was no threat in the town of Sylhet. But Mr. Bardoloi was given a threatening letter by one of his comrades and I say that threatening letter is sufficiently responsible for this Communiqué. With your permission, I may read a few lines from that letter. I got a copy of this letter. I do not know why it was sent to me.

The Hon'ble the SPEAKER : The hon. member will try to confine himself to the action of the Hon'ble Minister.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY : May I read the whole letter ?

The Hon'ble the SPEAKER : Not the whole letter. The hon. member may give the substance of the letter.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY : Only the last two lines I am reading : “If you have not strong intention and the means of governing, as a friend of yours and as a member of your political party, I would humbly beseech you to resign. Your comrade in the maintenance of law and order, Brojendra Narayan Choudhury, dated the 4th November 1938”. This is the gentleman who published that false allegation against the Muhammadans that the Muhammadan hooligans were ravishing the Hindu women (*Shame, Shame*, from the Opposition Benches) and the Hon'ble Premier had no courage to send a protest. From all these, Sir, I find that he was compelled to issue such a Communiqué not by circumstances but by these so called comrades maintaining peace and order in the country. My friend Maulavi Dewan Muhammad Ahab Chaudhury has said that the Communiqué was ill-conceived. I say that Mr. Bardoloi conceived well but it resulted in miscarriage.

Mr. Bardoloi referred to one most regrettable occurrence, that is the death of a student. So far I know, his name is Paresh Chandra Dutta. Sir, we also regret his death, but the thing—who killed him—is not yet known. It is surmised that Muhammadan hooligans killed him, but it is not yet established by Police report nor by his comrades maintaining peace and order of the country that the Muhammadan hooligans who were ravishing the Hindu women were responsible for the unfortunate death of this young boy. It is regrettable no doubt, but I am sorry that the Hon'ble Mr. Bardoloi tried to throw the blame at the door of the Muslims without proof. From all these I would like to show that the Communiqué was an outcome of over-zealousness on the part of the friends and supporters of the Hon'ble Premier.

Now about the settlement. What were the terms set up by the Hon'ble Premier ?

The Hon'ble the SPEAKER : The hon. member has exceeded his time.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY : Sir, I want to speak for a few minutes more. A local paper published: "As a result of the Premier's constant conferences with the Hindu and Muslim leaders, a compromise of the communal tension has been agreed upon to-day (that is on 8th November) at the joint sitting in the Local Board building to the following effect, subject to ratification by members of the respective communities at public meetings within three days". The sum and substance of the terms is this: "Procession will pass with uninterrupted music before mosques during the following hours which are not prayer hours at the mosques—from sunrise to 12-30, p. m., by day and after three hours of the sunset by night. But no procession with music should pass during the whole night on *Sabebarat* and two other nights and upto 12 at night during the *Ramzan* month". Sir, these are the sum and substance of the terms set up by the Hon'ble Premier. Then the Muhammadans of Sylhet fixed 11th November for holding a public meeting so that they might have a chance of discussing the terms and pass their considered opinion. But prior to that date a leaflet was circulated over the signature of Anangamohon Dam, Harendra Chaudhury, Sashi Bhusan Roy, Kailash Chandra Chakraverti, Bonowarilal Das, Upendra Chandra Deb and Birendra Chandra Das containing the opinion that the Hindu brethren had all rejected the terms offered by the Hon'ble Premier and it was done before the 9th. So it was useless for the Muslims to consider the terms at a conference. They accepted these terms before the 9th because their idea was that the Hindus and Muslims would come to terms as they are to live side by side and they must live in friendly feelings and brotherhood. As the Hindus rejected summarily the terms offered by the Hon'ble Premier, it was no use for them to consider those terms and therefore they also rejected those terms. Sir, this is the history of the whole affair. So it is not proper on the part of the Hon'ble Premier to lay the blame on the shoulder of the Muhammadans alone. When both the communities disowned the terms, I see no reason why the Hon'ble Premier should identify himself with some particular community by issuing a Communiqué.

I beg to say, Sir, that if things are to be improved, the Hon'ble Premier should withdraw his ill-famed Communiqué and let us proceed as we have been proceeding previously.

The Hon'ble the SPEAKER : I hope the hon. member has finished.

Maulavi MUHAMMAD MAQBUL HUSSAIN GHOUDHURY : Only one word, Sir, and I finish. It is the Communiqué that has created bad blood in both the communities and for which we are taking away so much time of this House. In the name of justice, peace and tranquility, I most earnestly appeal to Mr. Bardoloi to withdraw the Communiqué for the interest of the Province. With these words, I also whole-heartedly support the motion moved by my hon. friend Mr. Amjad Ali.

Maulavi ABDUL BARI CHAUDHURY : Mr. Speaker, Sir, the Communiqué on the subject of music before mosque was the first fruit of Congress rule in Assam. The decisions arrived at by the Government and embodied in the Communiqué are in Contravention of the spirit of the negotiations held by the Hon'ble Premier at Sylhet. It is really to be lamented Sir, that the Hon'ble Premier did not act up to his own convictions. He did not assign any value to his own assurances held out personally to the Moslems of Sylhet. He showed scant respect to the feelings of the Moslems of the province. Perhaps he was haunted by the threats of the Hindu organisations.....

The Hon'ble the SPEAKER : This is only a repetition of what has been spoken by the hon. member Maulavi Maqbul Hussain Choudhury.

Maulavi ABDUL BARI CHAUDHURY : Perhaps the open letter of Babu Brojendra Narayan Chaudhury was open before him when this black Communiqué was being drafted. Sir, the Hindus and Mussalmans of Sylhet had lived for hundreds of years side by side in amity and friendship. At no time in living memory was this harmony disturbed by communal bickerings. At no time the Government of the country was called upon to issue a Communiqué for regulating the religious rites of the communities (*Shame*). It is a monument of shame which will perpetuate communal ill-feeling in the province. For the Communiqué alone the Muhammadans of the province will condemn this Government for all times to come (*Shame, shame*).

Sir, we the people of Sylhet cannot but deplore for the communal outbreak at Sylhet during the *Bijoya Dashami* day. But we cannot also forget that this was a direct result of irresponsible utterances indulged in by some reputed leaders, just after the assumption of office by the present Government. It was the outcome of the strange feeling prevailing in a section of the people to the effect that really *Swaraj* had been established and the best way to celebrate it was to wound the feelings and susceptibilities of the Moslems of the province.

Any way due to the untiring zeal of the Hindu press in Sylhet and outside, a casual occurrence like this was greatly magnified. Thousands of inflammatory literature were broadcast throughout the province and these tended to maintain a tense atmosphere. But for these papers and leaflet this small incident would have long been forgotten. A little toleration on both sides would have solved this problem long ago.

Sir, we deny that any Government in the world has got a power to dictate the hours of prayer of the Mussalmans. The Muhammadans will risk anything to ensure a peaceful performance of their daily prayers as prescribed by the *Hadis* and the *Quran*. Sir, we do not know what other province, except Bengal, the Government have consulted in fixing these prayer hours. The Hon'ble Prime Minister should have known that it was the inherent rights of the Mussalmans of the province to be consulted and their verdict should have prevailed in a matter which involved their religious feelings. It is rather flattering that the Congress Government of Assam has at least for once invoked the example of Bengal. But I do submit that Sylhet

is not Bengal. It has got its own customs and usages. When Dacca, Chittagong and Calcutta were aflame with communal fire, the Hindus and Moslems of Sylhet were laughing at this vile fury and were living in peace. We must know that communal harmony cannot be achieved by any arbitrary Communique but by mutual understanding.

Sir, Government have very carefully considered the procedure in Bengal. They have considered so far as could be construed in their favour. With a little more care they could know that the Nakhoda mosque, the Tippu Sultan Mosque, the Collootola Mosque and some other mosques in Calcutta are immune from any restriction whatsoever. At no time of the day and night a procession is allowed to pass with music before these mosques. Sign-boards with inscriptions "Mosque—silence please" are placed at the corners and cross roads of these mosques. Not to speak of Calcutta, even in other provincial towns also, such exceptions are made and scrupulously observed. But no such exception has been made in the Assam Communique. The Qudratulla Mosque of Sylhet where prayers are continuously held throughout the day should have been exempted at least from these unwanted restrictions.

Sir, by the Communique, the Government of Assam has tried to curtail the civil and religious liberties of the Muhammadans of the province. This is not all. It is not also conducive to the general welfare of the province. It will militate against the general peace and concord of the country. It will remain as a poison tree and embitter the general life of the communities from time to time.

With these words, Sir, I support the motion.

Mr. ARUN KUMAR CHANDA: Sir, it is not without some hesitation that I rise to speak on this subject; because, I recognise that it is a very delicate subject; I was almost feeling inclined to say that it is an inflammable subject. But I desire to point out to the House that the facts which have been mentioned by my hon. friends opposite go to prove one thing, that the occurrences that have taken place in several places including Sylhet, originated, not out of any religious outbursts, not from any religious frenzy but from sheer political vendetta. It will be remembered, Sir, as my hon. friend Maulavi Abdul Bari Chaudhury has also pointed out to the House that for generations the Hindus and Mussalmans have lived on terms of extreme cordiality throughout the province and it was indeed the first time in the history of Hindu-Muslim relations in Sylhet that occurrences of the nature that we have heard and described to day took place; but be it remembered they took place mostly after the fall of the last Government. It was then suddenly the all powerful Islam came to be in danger. We who have read the history of Islam know that Islam is a great religion and has successfully withstood onslaughts from various quarters. It was only after the last Government collapsed that this great Islam came to be in danger in this province of ours. And the occurrences that took place close on the heels of the fall of the last Government go to prove what I have stated before that these occurrences originated not from any religious instincts but from sheer political vendetta.

Maulavi ABDUR RAHMAN: The hon. member is giving a direct lie to what the Premier said the other day. The Premier said definitely that it is not the Sylhet matter only but that previous to this some other troubles occurred in some other places. That is giving a direct lie to the statement.

Mr. ARUN KUMAR CHANDA: If my hon. friend will have a little patience, I shall travel all over the province and trace the history of this trouble at all places. The occurrences that took place in Sylhet were in all conscience very sad; and we have heard that the excesses went

so far as to lead to the death of a young boy ; an innocent youth laid down his life for no fault of his own. We have heard for once in this House my hon. friend Maulavi Maqbul Hussain Choudhury expressing regret that a promising life was cut short in its prime ostensibly for no fault of the person who lost it. And I am grateful for this expression of sympathy, though belated. Now, Sir, if we trace the events that occurred in Sylhet, we find that several processions had gone past a particular mosque with music on without any opposition from the Muhammadans on the fateful day but it was only when the procession was being led by an hon. member of this House.....

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: On a point of information, Sir, who was that hon. member of this House ?

The Hon'ble the SPEAKER: Name is not necessary. The hon. member chose not to mention the name.

Mr. ARUN KUMAR CHANDA : It was only when an hon. member of this House who is a sort of a *bete noire* to certain sections of this House was leading his procession that trouble broke out. Before that there were other processions which had passed that mosque with music and without any protests from the mosque-goers.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: That is not correct ; I challenge that statement.

Mr. ARUN KUMAR CHANDA : He may challenge. Sir, But I also challenge his statement taking my stand here. I make that statement again with a full sense of responsibility that processions did pass that mosque with music before that particular procession was attacked. More than this, Sir, it will be borne out by the statements issuing from the other side of the House that this was a political trouble. When the Hon'ble Prime Minister went down to Sylhet along with two of his Muhammadan Colleagues and held a conference with members of the Hindu and Moslem communities in the interests of peace it is an undisputed fact, a fact which has been admitted on the floor of this House, that the two Muhammadan Ministers were boycotted by the Muhammadans. It follows that this was not a religious pious act but a candid political stunt. Simply because these two Muhammadan gentlemen happened to subscribe to our political ideas and line of thinking and had accepted office that they were boycotted by their co-religionists at Sylhet. It was because of this and for no other ostensible reason that they had boycotted the two Hon'ble Ministers. Are we asked to believe that this was due to any religious impulse on the part of our Muhammadan friends ? Our Muhammadan friends knew quite well that these gentlemen had gone down to Sylhet in the interests of peace and order.

Then, Sir, to resume the story of Sylhet when the mob fury broke out, it was found that Muhammadans in thousands and thousands from the interior of the district had trooped into the town and marched to the site of the Qudratulla mosque. For days before this trouble broke out, peripatetic preachers had rummaged all over the country side and the culmination of their nefarious activities came when an hon. member of this House and his procession were brutally attacked and many casualties were the result.

I, therefore, submit, Sir, when my hon. friends say that cordial relations existed between the Hindus and Muhammadans for ages past I agree with them but those cordial relations snapped on account of a certain political event and the regrettable occurrences which took place in Sylhet and other places had nothing to do with religion. (Maulvi Muhammad Maqbul Hussain Choudhury : *Vice versa*).

Now, Sir, the hon. Maulavi Maqbul Hussain Choudhury has said that after that occurrence on that fateful day at Sylhet there had occurred no other trouble. But the House will kindly remember that the Kali immersion in Sylhet had to be held up for long three months, because the Hindus would not take out the procession out of fear of another conflict.

(Here Maulvi Maqbul Hussain Choudhury stood up to speak).

The Hon'ble the SPEAKER: The hon. member ought to be allowed to go on uninterrupted.

Mr. ARUN KUMAR CHANDA: Whether it is a procession or a speech, it must be interrupted. (*Laughter*). That shows their nature, Sir.

As I was going to submit, Sir, about this time there was a severe tension of feeling also in my own town of Silchar, and my hon. friend, Mr. Namwar Ali, who is present, will certainly testify to it that certain precautions had to be taken to prevent untoward occurrences during the immersion ceremony there. Be it said to the credit of both the communities in Silchar that everything passed off smoothly and well. I would not be contradicted here again. I myself accompanied the processions with music down the Kutcherri mosque and none of my Muhammadan friends protested to this procession. (*A voice:* It was because of you) Because of me? (*Laughter*). And then, Sir, when I went to Hailakandi to enquire into the occurrences that took place there, I visited the house of my hon. friend, Mr. Hirendra Chandra Chakravarty, and interviewed him as also his illustrious father, Rai Sahib Harkishore Chakravarty. I know my hon. friend, Mr. Hirendra Chandra Chakravarty, is now enjoying the cool shade of Muslim League. But I also know that he will not contradict me if I emphatically state that they said that processions always passed by the mosque at Hailakandi with music and without interruption from our Muslim brethren. I make this statement, Sir, before Mr. Hirendra Chandra Chakravarty and I invite him to contradict me. Not only that, his revered old father—(*A voice:* He is not here). The hon. member may interrupt me, but I know his son cannot dispute his father's statement made in his presence before me.

Maulavi ASHRAFUDDIN MD. CHAUDHURY: I want to know from the hon. gentleman whether he was present at the time of the occurrence at Sylhet and whether the ground on which the Kali immersion was postponed was known to him?

Mr. ARUN KUMAR CHANDA: I could not be ubiquitous, Sir, I was at Silchar on that date; I said so before. I have stated what I heard at Hailakandi and Sylhet and saw with my own eyes at Silchar. So the sum total of my experience from what I have been able to gather upon this vexed subject is this that there were friendly relations between the Hindus and Muhammadans before, but they were strained because of a political upheaval in this province which was exploited by interested parties for sinister ends.

I have always understood, Sir, that Islam is indivisible and that Islam is one great whole all the world over.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Will the hon. member say who uttered the cry of 'Islam in danger'? We never said that.

The Hon'ble the SPEAKER: The hon. member was referring to what was happening outside.

Mr. ARUN KUMAR CHANDA: If my hon'ble friend takes up this attitude, Sir, I will be in danger myself.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: We did not mention the Hindu or any other religion. Why should the hon. member make that statement?

Mr. ARUN KUMAR CHANDA: Because my hon. friend does not admire my religion as I do his.

The Hon'ble the SPEAKER: The hon. Mr. Chanda is not speaking of the other religion in a disparaging tone.

Mr. ARUN KUMAR CHANDA: I have always understood, Sir, that Islam is an indivisible entity. If the Muhammadans of Bengal can submit to the same order regulating processions with music, how can there arise any disagreement on the part of the Muhammadans of this province, if they all belong to the great and indivisible religion of Islam? The difference between the notification of the Bengal Government and the Communiqué of Assam Government is that between Tweedledum and Tweedledee. This order aims only at regulating processions, but some of my hon. friends have been perverse enough to insinuate that their prayer hours are being sought to be regulated by it. Do they mean to say that any sensible Government would be so stupid, so insensate as to interfere with the religious rights and liberties of any section of any community within its charge? These rules were made to ensure real worshippers, the convenience of worshipping in a peaceful atmosphere, and Government owe it to them to help them to have peace and quiet during prayer time. These rules are directed to that end and no other.

Some people may feel surprised why it is that objection should be taken to music passing down the mosques. We know that there are many kinds of noisy conveyances which pass incessantly down the thoroughfares in Calcutta skirting many mosques. I have noticed tram-cars pass by mosques there making that incomparably awful noise without a word of protest from mosque-goers. But I am not going to discuss that aspect of the question, Sir. It clearly appears that there are certain Muhammadans who object to the playing of music by Hindus, but do not object to any other noise. I want to submit, therefore, if Government had notified the hours during which there must not be any music by the mosque it is thereby helping my Muhammadan brethren to pray in an atmosphere of peace. It is an order calculated to benefit them rather than any one else.

The Hon'ble the SPEAKER: The hon. member has got only two minutes more.

Mr. ARUN KUMAR CHANDA: Very well, Sir, but I would request for a grace of two minutes because of interruptions. They were hurled like brickbats at Sylhet, Sir.

Now, Sir, the hours which have been stated in the Assam Government notification were arrived at and fixed by this Government in consultation with authorities on Muslim religion. Government did not lay down those hours out of their own whim or sweet will. They had the Bengal order to fall back upon and they also made enquiries and found that there were hours during which there would not be prayers in mosques. I would only remind this House that, when there was a conference between my Muhammadan friends and the Hon'ble Premier, the Muhammadans agreed to permit *Nagar Kirtans*—processional music—to pass by the mosques during all hours of the day and night. They also agreed, Sir, that, after the morning prayer up to the mid-day prayer, and two hours after sunset there would be no objection to processions passing with music before mosques. On their own admission, Sir, there are definite hours during which no prayers are held in mosques and during which those who desire to play music before mosques are at liberty to do so without any opposition from mosque-goers. So on their own admission, Sir, definite hours were fixed and set out in the Government Communiqué during which there would be no prayers in the mosques and during which hours those who desired to play music by the mosques

could do so without any objection. We have to bear in mind Sir, that there has been an atmosphere of ill will in the country which suddenly grew up on account of certain political events in this province and it was only to ensure peace and good will to both the communities that these regulations were brought into force. I know, Sir, that there are some of my Muhammadan friends who are very particular that they should not be disturbed at the time of their prayers in the mosques. Similarly there are some Hindu friends who are very particular that they must have music with processions in the interests of their religion. But those who generally clamour for their respective rights, are rarely those who pray in mosques or take out processions with music as the case may be. This is in fact a political game in the garb of religion. This trouble and unrest have been engineered by the politically minded persons and are being emphasized by them.

It is with the object of protecting the interests and concurrence of both the communities that this Communiqué was issued by the Government and it should be accepted as such as it means no more. If there be any occasion for a wholesome change in the political atmosphere of the country and if the leaders of both the communities are able to come to some amicable understanding then I think, Government will be only too ready to effect any change in the Communiqué that circumstances might call for and even vacate it, if justified. But up till now there has been unfortunately no such change in the atmosphere of the country and many of us feel that without this guarantee of peace and security secured through the agency of the Government communiqué concerned, the country could not be flung to the tender mercies of those who work for mischief and lie in wait for an opportunity to achieve their object. Sir, I oppose this move on the part of my hon. friend Maulavi Amjad Ali.

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir my hon. friend Mr. Chanda is a Barrister and has got fertile and legal brain (*laughter*) I shall begin with his arguments which he has advanced in support of the Communiqué. What he has said is hearsay and so his arguments fall through. As regards Sylhet he has got no personal knowledge.

Mr. ARUN KUMAR CHANDA : On a point of order, Sir. When my hon. friend asks a question about Tezpur, does he mean to say that he was in Tezpur ?

Maulavi ABDUR RAHMAN : Sir, my knowledge is that he was born and brought up at Silchar and he had never been to Sylhet either in his school life or in college life. Then he also went out of India and my idea was that he has got some broad idea of the outside world but now I find that he has got very narrow outlook.

Mr. ARUN KUMAR CHANDA : My outlook is as broad as my chest. (*Laughter.*)

Maulavi ABDUR RAHMAN : Sir, I quite agree as they say that there is nothing religious in the agitation which is going on in our country. Some politically minded people for their own ends have given start to this agitation in our place. It has been said that it is of recent growth. But I deny this and say that this question of music before mosques is very old. If we go back to the year 1921 or 1922 then we will find that this trouble started from then. Now I do not understand why my hon. friend Mr. Chanda says that this trouble arose only after the fall of the previous

Ministry. I don't know why they make this sort of statement. The Hon'ble Prime Minister has admitted now that the incident at Sylhet on the 4th October was the sole cause for the issue of this Communiqué. But with regard to certain questions regarding music before mosque the Hon'ble Premier had said the other day that there were some other incidents of this kind such as the incidents of Hailakandi, and Akalia of Sylhet, compelled the Government to issue this Communiqué. But I can remind my hon. friends that in the year 1926 similar occurrence arose in the Habiganj town. There was no Communiqué of this kind and still this was averted by the local officers. The Subdivisional Officer with the help of the leading members of both the communities effected a compromise and there was peace. Now, Sir, this Sylhet incident we are told also was amicably settled by the leading persons of both the communities and the Deputy Commissioner and there was no necessity for Government to interfere. The local officers are fully capable to cope well with the situation. As regards the present Communiqué, I can be permitted to say with all the emphases at my command that this has only led to frequent and constant tensions in the country. I can say that the Putijuri affair was also due to the issue of this Communiqué. We have never heard of an incident in villages before. As a matter of fact such things never happened in villages. I can cite the instance of another occurrence at Srimangal also.

The Hon'ble the SPEAKER: The hon. member was condemning Mr. Chanda for narrating hearsay facts but he himself is now indulging in that.

Maulavi ABDUR RAHMAN: I had been to Putijuri with some of my hon. friends and I tried my level best to effect a compromise but could not. My hon. friend Mr. Shibendra Biswas with some other Hindu gentlemen were there. The Hindu gentlemen as members of the Congress and Hindu Mahashabha went there to hold an enquiry. I approached them and requested them for an amicable settlement of the matter so that both communities might live in peace. But my friends declined. Sir, what I was going to say is that my hon. friends have described this question as 'Islam in danger', but I strongly object to such ugly remarks. I can say that it is only the propaganda of our Hindu friends. People who like that both Hindus and Muhammadans should live in peace and tranquillity in India never make such hateful remark, as "Islam in danger". But those who are against this, are out to give a communal colouring to this question of music before mosque. We Muslims can never admit that this is a question in which Islam is in danger. If Islam be in danger, thousands and thousands of Moslems can sacrifice their lives for the sake of their religion. So, I very seriously condemn this expression which has been uttered by the Hon'ble Premier and Mr. Chanda that the question of music before mosque is a false cry of "Islam in danger". Then, Sir, the Hon'ble Premier said that the occurrence at Sylhet alone is responsible for the issue of this Communiqué. Why the whole province should suffer for a single occurrence?

When Government has not been able to check communal tension in the town of Sylhet, should it be a reason to issue a Communiqué affecting the whole province? The other day in reply to a question from Khan Bahadur Keramat Ali, the Hon'ble Premier said that before the issue of the Communiqué there was no communal trouble in the other Valley but it has cropped up now.....

The Hon'ble Srijut GOPINATH BARDOLOI : On a point of personal explanation, Sir. I never admit that there has been any communal tension in the Assam Valley even now. In reply to the question of Khan Bahadur Keramat Ali, I never said that communal tension had increased on account of the Communiqué.

Maulavi ABDUR RAHMAN : But Khan Bahadur was telling that due to the issue of the Communiqué a communal tension broke out in Sibsagar. Sir, in my district before the issue of this Communiqué there might have been local troubles from time to time, but these were amicably settled by the members of both the communities quite satisfactorily. But as a result of issue of this Communiqué, very recently a big procession of 15,000 people, joined a certain *Sarvajanin Puja* in a certain place, and passed with music by the side of several Mosques. Moslems of that locality agitated, but they were prevented from doing anything. They were told that when there is a Communiqué they should not defy it. We told them that we shall try to compel Government to withdraw this Communiqué. But we find that Government are not going to rescind this Communiqué. I can definitely say that communal tension will never crop up if this Communiqué is rescinded. There may be minor local troubles, but they can be settled by the local people themselves or by the local officers. For this reason Government should not interfere with our religious rights. Sir, in my town of Habiganj, where I have been living for the last 20 or 25 years, no communal question ever arose. My friends opposite have said that this is a political movement. I admit it is a political movement to keep the present Ministry in office. Accusation has been made that we are crying over the question only, because the previous Ministry is out of office. But I may say that this is entirely false.

I want to place another matter before the House. Even accepting the statement of Hon'ble Premier that the Sylhet troubles were responsible for the issue of this Communiqué, may I ask him, while the matter was amicably settled by members of both the communities, why, how and by whom the matter was again raised? A Deputy Commissioner like Mr. Marar was there, he effected this compromise after four or five meetings. Circulars were issued to other subdivisional headquarters to the effect that the Sylhet matter had been amicably settled on certain terms which were embodied in the circulars. In my town too there was a meeting of leading persons of both the communities, held in the Subdivisional Officer's Bungalow, regarding the Kali immersion. The Subdivisional Officer showed the circular and the terms of settlement, which were agreed in that meeting. But subsequently some Hindu gentlemen said that they were unable to accept those terms. It is only by taking advantage of this Communiqué that certain people are fomenting trouble, and I say that if this Communiqué is withdrawn such occurrences will never occur in the Province.

Khan Bahadur Maulavi SAYIDUR RAHMAN : Mr. Speaker, Sir, the last speaker has referred by name, and so I consider it my duty to take my stand to say a few words, in support of this motion. In supporting this motion I do not propose to accentuate communal feeling inside or outside this House by raising acrimonious discussion over this question. The Hon'ble Premier has stated in detail the circumstances under which this Communiqué was promulgated. While I cannot admit the necessity let me for the sake of argument assume that there was the necessity for issuing such a Communiqué. But may I ask him what was the necessity of promulgating this Communiqué throughout the Province? There might have been occasional communal troubles in the Surma Valley, but I can emphatically assert

that there was none whatsoever in the Assam Valley. It is admitted, Sir, that whether in the Surma Valley or in the Assam Valley the Hindus and Muhammadans have been living in peace and amity for ages past. There might have been sporadic cases of communal riots here and there, but neither the bureaucratic Government nor the previous Government thought it necessary to promulgate such a Communiqué. I also question the efficacy of this Communiqué. The Hon'ble Premier has said that he was inspired by very noble object in promulgating this Communiqué, namely, to establish communal amity in the province, but I doubt very much if by the promulgation of this Communiqué that noble object would be achieved. Immediately after the promulgation of this Communiqué, our Valley, which was free from communal troubles, has presented an example in the Sibsagar town. The other day I referred to it, but I am now giving some details of this occurrence. It was on the 6th of March last—it was on the *Fagua* day and the time was 4-30. That is the time for saying the *Asar* prayer and the *Azan* was called. At that time some Kaibarta people came in front of a mosque and they were accompanied by constables. In spite of this Communiqué they were allowed to play music before the mosque at the very time when the prayer was going on. There was protest; there was altercation and eventually there was rioting. So this instance shows clearly the inefficacy of the Communiqué in establishing peace and concord. On the other hand, it shows that this Communiqué is productive of communal tension where there was none. I am surprised to hear that although the Subdivisional Officer, the District Officer and the Police Officer on the spot restored order and gave assurance to the people that the matter would be enquired into, nothing has been done as yet to institute any case against delinquents. Nothing has been done to prevent a recurrence of the flagrant disobedience of the very Communiqué which is being discussed now. So, if such a state of things continue, then how can the Hon'ble Premier say that this Communiqué will be helpful in establishing peace and unity in the province? The Hon'ble the Premier has said that this Communiqué was drawn on the lines of Bengal. But may I point out to him that Bengal is a province where the Muhammadans are in a majority. Communiqué or no Communiqué, the minority will not dare to offend the majority. But the case of Assam is different, particularly in the different places of our Valley we Muhammadans are in a minority. There is just a risk of the majority community taking advantage of this Communiqué and creating communal troubles. This is a rift in the lute and the remedy is worse than the disease. This is a matter to be looked into.

Another point—a hair-splitting discussion was started about the different timings of prayer; but I do not think that it is relevant at all, because the point that we want to make is this: a religious place of worship, whether a mosque or a *Mandir* or a church is entitled to respect from all communities. Prayer or no prayer, a mosque is to be respected by all and it is always out of feeling of respect that music has been always stopped before mosques. If we are really tolerant to each other's rights, then I think the question whether it is time for prayer or not will not exercise our minds. I do not know whether there is any harm if the music is stopped just in front of the mosque or in other places of public worship where it is demanded. I wish the Hon'ble Premier would look into this question from that point of view and as a matter of fact this has been the unwritten convention all through. Even now in spite of this Communiqué, people of my locality at least—I have seen them observing this practice of stopping music in front of a mosque. I have heard from Khan Bahadur Maulavi Keramat Ali also that at Jorhat they observe the same practice even

now in spite of this Communiqué. As I said there is just a risk because disruptive elements exist everywhere. If the Hon'ble Premier is a realist, he must see the grim realities of life. There is a likelihood of these disruptive elements taking advantage of this Communiqué and leading a procession just to wound the feelings of the Muhammadans. So I appeal to the Hon'ble Premier to look into this question from this point of view. If he is anxious to really establish peace and amity in the province, I think he will do well to withdraw this Communiqué and to leave the matter to the good sense of the people and tact of the local authorities as was done before.

I take this opportunity also of referring him to what has been written by Mr. Bhagawan Das of Benares on communal riots—how to prevent them. I think he prescribes a very happy remedy for these communal ills. He says:

“The best and most cleverly drafted constitutions have split, on the rock of bad character. Religions have become irrational, formalism and cunning priest-craft; the Hindu is taught to murder sheep and goats and pigs to please God, the Muslim is taught to murder sheep and camels and cows to please God; the result is that they murder each other to please God. Good character and right social organisation are the only things that matter. If the makers of the laws and the appliers and executors of those laws, if the heads and directors and supervisors of the administrative departments of State are good and wise and persons of righteous, benevolent, philanthropic and strong character, then only will the State, *i.e.*, all sections of the people be happy and prosperous.”

(Voices: How to make it?)

By education.

The other day Maulavi Dewan Muhammad Ahab Chaudhury was raising this point in Wardha scheme of education. I think the absence of religious education is its main defect (*hear, hear*). There ought to be religious education at least to make the children acquainted with the common essentials of all religions. So that an unity based on mutual understanding and goodwill may be feasible and practicable.

Khan Bahadur Maulavi KERAMAT ALI: Mr. Speaker, Sir, I cannot but express my gratefulness to the Hon'ble the Premier for the very learned and lucid speech he has delivered to-day on this subject. Sir, I am glad he has placed all the facts of the case that came to his knowledge about the occurrence that took place in Sylhet. I am glad that he has placed all his reasons that forced him to issue this Communiqué. I am also glad to find from the facts that he has placed before the House that this rioting was confined to one place, *i.e.*, Sylhet Town. From his speech I could understand that the Deputy Commissioner of that place, and other District authorities, tried their utmost to bring the Hindus and Muhammadans to some agreement, but they failed, and therefore, he himself, with two other Ministers, had to go to Sylhet to try to find out some means by which the people of that place could be brought to some sort of a compromise. He advised them, he lectured them, he tried to appease them in all possible ways, but when he found that all these persuasions were of no avail, he came to the conclusion that it was a disease for which some medicine must be found out. He came to Shillong and issued this Communiqué as a medicine to cure that disease. But I am afraid, Sir, that the medicine he has prescribed to cure that local disease instead of curing it, has rather spread the disease throughout the whole province like an epidemic. Sir, he said that before issuing this Communiqué, he consulted the leaders, but I do not know the leaders of what place. Perhaps he consulted the leaders of Sylhet. I asked him the other day whether he had consulted

any gentlemen, Hindu or Muhammadan, of the Assam Valley Districts before he issued this Communiqué throughout the whole province, and from his reply I gathered that he had not the opportunity of consulting any gentleman from the Assam Valley Districts. I am sure if he had consulted the people of the Assam Valley Districts, they, would have told him that there was no necessity for a Communiqué like this in the Assam Valley Districts. (*Hear, Hear.*) According to his own admission, there has been no communal riot, no communal tension among the people of the Assam Valley Districts. Therefore, I think that it was very undesirable on the part of the Government to issue this Communiqué, or to make the order contained in that Communiqué, enforceable in the Assam Valley Districts. Sir, my hon. friend Khan Bahadur Maulavi Saiyidur Rahman has pointed out that after the issue of this Communiqué a communal riot took place in Sibsagar Town. Sibsagar is a place where the Kaibartas and the Muhammadans have lived in amity for centuries. Perhaps the Hon'ble Premier does not know that these Kaibartas always returned Muhammadan candidates to the Municipal Board in spite of the fact that there were other non-Moslem candidates from other communities; and after this Communiqué was issued, these disappointed candidates from other communities tried to bring about a tension between the Kaibartas and the Muhammadans by just inducing them to play music before the mosque at the time when prayers were going on. These mischievous people took advantage of this Communiqué when the procession came before the mosque and they instigated them to do so, so that there should be a tension and that in future the Kaibartas would not return Muhammadan candidates to the Municipal Board. So, this is the result of the Communiqué, and this is the first occurrence that took place in the Assam Valley Districts after this Communiqué was issued. I am afraid if this Communiqué is not withdrawn, such occurrences will continue to take place and the infection will spread throughout the province, and for which I am sure the Hon'ble Premier will have to regret.

Now, Sir, as regards the timings, I may inform the Hon'ble Premier that they are most unsatisfactory as time for these prayers can never be fixed. If he consults my Hon'ble friend Khan Bahadur Maulavi Mahmud Ali, he will at once find out that prayers are not said at the same time at all places. Take for example the *Id* prayers; I have seen people running from one mosque to another mosque when they found that the prayers in the former had already been finished. Such is the case with *Jumma* prayers also. *Jumma* prayers are not said at one and the same time in all mosques—there must be a difference of time, and therefore if one time is fixed for all places, I am sure there will be trouble. Therefore, fixation of timings will not help the Government at all. If instead of this Communiqué the Government had warned the District Officers or the Police to be more careful, it would have been perhaps better or wiser, because these District or Police Officers know the routes by which these processions are taken out, and if the processionists approach any District Officer, I am sure he would be able to find out a suitable route by which the procession could safely proceed. This was always done in the past, and because one incident happened in Sylhet, it is no reason why this Communiqué should have been issued. So I would ask the Hon'ble Premier to see his way to withdraw this Communiqué, and rely upon the District Officers or if he so desires, he may institute a Committee which would find out ways and means for getting over these difficulties. Any way, there is absolutely no reason to enforce this Communiqué in places where there have been no tension.

Srijut BHUBAN CHANDRA GOGOI* : Mr. Speaker, Sir, Khan Bahadur Maulavi Keramat Ali has said that this was the only communal tension in the Assam Valley, but I would like to draw his attention to the fact that since 1929 and up to this time there have been at least more than three communal tensions at that same place, and if the Government care to consult the records, they will find it there. So I do not agree with that.

Khan Bahadur Maulavi KERAMAT ALI* : On a point of personal explanation. I asked a question of the Hon'ble Premier some time ago, and he told us that this was the first occurrence of the kind in the Assam Valley.

The Hon'ble Srijut GOPINATH BARDOLOI* : I said so far as I was aware.

Khan Bahadur Maulavi KERAMAT ALI* : May I ask the hon. member whether there was any tension like this for music before mosque ?

Srijut BHUBAN CHANDRA GOGOI : Yes, while Mr. Walker was the Deputy Commissioner of Sibsagar, many people were arrested for this.

Maulavi ABDUL AZIZ : Mr. Speaker, Sir, the subject-matter of the motion is a very delicate one and I was reluctant to speak on this. But lest my silence may be misconstrued, I want to let Government know the feeling of myself and my subdivision on this question.

This question has been discussed by the hon. members of this House from all sides and there is little left for me to say about it. What I feel about this is this : Before this Communiqué was issued there was no such riot anywhere in the province. From our childhood we are living very peacefully—both the communities side by side. It is unfortunate that this poisonous seed has been imported into our province and I feel, unless the seed is early removed from its bed, a poisonous tree will grow whose roots will be all poisonous and will ruin the social solidarity and age-long friendship subsisting between the two communities. Sir, we have heard the Hon'ble Premier and from the gist of his speech I could gather that so far as he was concerned, he was not going to do anything like this. There was outside influence and under that influence he has issued this Communiqué. But I am tempted to ask the Hon'ble Premier if he, by issuing a Communiqué of such general character, will not be trespassing upon the rights of the Muslims throughout the province.

The Hon'ble the SPEAKER : That question has already been asked by other members.

Maulavi ABDUL AZIZ : This is a Communiqué which has robbed the Muslims throughout the province of their age-long right of worship in the mosque free of interference. In this connection, I beg to submit that this right claimed by the Muhammadans, *i.e.*, the right of worshipping in the mosque, is a religious right whereas the other community is claiming the right of passing processions with music before mosque and that is a civil right. I would ask the Hon'ble Premier which of these two rights is more important—whether the civic should get the precedence or the religious right should get the precedence ? I feel that in a situation like this, he should have issued a Communiqué, if any Communiqué was at all necessary, permitting the passing of the processions throughout day and night subject to a condition that the processionists should stop music before places of public worship. I do not see how it could have detracted from the right of the other community by allowing them to pass their processions without music before mosque only for a few minutes. It is only a civic right as declared by the Hon'ble High Court. In my opinion the difference between the two rights from the point of importance should have made the Hon'ble Premier think sufficiently over the matter before issuing a Communiqué by

which the religious right of the Muslims has been curtailed. It is well-known to the hon. members that the Muhammadans are particularly religious, and unsophisticated Muslims look upon the Communique as most sinful. So without taking away from the right of our Hindu brethren by way of a jesture for friendship between the two communities, some concessions should have proceeded from the members of the majority to the minority community. The Hon'ble Premier ought to have realised that as a member of the majority community, he ought to have paid sufficient attention to the feeling of the Muhammadans, a feeling which is most precious to the Muhammadans, of whatever rank and position he is. I believe that this Communique has done more harm than good. It has disturbed the friendly relationship between the two communities and this disturbance unless remedied without delay will affect the future generations very badly. In the interest of solidarity and in the greater interest of the nation, I request the Hon'ble Premier to revise the order. If he feels the necessity of having a communique in this matter at all, let the communique be on the line suggested by me; else it should be left to the people who will settle the question themselves. With these words, I support this motion.

Babu SHIBENDRA CHANDRA BISWAS: Mr. Speaker, Sir, my hon. friend Mr. Abdur Rahman has referred to my name in connection with the Putijuri matter. So I think I would say a few words in this connection. Here there was a riot in Putijuri and I, together with my hon. friend Babu Bepin Behari Das and the Chairman of the Local Board, went there to see what happened. When we went there, we saw that the Police was making enquiries and we tried to find out how the occurrence took place and where. And my hon. friend Mr. Abdur Rahman, together with some other prominent League Members, also went there. He was there the whole day and I was also there. But while we were in Putujuri we never heard of any complaint from anybody that the Hindus beat the Muhammadans. But unfortunately for ourselves, when both they and we returned, on the next day a cross case was instituted against the Hindus there. So far as we learn, some of the Leaguers managed to bring some people from a distance of some 7 miles from Dinarpur to take part in the riot and this also, so far as we could understand, had nothing to do with the religion. This was also a political riot because my hon. friends have seen that the Hindu people who were beaten there were on the northern part of the bazaar, behind that there is a school and behind that there is the mosque. They did not give any provocation to the Moslem brothers because they were at a distance from the mosque, and a part of the *kirtan* in certain villages was going on in this side and a path goes by the west of the mosque. But before the people reached there and gave any provocation even in the bazaar, they were not told "stop your music"; and they were at once beaten there. This is what we found there when we went there.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: It is highly regrettable that a Communique which was issued by this Government for the interests of both the communities in the soil should be misconstrued and misunderstood,

The Hon'ble the SPEAKER: I should request the hon. member to be brief.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: This communal trouble which is in evidence is to be seen since September last.

The Hon'ble the SPEAKER: And I would request the hon. member not to repeat any argument.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: We, the members of the Congress Coalition Party, who belong to this side believe in the communal amity of the people of India. We believe that both the Hindus and the Muhammadans ought to live as friends, in brotherly feeling, as common neighbours. It is not our profession to use any communal cry and to use the unlettered members of community for our personal ends. From what I could see from the speeches of some hon. friends in the Opposition, I could make out that they have advanced three arguments. The first is that there was communal amity and there was no question of disturbance as between Hindus and Muhammadans in the whole province before the promulgation of this Communiqué. The next is that a local instance which occurred at Sylhet has been the occasion for issuing a communiqué which is to be applicable to the whole province. The third and the last is, that the rules which were applicable in Bengal have been applied in the case of Assam where conditions are not similar. My friends from Sylhet have given out that the people of the province, in Sylhet as also elsewhere, both Hindus and Muhammadans, lived in communal concord before the promulgation of the Communiqué. I do admit that there was no question of disharmony and even when in the neighbouring districts of Bengal we were troubled about communal affairs, Sylhet and other districts in Assam were free from tension for centuries. Then, Sir, assuming for arguments' sake that if that is the case. I want to know what was the occasion for this Sylhet riot. Nothing is done without any provocation. That there was a riot and that there was an attack on a procession, is admitted. If things continued as before there was no occasion on the *Vijaya Dashami* day for a riot over a procession. There was no question of the Hindus infringing a particular right of the Muslims without any provocation. If they have lived for centuries amicably, where was the occasion on that particular day for any infringement of rights? That fact, that case and that argument has not been met by any of my friends there. The reason must be sought elsewhere, Sir. I maintain Sir, it is not the Communiqué; but the lying false and malicious propaganda carried on in the interests of fallen Ministers and their henchmen which is responsible for strained relationship between the Hindus and Muslims in this Province Sir, we have seen and heard things here in Shillong and in Sylhet which we have never heard. Since the fall of the previous Ministry, hon. members of this House had to seek protection of the Police which is unprecedented in the history of this province. We got anonymous threatening letters.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: On a point of information, Sir, some of us on this side also got anonymous letters threatening our lives. My hon. friend Mr. Aziz and Maulavi Dewan Md. Ahab Chaudhury also got such letters.

The Hon'ble the SPEAKER: Such anonymous letters might have been written by Hindus also. So Babu Dakshinaranjan Gupta Chaudhuri need not refer to that.

Maulavi ABDUR RAHMAN: May I ask my hon. friend Maulavi Maqbul Hussain Choudhury whether he has not received any such threatening letters day before yesterday?

The Hon'ble the SPEAKER: Order, order.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: The hon. member Mr. Abdur Rahman has said that the question of music before mosque is not a local affair and that it is an all-India affair. While other members like Khan Bahadur Maulavi Sayidur Rahman and Khan Bahadur Maulavi Keramat Ali said that it is purely a local affair, So these statements have

contradicted each other. Therefore, Sir, even so far as other subdivisions of Sylhet are concerned, and as far as Cachar is concerned, on the *Bijoya Dashami* day there was a likelihood of a breach of the peace in all those subdivisions. I was myself witnessing such facts in my own subdivisional head quarters. It was due to the tact of the local officer that riot was prevented.

Therefore, Sir, I submit that the question of communal tension has not grown as a result of the Communiqué, but has come into being since September last, that is to say since the downfall of the last Ministry. And that the question was not at all confined to Sylhet town alone. The Sylhet riot occurred and the tension over the music question was present long before the promulgation of the Communiqué. The Communiqué only wanted to put an end to the tension by trying to preserve the rights of both the Hindus and the Moslems.

Again, Sir, it has been contended by my hon. friends from the other valley that there has been no communal tension in their valley. Again, Sir, my hon. friend Mr. Sayidur Rahman has said that where it is a question of majority, there is no necessity of any law. But, Sir, everywhere it is minority which is generally likely to be oppressed. Therefore, I would ask the hon. member to look into the cause of the riot in Sylhet. In the Assam Valley no riot occurred. It might be that the members of the Moslem community are in a minority in Assam Valley but they are in a majority in the Surma Valley. It is admitted Sir, riot occurred in Surma Valley. I would therefore leave it to the House to realise who are the aggressors whose activities led to the serious riot at Sylhet; because the Moslems were in a minority in Assam Valley and the majority community, that is the Hindus, were not aggressors, no riot took place in Assam Valley.

As regards the Communiqué, it follows the one applicable in Bengal. Sir, the main question is that the Hindu community demanded the right of playing music on the King's highway and they claimed it as a matter of religious right. Whereas the Muslim community said that it is an infringement of their religious rights if music is played before the mosques. The Government, Sir, did the most natural thing. In Bengal, we have the administration under a true Muslim and, Sir, it is a Muslim majority province. Therefore, the Government went to that province for a precedent and they also took the opinions of the Ulemas so as to effect a compromise and to see that the rights of both the communities are preserved. They could not do anything better than following the precedent which is applicable in Bengal. As regards that, Sir, some of my friends have said that the Government have regulated their prayer hours. It is far from truth, it has regulated only the playing of music.

The Hon'ble the SPEAKER: That has already been pointed out by Mr. Chanda.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: The prayer time has been fixed in consultation with responsible Muslim gentlemen, and it is also in the Communiqué that it has taken into account the local conditions and local timings. Therefore, Sir, the question of infringing the rights of the Muslim community does not arise at all. The Hindus maintain that, if there has been an infringement, it is an infringement of the rights of the Hindus. I have myself attended, Sir, so many processions and I can say that this question of music did not arise at all. This practice of playing music before mosques was never objected to before. When it is a question of playing music by a military band no such objection is raised (*hear, hear*). But when it is a peaceful procession of the Hindus, then the question comes in.

The Hon'ble the SPEAKER: The hon. member will please finish.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Historically speaking, there have been decisions, Sir, by the Hon'ble Judges of the High Court regarding absolute right of playing music in processions over the King's high way. This question of music before mosque is a new innovation and that it has arisen only out of a political motive to fulfil the ends of certain individuals who are out to exploit the religious sentiments and feelings of a whole community for their own personal and political motives. (*hear, hear.*)

Mr. C. GOLDSMITH: Mr. Speaker, Sir, if there is time, I should like to speak.

The Hon'ble the SPEAKER: This is the only non-official day and I propose to finish certain other items of business. I hope the hon. member will not be long.

Mr. C. GOLDSMITH: It is evident, Sir, that feelings have been roused on the question of this Communiqué. It has taken the form of a communal question and it has involved the two major communities of this province. In certain quarters it has raised a feeling of joy and in certain other quarters it has raised a feeling of resentment. As I am a Christian, I may remain neutral and say nothing. But lest there be some misunderstanding, I should like to clarify my position.

This Communiqué gives a fixed time for prayers, when music should be stopped before mosques, and that has been resented to by the Muslim community. We have now to examine whether there is a legitimate ground for this resentment. Music or any noise before any place of worship is unwanted, and those who take part in such processions with music or noise or uproar ought to be persuaded not to do so (*hear, hear*). But supposing there is a procession with music or noise before a church where worship is going on and there is a great disturbance, it would not look good on my part to come out of the church with other members and call other people also to pick up a quarrel and fight and cause a riot. It will not at all look good. In that case, if I had to take such an attitude, then the prayers and the worship that have taken place become null and void. By such an act, we banish the beauty, the grandeur and richness of true worship (*hear, hear*). But it must be admitted that silence is one of the greatest elements in true worship, and silence before a temple or a mosque or a church ought to be observed. Therefore any party or procession which is apt to cause a disturbance before a public place of worship should think twice before they take out the procession so that there may not be any occasion for any resentment.

As for the times as far as our worship is concerned, it is difficult to state times for any part of the day, either on week days or on Sundays. For, a person may be engaged in worship at any time and therefore, to fix a definite time is not proper (*hear, hear*). Now many have admitted that before Hospitals silence should be observed. If the convenience of the sick people is to be looked into or looked after and considered favourably, then of course, those who are worshipping in places of worship, their case also should be considered as they when worshipping stand face before God, the Almighty Father. Now may I remind the Hon'ble Prime Minister, who is unfortunately now absent, that by promulgating this Communiqué, he is taking a grave risk and that for the following reasons. Firstly, he admits that for many years both the communities have been living in amity and peace. He ought to have considered that if by this Communiqué riots take place then, I must say, that he is taking a grave

risk. Secondly, this relates to the whole of the province of Assam and not to Sylhet only. Thirdly, this Communiqué is the direct result of the riot at Sylhet in which one of the members of this House belonging to his own party is involved. Fourthly, this Communiqué also synchronises with the assumption of office by the Congress. I have, of course, due regard for the Congress principles and their programme but since they have taken office, it does not look nice before the people of India and to the Congress itself that a Communiqué should be issued after their assumption of office. Fifthly, this Government is standing in authority in setting a time limit that such and such time should be fixed for worships. Government recognise no other time but certain fixed time as the time for worship and thereby Government is taking the attitude of authority asking the people or acknowledging that only certain times are meant for worships. For these reasons he is taking grave risk. May I, therefore, ask the Hon'ble Prime Minister to think twice before he executes this Communiqué. I will rather ask him to withdraw it, if possible, (*hear, hear.*)

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. Every well-wisher of the country ought to consider this question from a detached point of view. The aim or goal whether of the Congress, the Muslim League and other big political organisation is rather to attain *Sawaraj* or independence if possible and there be no gain saying the fact that so long as the two major communities of India—Hindus and Muhammadans—do not combine together such a desideratum cannot be attained. I therefore request every hon. member of this House, be he of the Government Bench or of the Opposition or of the European group to consider very dispassionately and calmly the few points that I will place before the House in the limited space of fifteen minutes' time that is allotted to me under the Rule. It is very much to be regretted that even on the floor of this House communal feelings have been exhibited by members who have participated in the debate. I will not, however, follow their example. I would rather try to place the question on a higher plane. I have before me a standard form under which the Police has to issue licences for processions. It is printed in the form itself approved in letter No. 8473 (c), dated the 29th September, 1915. This form contains the terms for the processionists which are in vogue in the province for at least a quarter of a century and one of the terms of the licence to processionists is that no music may be played nor any other noise may be created near any place of public worship or any Hospital or even any private house when it has been made known to the carrier that there is anybody dangerously ill inside the House. Sir, the salutary principle which is laid down by this condition cannot be over-emphasised. In a hospital a man may be suffering from physical ailments and noise in the shape of music or any other kind is apt to disturb the peace of his mind. Therefore this rule provides for ensuring peace to a patient. In a place of worship, a person suffering from spiritual ailments may be there to concentrate his mind to be in communion with his creator thereby getting religious solace and therefore no sort of disturbance is desirable, which may detach from his worship (*hear, hear*). Sir, I can say from my personal experience that this principle has been in vogue even before the year 1915. This condition to a procession was in practice during the time of East Bengal and Assam Government which came into existence from 1905. Sir, this rule or salutary principle is in vogue in the province for more than a quarter of a century. Therefore it does not look well that Government should deviate from the principle only because there was an unfortunate trouble on the *Bijaya-Dashami* night at

Sylhet. My hon. friends who have argued on behalf of the Government have said that they have copied the principle of their present Communiqué from Bengal but unfortunately they have missed one very important point in the Bengal Communiqué. Any hon. member who has cared to go through the Communiqué as issued by our Government will find in paragraph 2 that according to procedure in Bengal, the *Police Gazette* publishes every month the hours which are considered the hours for prayers in mosques and during which the hours of music and processions before mosques are prescribed subject to local practices. It will be a news to my hon. friends of this House that in East-Bengal no music is allowed at any time before any place of worship although the hours have been fixed in the Bengal *Police Gazette*. The local practice is that there can be no music before mosques at any time. As I have already said music was never allowed to be played before any places of worship for more than 30 or 40 years in this province. I therefore, submit that no case has been made out to deviate from that rule. One of my hon. friends has said, that as, the Hon'ble Prime Minister was not able, in spite of his noble efforts, to stop the communal discord and bring on communal harmony by settling the disputes, he had to issue this Communiqué. But I should say that this Communiqué itself has left room for more discord.

In the first place the Communiqué has mentioned the Bengal hours. I find, Sir, that on Fridays for the *Jumma* prayer the hours of prohibition of music as mentioned there are from 12-45 p.m. to 1-30 p.m. Although later on it has been mentioned in the Communiqué, at paragraph 4, "that timing is liable to vary in other months only as far as is necessitated by change of seasons," and it is also said that it will be left to the local officers to fix the prayer periods "at different times of the year, after consultation with *Imams* and other Moslem representatives, without changing the duration fixed here for each prayer". That means that if the Muhammadans be at prayer for their *Jumma*, which is a big weekly congregational prayer when thousand meet to offer their prayers, anybody can go there at 12-30 p.m. playing music and thereby disturbing the entire congregation. I need only refer to my hon. friends, the Minister in charge of Finance, and the Minister in charge of Industries, whom I meet every Friday in the Police Bazar Mosque at Shillong, that sermon begins punctually at 1 p.m., but the individual members of the congregation say their prayers from 12-30 p.m. One other friend has just mentioned that the time for saying prayers in all the mosques is not uniform. Sir, with your permission, if you give me a few more minutes, I would detail some facts just to give an idea that it is next to impossible to fix the hours of prayer by the clock. When the times of prayers were fixed, they were fixed by the sundial method, and not by the present day clock. For example, in the case of midday or *Johar* prayer, the Muhammadans are allowed to say their prayer from the time when the Sun has gone to the west, *i.e.*, from the decline of the Sun from the meridian, up to the period when the shadow doubles itself. Now this period now-a-days starts from very nearly half past twelve and continues up to 3-30 p.m. But under this Communiqué the time—the time was omitted from the original Communiqué, but it has been subsequently corrected—given is limited to about half an hour only. I may also mention that to suit the convenience of different localities, the times for congregational prayers are regulated by the needs of the community. For example, in the Police Bazar Mosque, which

is situated near the Secretariat, the midday prayer starts generally after 1-30 p.m. in order to enable the officers of the Secretariat to come and join in that prayer. There is a small interval from work when these people can and do say their prayers. But in other places, the people start early because according to one of the religious beliefs of the Muhammadans the earliest opportunity should be availed of to say their prayers, and therefore the first possible time is preferred on account of superior merit. Then, again, it was mentioned and admitted by my hon. friends the other day that only the congregational prayer is regulated by a period, but those who cannot join the congregational prayer say their prayers in mosques within the period allowed under the rule I referred to before, i.e., the period from the decline of the Sun from the meridian up to the doubling of the shadow. Similarly, the afternoon prayer starts immediately after the shadow is doubled, right up to Sunset. So, in this way throughout the day people go to say their prayers. Now, the Sunset prayer is one of the prayers which is generally very well-attended in all mosques. For that prayer, the Bengal provision is from 5-20 p.m., to 5-45 p.m. In this Communiqué, it is mentioned that the difference between the Sylhet time and the Calcutta time is 14 minutes; even if we add these 14 minutes the present-day time for Sunset or *magrib* prayer is far beyond the regulated period in this Communiqué. Just now I had a conversation with my hon. friend the Revenue Minister, when he came to me with a request that we should sit for longer period to-morrow in order to finish the long list of amendments to the Agricultural Income-Tax Bill. I had to point out to him that if we sit long, we shall not have to break in the middle for our *Magrib* prayer. He said that the *Magrib* prayer starts at 6-25 p.m., although I say that prayer at 6-20 p.m. Any way, the time is for beyond 5-45 p.m. It is admitted in the Communiqué that the time changes according to season, and the discretion has been left with the local officers to fix the time. The Communiqué says "It is not considered necessary to publish these hours monthly in the *Assam Police Gazette* as the district authorities will, prior to issuing licenses under section 30, General Police Act V of 1861, be able to fix the precise periods at different times of the year after consultation with *Imams* and other Moslem representatives, without changing the duration fixed here for each prayer". A very grave responsibility has thus been thrown on the local officers. The time given by different *Imams* will be different with the result that there will be confusion. That such confusion will occur is evident from what happened at Sibsagar. I have got a copy of the First Information Report with me, which was recorded immediately after the occurrence on the *Fagua* day at the Sibsagar town. I will just read a few relevant extracts from that Report of the constable accompanying.

“হাম্‌রা নাম বসিৰ ঝাঁ। হাম্‌ শিবসাগর টাউনকা ৩১৯নং কনেষ্টবল। আজ হাম্‌ কং হামিছুর রহমান, মুক্তাবরা, আওর ধর্মেশ্বর গগৈকা সাথ হোলিকা প্রশেশনমে ডিউটিমে যো কৰিব ৪-১৫ মিনিটেমে যব উস প্রশেশন যা কে ঢাকাইয়া মসজিদকো নজ্জদিক গিয়া তব আছহাবুদ্দিন বরা বল্‌কে একঠো মুসলমান আদ্‌নি আকে প্রশেশনমে যাতাছিয়া আদমি লোককো ছয়াছে চল যানেকো বলা কেউকে উস বখত নমাজকে বখত রহ। তব্‌তি প্রশেশনকা আদমি লোক নাহি মানা অওর গানা বাজ্‌না চলতা রহা আওর হামলোককা উপরতি রং দালা। তব্‌ভোলা মুসলমান বল্‌কে একঠো লেরকা আকে একঠো বেত হাতমে লেকুর উনলোককো চলা যানে

কহা। আওর একঠে! আদমি আকে উছ মুসলমানকো ২০ লাঠি দিয়া। তব
হানলোক উনলোককো লে গিয়া আউর চলতা বহা। পোগা দূর যানেকো বাব
প্রশেদনকো আদমি লোকতি লোটকে আয়া আওর মুসলমান লোকতি আগ বাটা।
আওর ছনো পাটিকে পাথর আওর ইট্কা টুকরা ছুড়ান শুরু কিয়া।”

The prohibited time according to the Communiqué for *Asr* or afternoon prayer is 3-45 to 4-15 p.m. The processionists must have been before 4-15 p.m., at the place of worship. I do not know what period was fixed by the licence and it appears from the first information report of this police constable that, in spite of protest, these people did play within the prohibited time. I mention this only to show that whatever may be the time, there must be some hot-headed persons and bad characters who will create such troubles if you allow music to be played before a place of worship. I have therefore to stress that the timings which have been prescribed in this Communiqué, will not help either the Government or the local people and will not be fair upon local officers. Therefore, the best remedy is to withdraw this and it is admitted on all hands that such communal riots which disturbs the peaceful relation between the two communities have been few and far between. Of course, my hon. friend Mr. Gogoi had challenged the statement of Khan Bahadur Maulavi Keramat Ali, yet he could only mention that within a space of ten years, there have been three such unfortunate occurrences. I should say this is a good record and not a bad one. Therefore, why give an opportunity to the people to create such discord when there is no discord. Let the previous procedure of no music before any place of worship be continued. My hon. friend referred to the tension which had existed at Sylhet. I believe the Prime Minister wanted to have the communities to live amicably. If there be trouble at Sylhet, let him withdraw this Communiqué from other parts of the province and keep it at Sylhet. There are responsible members within this House coming from Sylhet who should be requested to sit together and settle this question for Sylhet once for all.

Unfortunately such keen observers like my friend Mr. Chanda as well as the Hon'ble Prime Minister have said that this trouble is due to political propaganda and not a question of religion. My Hon'ble friend whom I shall call Sriman Gopinath Bardoloi as he was a student for some time under me, and who acknowledged it only the other day in the Government House, whose career I have been watching all through, is a student of history and has obtained the degree of Master of Arts in that subject. He is, therefore, accustomed to put things in a chronological way, but unfortunately at the time of speaking to-day he transposed occurrences. The riot at Sylhet took place on the 4th of October. He referred to the beseigement of his house on the 13th October when the Hon'ble Khan Bahadur Maulavi Mahmud Ali took shelter therein. (*Voice*—It is some time in December, Sir). That proves my case, because in spite of 300 Muhammadans surrounding the residence of the Hon'ble Premier, there was not a single case of rioting, not even any assault upon although feeling ran very high. Then my friend said that the Sylhet trouble was due to the cry of 'Islam in danger.' I am afraid, my friends on the opposite are mistaken. Nobody in Assam raised the cry of "Islam in danger". Islam can never be in danger. The religion of Islam is practical, great and divine (*Hear, hear*).

Then my friend said that this occurrence was due to the change in Government. But those very gentlemen mentioned about the Hailakandi riot. It took place when my humble-self was at the helm of affairs of Assam and had not yet resigned. I enquired into the case by interviewing all concerned at Hailakandi. That belies the statement that the trouble was due to political ill feeling.

I do not want that this discussion should be dragged down to communal bickerings. I want it to be taken into consideration by every member of the House from the humanitarian point of view. Hours for congregational prayers have been sought to be protected by limitations made in the Communiqué. But there are individual worshippers in every place of worship. I have seen my friend Rev. Gatphoh going to the All Saints Church on week days at 1 p.m. many a day. All places of worship are full of devotees—Hindu, Moslim or Christian even at times not touched by the Communiqué. Such prayers also should not be disturbed by music.

Everybody knows that music is not an essential ingredient at the time played by processionists accompanying *Pujas*. It is known to my Hindu friends that so long as the spirit of God is not infused in an idol, it is only an image. Only when by certain *mantras* and incantations, the *Pujari* Brahmin brings the spirit of God into it then it becomes sacred. And it is only after a certain period when the spirit of God is supposed to have left that you can remove it and throw it in such places where there is no fear of sacrilege, and therefore generally it is thrown in running waters. (*voice*: No). My friends are shaking their heads. I have studied the question. I know that the spirit of God is alleged to be infused into the image of the goddess Durga on the *Sasthi* day which is termed "Adhisthan" and it is supposed to go away on the "Dashami" day "Tirodhan," when the image is thrown. So, music at such a procession after "Tirodhan" of the deity is not essential. I do not say that music should not be played, but I wish that tolerance should be shown. I do not know whether the Hon'ble the Premier has been approached by the Hindu people of Kamrup here in Shillong who say their prayers at night in the *Namghar* just below the Women's Hospital by singing religious hymns accompanied by cymbals; but ever since the Hospital was established, Police had stopped their prayers there because it disturbs the patients of the Women's Hospital. I received a deputation and probably my friend the Premier has also received one such deputation from the Kamrupis. So, Sir, when consideration is shown for physical ailments, I hope my friends of the Government will see their way to accept the same principle so far as the worshippers in public places of worship are concerned.

My Hon'ble friend the Premier said he would like to consult me. Hence, I have given my views on the floor of this House to avoid speaking in private.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I need hardly add to what my leader has so lucidly said in the matter. I have got to thank the Hon'ble Premier, Srijut Gopinath Bardoloi, for his calm composure and the candid way he has approached this question so dispassionately. Herein I may tell him that days have rolled by, things have changed, and we all agree that good relationship has been established between the communities, whatever might have been the reason for the Government to device such a measure of unwarranted character, it is vanished now. The Hon'ble Premier tells us that it was done under certain

exigencies of circumstances. I believe they are over now, and the Hon'ble Premier will now be doing well to serve the Government, to serve the cause of humanity and his creed and programme to see that this unwarranted Communiqué is withdrawn.

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

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I am indeed grateful to the many hon. members of this House who have put suggestions about this Communiqué before us in a very dispassionate and calm manner. I am particularly thankful to the hon. Leader of the Opposition for the way in which he has put the whole thing before us. I would also particularly refer to the two Khan Bahadurs, Maulavi Keramat Ali and Maulavi Sayidur Rahman, and the other members. I have indeed been enlightened on many points that I would greatly have liked to have been enlightened on. It is, I hope, very well known by now that Government had to take this special course because Government had no other alternative to adopt. I have already spoken on this aspect of the question when I made my preliminary speech. I want further to point out that on the basis of the principle that so long as we cannot have real friendly feeling between the different communities so as to be able to settle these matters between themselves, the line of action to be taken in this matter must remain with Government. Every sensible man will admit that at any rate till these peaceful relations are established and maintained through their own agency, action taken by the Government on the line of that Communiqué should remain. Before I give a reply to the specific suggestions that have been made by the hon. Leader of the Opposition towards the end of his speech, I should like to reply to a few of the contentions which he has raised. One of these was the right of the Government to come and interfere in a matter like this. It will be seen Sir, that this right has vested in the Government from all times. It is no doubt true that in the police license form about which the hon. learned Leader of the Opposition has made reference, music has got to be stopped before mosques and other places of public worship, as also before hospitals and such other places; but it is also clear in the Note to the same form that the entire right of doing this is left to the Superintendent of Police, and I read in this connection that Note just to show what it means. "The Superintendent of Police may alter or omit any of the conditions, or may impose any other condition to suit the needs of any particular procession or locality". In other words, as I said, the whole matter is left to the Superintendent of Police. Sir, it was found, particularly in reference to the incident at Hailakandi, which, as the hon. Leader of the Opposition says, took place during his term of office, the whole trouble arose in regard to the fixing of the time by the Subdivisional Officer.....

Maulavi Dewan MD. AHBAB CHAUDHURY: Does the Hon'ble Premier admit that the riot occurred only on account of the fixing of the time?

The Hon'ble Srijut GOPINATH BARDOLOI: The Hailakandi riot took place much before the issue of the Communiqué.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: The point of order was raised on the question whether it was on account of the fixation of time that the riot took place. I did not mention anything about that because, as my hon. friend says, it is correct that the Subdivisional Officer, Mr. Peters, asked the Inspector about the time for the Maghrib prayer, but he never asked the Inspector about the time for the Esha prayer, and hence the mistake,

The Hon'ble Srijut GOPINATH BARDOLOI: So, it appears that this fixation of time was exercised by District Officers previously, and that the riot is supposed to have been due to certain mistake on the part of the Subdivisional Officer of Hailakandi. I am not at present discussing how far he was correct or not correct, but the point that he fixed the time is there. What we have proposed to do is that we have really fixed the hours which have been accepted by a province which is supposed to safeguard the interests of the Muhammadans in this respect, and the only discretion that has been left to the local officers is that they should fix the time of these prayers according to local time, and therefore my submission to the House is that we did not do anything wrong, we did not do anything against the religious susceptibilities of the Muslim community at all.

Then, Sir, the second point that was raised was in respect of the difficulty in fixing the hours of prayer. I have already said that the *Police Gazette* in Calcutta publishes the different times from time to time and I am sure, in consultation with the religious divines in that province. Now all that is proposed to be done in this province is that the local officers will simply fix the time by addition of certain minutes in order to get the local time of this place. Therefore, as I said, we are committing no wrong, we are simply following a fixed procedure.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Do our local officers get the *Calcutta Gazette*?

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, it will be seen from the instructions issued that they get the *Calcutta Police Gazette*. If they do not get that, I shall be only too willing to see that this is done.

But the whole thing as I said before is that the necessity for this Communiqué was due to certain circumstances existing and we can make this clear before the House that we do not propose to maintain the timing that has been fixed in the Communiqué or the matter of that to do anything if circumstances are such that those timings are not necessary. In other words, if we know that pious relationship has been established in any particular place between the two communities, we would be only too glad to withdraw the circular from that particular locality. Now, Sir, instances of certain particular places have been brought to the notice of the Government. It has been said that in the Assam Valley the tension between the Hindus and the Muslims does not exist. It has been said that the relationship between the two communities has been cordial from a very long time and therefore there is no necessity for the continuance of the Communiqué in the Assam Valley. I do not admit that this Communiqué has in the least wise encouraged communal feeling. But I could definitely tell the hon. members of the House that following the general principle that wherever there is no tension, wherever there is no cause for enforcing such a Communiqué, we will see that the Communiqué is withdrawn from those places.

So far as Sylhet and Cachar are concerned, I might say that the matter stands on a different footing. We have got to admit, and it is practically admitted by the hon. Leader of the Opposition as well as my hon. friend Khan Bahadur Maulavi Sayidur Rahman that the situation there is different and, as a matter of fact, I have got to tell the painful truth that really the relationship between the communities there is not such as we should wish. So the circular.....

Maulavi ASHRAFUDDIN MD. CHAUDHURY: May I know if the relationship between the two communities has not improved in the town of Sylhet?

The Hon'ble Srijut GOPINATH BARDOLOI: In other places, Sir, the tension still exists. The instance of Putijuri will show that the tension prevails even now. I think the general principle may be accepted by the Government, namely, that wherever there is no cause for enforcing the circular, wherever good relationship exists between the two communities, Government will consider it necessary to withdraw the circular, but not as I said in these particular districts where we feel that the tension is yet prevailing. But so far as Government are concerned, they will only be too glad to welcome any peace move that may be made by the two communities in those districts and if on account of those attempts, they have a rightful solution which could substitute the Communiqué, Government will always welcome it (*hear! hear!*). It will be seen that myself and two other members of the Cabinet had gone to Sylhet only with that purpose. We had no intention whatsoever to impose something which was not absolutely necessary. It is well-known to the hon. members of this House what attempt we had made, what hours we had spent over this trouble.

It was definitely stated in that meeting, Sir, that it was never the intention of the Government to impose anything on anybody. But when the things had come to such a pass, when the two communities could not live together in exercising fully their rights—religious and civic—it was the bounden duty of the Government to do something so that peace may be maintained. The manner in which it is being done may not be desirable but Government cannot surrender its right of maintaining peace and order and on that account that this Communiqué was adopted and was enforced. And as I said if good relationship is possible to be established by the hon. members of this House in conjunction with some outsiders either in a meeting or otherwise, I can assure them that we will lend them our sincere support. We will also accept an honourable settlement come to between the two communities as the basis of our action in future. With these words, I again thank the hon. members for having given us the advice; and I hope our assurances will be accepted in the spirit in which they are offered.

Khan Bahadur Maulavi KERAMAT ALI: Do I understand that the Hon'ble Premier suggests that he will take some members of this House into confidence and consult them as to whether a compromise could be brought between the members of the two communities of Hailakandi and Sylhet and if such a solution is possible, he will withdraw the Communiqué.

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, but I feel that some outsiders may be taken so that the conference may be more representative and the question of getting out of these agreements and compromises do not again arise. Our difficulty has always been that in spite of our best attempt to come to a settlement and in the face of certain settlement already arrived at, these things have again to be repeated and both the communities repudiate the settlements which are accepted only some time ago.

The Hon'ble the SPEAKER: Order, order.

The question is: "That in the opinion of this House, the hours fixed for stoppage of music before Mosque by Government Communiqué, dated 9th January, 1939, published in the *Assam Gazette* of 11th January, 1939 are unsuitable and interfere with the religious prayers by the Muslims of this province".

Division being claimed, the division bell was rung.

As the division bell was ringing Babu Balaram Sircar came into the House on crutches helped by two or three men.

The Hon'ble Srijut GOPINATH BARDOLOI: Would it be necessary for the hon. member Babu Balaram Sircar to go into the lobby?

The Hon'ble the SPEAKER: I see it will be difficult for him to move into the lobby and I shall make arrangements to take his vote here.

Maulavi MUHAMMAD AMJAD ALI: We did not know here, Sir, what is it?

The Hon'ble the SPEAKER: One hon. member has come to the House and he is, I think, ill. It would be very difficult for him to go into the lobby. Therefore I said that I would make arrangements for him to vote here.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have no objection at all, Sir. We are humane enough to see his difficulty.

The Assembly divided.

AYES—42.

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| 1. Srijut Rohini Kumar Chaudhuri. | 21. Khan Sahib Maulavi Mudabir Hussain Chaudhuri. |
| 2. Maulavi Abdul Aziz. | 22. Khan Bahadur Maulavi Mufizur Rahman. |
| 3. Maulavi Abdul Bari Chaudhury. | 23. Maulavi Munawwar Ali. |
| 4. Maulana Abdul Hamid Khan. | 24. Maulavi Muzarrof Ali Laskar. |
| 5. Khan Bahadur Hazi Abdul Mazid Chaudhury. | 25. Maulavi Namwar Ali Barbhuiya. |
| 6. Maulavi Abdul Matin Chaudhury. | 26. Maulavi Naziruddin Ahmed. |
| 7. Maulavi Abdur Rahman. | 27. Maulavi Sheikh Osman Ali Sadagar. |
| 8. Maulavi Syed Abdur Rouf. | 28. Maulavi Saiyid Sir Muhammad Saadulla. |
| 9. Maulavi Md. Abdus Salam. | 29. Khan Bahadur Maulavi Sayidur Rahman. |
| 10. Maulavi Dewan Muhammad Ahabab Chaudhury. | 30. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 11. Maulavi Dewan Ali Raja. | 31. Col. A. B. Beddow. |
| 12. Maulavi Muhammad Amjad Ali. | 32. Mr. A. H. Ball. |
| 13. Maulavi Ashrafuddin Md. Chaudhury. | 33. Mr. F. W. Blennerhassett. |
| 14. Maulavi Badaruddin Ahmed. | 34. Mr. W. R. Faull. |
| 15. Maulavi Ghyasuddin Ahmed. | 35. Mr. F. W. Hockenhill. |
| 16. Maulavi Jahanuddin Ahmed. | 36. Mr. W. J. Gray. |
| 17. Khan Bahadur Maulavi Keramat Ali. | 37. Mr. D. B. H. Moore. |
| 18. Maulavi Muhammad Maqbul Hussain Choudhury. | 38. Mr. R. A. Palmer. |
| 19. Maulavi Matior Rahman Mia. | 39. Srijut Binode Kumar J. Sarwan. |
| 20. Maulavi Mabararak Ali. | 40. Rev. L. Gatphoh. |
| | 41. Mr. C. Goldsmith. |
| | 42. Mr. P. Parida. |

NOES—54.

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| 1. The Hon'ble Srijut Gopinath Bardoloi. | 25. Srijut Khorsing Terang. |
| 2. The Hon'ble Mr. Fakhruddin Ali Ahmed. | 26. Srijut Jogeshchandra Gohain. |
| 3. The Hon'ble Babu Kamini Kumar Sen. | 27. Babu Kalachand Roy. |
| 4. The Hon'ble Srijut Ramnath Das. | 28. Srijut Kameswar Das. |
| 5. The Hon'ble Babu Akshay Kumar Das. | 29. Babu Karuna Sindhu Roy. |
| 6. The Hon'ble Maulavi Md. Ali Haidar Khan. | 30. Mr. Kedarmal Brahmin. |
| 7. The Hon'ble Srijut Rupnath Brahma. | 31. Srijut Krishna Nath Sarmah. |
| 8. The Hon'ble Khan Bahadur Maulavi Mahmud Ali. | 32. Srijut Lakshesvar Borooah. |
| 9. Kumar Ajit Narayan Dev. | 33. Babu Lalit Mohon Kar. |
| 10. Mr. Arun Kumar Chanda. | 34. Srijut Mahadev Sarma. |
| 11. Mr. Baidyanath Mookerjee. | 35. Srijut Mahi Chandra Bora. |
| 12. Babu Balaram Sircar. | 36. Srijut Omco Kumar Das. |
| 13. Srijut Beliram Das. | 37. Srijut Paramananda Das. |
| 14. Srijut Bepin Chandra Medhi. | 38. Rai Bahadur Promode Chandra Dutt. |
| 15. Srijut Bhuban Chandra Gogoi. | 39. Srijut Purandar Sarma. |
| 16. Srijut Bishnu Ram Medhi. | 40. Srijut Purna Chandra Sarma. |
| 17. Babu Dakshinaranjan Gupta Chaudhuri. | 41. Babu Rabindra Nath Aditya. |
| 18. Srijut Debeswar Sarmah. | 42. Srijut Rajani Kanta Barooah. |
| 19. Srijut Ghanashyam Das. | 43. Srijut Rajendra Nath Barua. |
| 20. Srijut Gauri Kanta Talukdar. | 44. Srijut Sankar Chandra Barua. |
| 21. Srijut Haladhar Bhuyan. | 45. Srijut Sarveswar Barua. |
| 22. Babu Harendra Narayan Chaudhuri. | 46. Babu Shibendra Chandra Biswas. |
| 23. Srijut Jadav Prasad Chaliha. | 47. Srijut Siddhi Nath Sarma. |
| 24. Srijut Jogendra Chandra Nath. | 48. Maulavi Muhammad Amiruddin. |
| | 49. Srijut Bhairab Chandra Das. |
| | 50. Srijut Bideshi Pan Tanti. |
| | 51. Srijut Dhirsingh Deuri. |
| | 52. Rev. J. J. M. Nichols-Roy. |
| | 53. Srijut Karka Dalay Miri. |
| | 54. Srijut Rabi Chandra Kachari. |

The motion was negatived.

The Sylhet Town Land Tenancy Bill, 1937

The Hon'ble the SPEAKER: The hon. members will notice that we have another important piece of business, a motion standing in the name of Mr. Rabindra Nath Aditya. The other day when I read a message received from the Legislative Council intimating to this House that they insist on the amendments they have proposed to the Sylhet Town Land Tenancy Bill, 1937, I also informed the House that I would intimate the fact of disagreement between the two Houses to His Excellency the Governor. Under the rules it appears that a formal direction from the House is necessary and it is for that purpose the hon. Mr. Rabindra Nath Aditya has tabled his motion. I think, I can take it that it will be more or less a formal affair and I hope there will be no objection to our staying a few minutes more and finish this item of business.

Babu RABINDRA NATH ADITYA: Sir, I beg to move that:—

“Whereas the Assam Legislative Assembly having made further amendments in place of the amendments made by the Assam Legislative Council in the Bill to give protection to certain classes of tenants within the municipal limits of the town of Sylhet, known as the Sylhet Town Land Tenancy Bill, 1937, and the Assam Legislative Council having insisted on the amendments made by it in the said Bill, to which the Assembly is unable to agree, it is hereby resolved that the Hon'ble Speaker be authorised to communicate this disagreement between the two Houses to His Excellency the Governor on behalf of this Chamber, under rule 138(5) of the Assam Legislative Assembly Rules”.

Sir, this is a formal matter and perhaps it requires no speech. I therefore comment this motion for the acceptance of the House.

The motion was put and adopted.

*Re sitting of the Assembly on Wednesday, the 5th April, 1939,
which is a recess day*

The Hon'ble the SPEAKER: The hon. member perhaps know according to a decision made by the House some days ago, we meet again to-morrow, although according to the rules to-morrow is a holiday. I am simply reminding hon. members about that.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: I want to say something, Sir. I have consulted the hon. Leader of the Opposition and also Mr. Hockenull and we have agreed to sit to-morrow till half past four and then after a recess of half an hour for *Namaz* and tea from 5 till quarter past 6.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: My Hon'ble friend the Finance Minister enquired of me about 1 o' clock whether it would not be better to sit late to-morrow so that we might finish the work early. I told him that I would consult my party members and then inform him. I have consulted them and I find, Sir, that there is division of opinion among them — some members say they cannot sit late to-morrow and others say that to-morrow being a holiday, to make it a working day is a concession and do not want to give a double concession by sitting late also. If the work is not finished to-morrow, then day after to-morrow we can sit late.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, in this connection I may be permitted to make a statement, which I had also made sometime ago on the floor of this House.

Some days ago we told that we would like to finish this Agricultural Income-tax Bill and the Finance Bill during the next two days. If it is not possible to finish them then we shall have to continue till after the Easter holidays. But as it was the wish of the hon. Leader of the Opposition and also of Mr. Hockenull that it should be finished on the sixth at the latest, we decided to sit on the 5th also and we should be able to finish our work on the 6th. If, however, it is the wish of the House that we should sit beyond the holidays, then of course, we have nothing to say. But if we do not propose to do so, we must sit longer hours to-morrow also.

Mr. F. W. HOCKENHULL: Mr. Speaker, Sir. Would the Hon'ble Minister please explain to the House what exactly are the Bills which he considers essential to be passed this Session? It would perhaps enable the members of the House to make a clear decision as to how long it will take. If there is a heavy agenda then I am afraid, it may not be possible to finish this week.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: Sir, we want to finish the Agricultural Income-tax Bill and the Finance Bill by day after to-morrow but, if the Session has to be continued till after the Easter holidays, I am afraid, the entire Government business on the agenda will have to be gone into. Sir, in order to save the money of the rate-payers (*claps*) which the members will get as daily allowance during the four days of the holiday from the 7th to 11th instant, it was decided that we should give up the recess on Wednesday and try to finish the Government business on Wednesday and Thursday. In accordance with this desire, I suggest that we may sit few hours more on these two days and finish our business. Mr. Hockenhull and the hon. Leader of the Opposition have also given their consent to this suggestion.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Personally I have no objection but I said that I will have to consult my party.

The Hon'ble Mr. FAKHRUDDIN ALI AHMED: In view of the circumstances explained, I hope hon. members will not suffer much if they sit for two hours more on each day.

The Hon'ble the SPEAKER: One point should be made clear. The amendments which have been tabled to the Bill rather appear to be very large in number. If we sit late to-morrow and day after to-morrow and if we cannot finish, then I should like to know what Government propose to do.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, we have had already enough discussion about it. Mr. Hockenhull proposed that he will have no objection to sit on the 9th and 10th if necessary.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir. In this connection I would refer the Hon'ble Prime Minister to one pertinent question which he raised as Leader of the Opposition during the last Budget Session of the Assembly. He pointed out that the non-official days allotted during the last Budget Session were only two days which was too short for the non-official purpose to go on but this time we find that only one day has been allotted and practically the whole day has been taken up by only one motion. There are several Bills and Resolutions which would come up during the course of the day but we have not been given that opportunity to finish them. So, would it not be proper for the Hon'ble Prime Minister to see his way to call a short session during June next when the Government business can be transacted, and allot more days for private members' business so that these outstanding Bills and Resolutions may come up?

The Hon'ble Srijut GOPINATH BARDOLOI: It is very difficult to say just now. Of course, we shall consider the suggestion, so far as the private members' business is concerned. Now we must finish so far as the Government business is concerned.

Srijut ROHINI KUMAR CHAUDHURI: Does the Hon'ble Prime Minister mean to say that he wants to finish all the Government business?

The Hon'ble Srijut GOPINATH BARDOLOI: Only those two Bills which have been fixed for to-morrow and day after to-morrow.

The Hon'ble the SPEAKER: Then I take it that to-morrow we sit up to 4-30 p.m.

(Voices from the Opposition.—We shall sit up to 4 p.m.)

Then what about day after to-morrow?

Khan Bahadur Maulavi KERAMAT ALI: Any time.

The Hon'ble the SPEAKER: Very well, the House stands adjourned till 11 a.m. to-morrow the 5th April, 1939.

Adjournment

The Assembly was then adjourned till 11 a.m., on Wednesday, the 5th April 1939.

Shillong,

The 24th June 1939.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.