



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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m., on Saturday, the 18th March, 1939.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

**Communique re Music before Mosque**

**Maulavi ABDUR RAHMAN:** (Rising to put his starred question No.114).

**The Hon'ble the SPEAKER:** The Hon'ble Prime Minister is not in his seat.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY:** Sir, What will happen if the Hon'ble Premier is not in his seat ?

**The Hon'ble the SPEAKER:** Well, let him come.

**Maulavi MUHAMMAD AMJAD ALI:** Is it not your ruling that in the case of a private member's question it lapses if he is not present ?

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

**Maulavi MUHAMMAD AMJAD ALI:** May I know, Sir, why this differential treatment with regard to a Minister ?

**The Hon'ble the SPEAKER:** Because if a member whose question is called out is not present in the House no answer can be given, but if such a member is present in the House and the Minister who is to answer his question is not present, the question cannot be allowed to lapse on the simple ground that the member is not at fault. In other words, for Minister's fault members cannot be allowed to suffer.

**Maulavi ABDUR RAHMAN:** May I know if there was a previous ruling that when a member puts a question he would be given the priority in putting supplementary questions ?

**The Hon'ble the SPEAKER:** The hon. member must have noticed that when the questioner rises in his seat to put supplementary questions I do not allow any other member who may also rise in his seat to put supplementary question, to do so.

(At this stage the Hon'ble Prime Minister entered the Chamber.)

**The Hon'ble the SPEAKER:** The Hon'ble Prime Minister ought to have been in his seat when the question he was to answer was called out. It is highly undesirable that our Hon'ble Minister who is to answer questions should be absent from his seat when the Speaker takes the chair.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I very much regret, Sir, and I hope that I will be allowed to answer the question.

**Maulavi ABDUR RAHMAN** asked :

\*114. (a) Are Government aware that the communiqué issued by the Government regarding the question of music before mosque has strongly been protested by the Muslim Community of the Province and that their religious sentiments have been wounded by it ?

(b) Will Government be pleased to quote the authority on which they regulated the prayer times of the Musalmans while deciding the question of music before Mosque ?

(c) Are Government aware that prayers by Musalmans are performed in the Mosque almost in all parts of the day and night ?

(d) Is it a fact that in the Government's communiqué, there is no provision for *Id prayers* ?

(e) Are Government aware that the prayer time allotted in the Government's Communiqué is too inadequate ?

(f) Is it a fact that Government did not take the opinion of any Muslim Public Institutions before they issued the Communiqué ?

(g) Are Government aware that there are many Muslim Public institutions in the Province such as Anjuman, etc. ?

(h) Is it a fact that the Bengal Government has no such Communiqué on the subject ?

(i) Do Government propose to re-examine the question having regard to Muslim sentiments ?

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

114. (a)—No. The only specific complaint has been as regards the omission to provide for time for mid-day prayer on days other than Fridays but this has since been remedied by the Communiqué dated the 15th February 1939.

**Maulavi ABDUR RAHMAN**: Is it not a fact that the prevalent practice previous to the issue of this communiqué was that all sorts of music should be stopped before a public place of worship and hospitals ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: This is a very controversial matter. Both sides, I mean both Hindus and Muslims were putting different versions regarding the time of prayers.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: Are the Government aware that there was a fracas between the two communities at Putijuri in the Habiganj subdivision over music before mosques ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: There was a fracas, but I cannot say whether it was due to any question of music before a mosque.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: It was after this fracas that the communiqué was issued ?

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

**Maulavi ABDUR RAHMAN**: Are Government aware that licenses permitting the taking out of processions are issued by the police ?

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

**Maulavi ABDUR RAHMAN**: Is it a fact that in such licenses conditions are laid down by the police to stop all kinds of music before public places of worship ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: Yes, Sir, subject to the right of use of public highway.

**Maulavi ABDUR RAHMAN**: May I know whether before the issue of the present communiqué there was any such order of the Government ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: Before the issue of the present communiqué the whole matter was in the hands of the police.

**Maulavi ABDUR RAHMAN**: May I know what were the special circumstances that necessitated the issue of this communiqué ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: The facts are very well known. There was a riot at Sylhet where the Government did their

best, to assuage the feeling of the two communities and so far as I am concerned personally, I did my best to bring about a settlement, but when it was found that our efforts proved fruitless we had no other option but to take action on the lines of what is being done in the neighbouring province of Bengal.

**Maulavi ABDUR RAHMAN:** Is it not a fact that the riot which occurred in Sylhet during the Durga Poojah was settled at the intervention of the Deputy Commissioner and leading members of both communities?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No, Sir. It was not settled. Some sort of compromise was arrived at the meeting, but the situation was aggravated the very next day.

**Maulavi ABDUR RAHMAN:** Is it not a fact that a compromise was arrived at which was signed by Babu Brajendra Narayan Chaudhury, Mr. Baidyanath Mookerjee, Khan Bahadur Eklimur Roza and other prominent members?

**The Hon'ble Srijut GOPINATH BARDOLOI:** There was some sort of understanding between the two communities before the Deputy Commissioner, but it was immediately repudiated the very next day.

**Maulavi ABDUR RAHMAN:** Was there a circular issued by the Deputy Commissioner, Sylhet, and that circular was sent to all Subdivisional Officers informing the terms of the settlement?

**The Hon'ble Srijut GOPINATH BARDOLOI:** That is not known to me.

**Maulavi ABDUR RAHMAN:** May I know, besides the Sylhet riot whether there was any other necessity for issuing that circular?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Just before that there was another riot in Hailakandi.

**Maulavi ABDUR RAHMAN:** Is it a fact that the Hon'ble Premier when visited Sylhet was accompanied by two other Muslim Ministers before the issue of this communiqué?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Yes, Sir. But long before that two other Muhammadan Colleagues of mine had been to the place to settle the matter.

**Maulavi ABDUR RAHMAN:** And was a compromise effected?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Some sort of a compromise was arrived at in a meeting, but soon after it was repudiated by the communities.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Is it a fact that the two Muslim Ministers who accompanied the Hon'ble Premier to Sylhet were boycotted by the Muslim public there?

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

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Is it a fact that they sent a letter to the Hon'ble Premier saying that nobody would appear before him if the two said Ministers were there?

**The Hon'ble Srijut GOPINATH BARDOLOI:** All that I know is that some M. L. As. did not meet the Minister.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Is it not a fact that the issue of music before mosque was not known to this province before the communiqué was issued ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot say that in view of the fact that there had been a riot at Hailakandi and there had been a prelude to a riot at Karimganj before the issue of the communiqué.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** At Hailakandi was it for music before mosque ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It was due to *Rath-jatra* being taken before mosque with music.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Will the Hon'ble Premier take it from me that the Government of Bengal did not issue any communiqué on the issue of music before mosque ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It is not a question of communiqué. Government of Bengal have it in their police rules giving these timings.

**Srijut ROHINI KUMAR CHAUDHURI:** Am I correct in saying that it was only on two occasions in the year 1938, once before the assumption of office by the present Ministry and once subsequently that communal riots took place ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No, there had been one riot in 1936 and two in 1937.

**Srijut ROHINI KUMAR CHAUDHURI:** Is it a fact that in 1938 there had been two riots ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Yes.

**Srijut ROHINI KUMAR CHAUDHURI:** Am I to understand that one of the two riots in 1938 was in Karimganj ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Karimganj situation arose in 1937 and also Akhalia situation during the *Pujas*, but these did not develop into riots.

**Maulavi ABDUR RAHMAN:** At Akhalia the issue was not music before mosque but the play of a drama such as "Kalapahar" which was objected to by the Muhammadans.

**Khan Bahadur Maulavi KERAMAT ALI:** Are the orders contained in the communiqué enforceable in the Assam Valley ?

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

**Khan Bahadur Maulavi KERAMAT ALI:** May I know whether there was any riot between the Hindus and Muhammadans in the Assam Valley districts ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** None, so far as I am aware.

**Khan Bahadur Maulavi KERAMAT ALI:** Was any Muhammadan or Hindu gentleman of the Assam Valley districts consulted before this communiqué was made enforceable in the Assam Valley districts ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Not directly.

**Khan Bahadur Maulavi KERAMAT ALI:** How indirectly may I know ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Some people were consulted but I do not think the number was sufficient.

**Khan Bahadur Maulavi KERAMAT ALI:** May I know the names of the gentlemen who were consulted ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It was not many who were consulted but some officials were consulted and some persons whose names I cannot give.

**Khan Bahadur Maulavi KERAMAT ALI:** Were they Muhammadan officials ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot say exactly who were consulted, but direction was given that they should be consulted.

**Maulavi MUHAMMAD AMJAD ALI:** May I know if the Hon'ble Premier was guided by the Government officials in this matter ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I was not guided by the Government officials but the time was fixed in consultation with them, according to the Bengal timings.

**Khan Bahadur Maulavi KERAMAT ALI:** Was the Hon'ble Premier satisfied after consulting any Hindu or Muhammadan officer in the Assam Valley that there was possibility of any riot of this kind in that valley ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No, Sir, as I said there was no riot.

**Khan Bahadur Maulavi KERAMAT ALI:** Was there any necessity of enforcing this communiqué in the Assam Valley districts ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I think, we have already discussed this subject sufficiently and we are prepared to discuss it again when the cut motion on the subject comes before the House.

**Srijut ROHINI KUMAR CHAUDHURI:** Is it a fact that communal tension has increased after the issue of this communiqué ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Definitely not. On the other hand it has decreased.

**Maulavi ABDUR RAHMAN:** May I know whether after the issue of this communiqué any communal riot has taken place in this province ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No, Sir, to my knowledge, there was none.

**Maulavi ABDUR RAHMAN:** Is it not a fact that since the issue of the communiqué one at Putijuri and the other at Sibsagar ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot call the disturbance at Sibsagar to be a communal riot. Of course as regards Putijuri, I have not yet the full information with me.

**The Hon'ble the SPEAKER:** Will Maulavi Abdur Rahman be pleased to put all the questions together ?

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

(b)—Government very carefully considered the procedure as well as the timings of prayer fixed in other Provinces, and adopted the timings obtaining in Bengal where conditions in this respect are almost similar to those of ours.

(c)—Government have no such information.

(d)—The timings for daily prayer are considered adequate.

(e)—No.

(f)—Government were aware what the general practice was and therefore detailed enquiries were not necessary.

(g)—Yes.

(h)—The Bengal Government notify the periods of Muslim prayer every month in the *Bengal Police Gazette*.

(i)—Government are willing to examine any specific points that may be urged.

**Maulavi MUHAMMAD AMJAD ALI:** With regard to (c) may I ask one question to the Hon'ble Khan Bahadur Maulavi Mahmud Ali? Will he deny that the time for prayer is extended from one prayer time to another prayer time?

**The Hon'ble the SPEAKER:** This question is addressed to the Hon'ble Premier and I do not know why the Hon'ble Khan Bahadur has been singled out. Is it because he is a Muhammadans?

**Maulavi MUHAMMAD AMJAD ALI:** Yes, as a Muhammadan it would be convenient to elicit the facts which relate to certain religious practices of Muhammadans.

**The Hon'ble the SPEAKER:** And as a Muhammadan has he got any peculiarity in the matters of administration?

**Maulavi MUHAMMAD AMJAD ALI:** No, not exactly that, Sir.

**Srijut ROHINI KUMAR CHAUDHURI:** On a point of order, Sir. Is not a member of this House entitled to put a question to another member?

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

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** Because a Muhammadan Minister is expected to know of the prayer timings more than any other of his Colleagues, this question is put to him.

**The Hon'ble the SPEAKER:** Is the Hon'ble Minister Khan Bahadur Maulavi Mahmud Ali prepared to answer that question?

**The Hon'ble Khan Bahadur Maulavi MAHMUD ALI:** No, Sir.

**Maulavi MUHAMMAD AMJAD ALI:** I would like to ask one further question to the Hon'ble Khan Bahadur Maulavi Mahmud Ali. When issuing this communiqué, I take it that he has been consulted. Did he then advise about the prayer timings for Zuhár, Sábe-báret, Sabe-Kádár, Ashura and Tárábi prayers in mosques?

**The Hon'ble Srijut GOPINATH BARDOLOI:** But the reply is already there in (i), that the Government are willing to examine any specific points that may be urged.

**Maulavi MUHAMMAD AMJAD ALI:** This question was put to the Hon'ble Minister Khan Bahadur Maulavi Mahmud Ali and why has he not answered it?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Also I should object to it, on a point of order. Some deliberations go on between the Members of the Cabinet and they should not be disclosed before the House.

**Maulavi MUHAMMAD AMJAD ALI:** There is no question of Cabinet deliberation here. It has been given out by the Government that this communiqué has been issued in joint conference of the Cabinet Members and I want to know whether they took the question of above mentioned prayers also into consideration?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I have already said Government is willing to examine any specific question brought to their notice.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** May I request the Hon'ble Premier to repeat his answer to (d) as I could not properly follow his answer?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The timings for daily prayer are considered adequate.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** What about *Id* prayers ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No. The communiqué, as will be evident, refers only to day-to-day prayers.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Does not the Hon'ble Premier think that some time limit should be fixed for *Id* prayers ?

**The Hon'ble the SPEAKER:** The Hon'ble Premier has already referred to his reply to (i) and is prepared to consider specific questions brought to his notice.

**The Hon'ble Srijut GOPINATH BARDOLOI:** In view of that answer that I have already given we made a special case that this matter should be discussed in detail by this House.

**Maulavi MUHAMMAD AMJAD ALI:** Only one Muhammadan Minister has been addressed who has declined to reply. There are others too. Will they answer my question ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** What is the question, Sir ? I can satisfy the hon. member.

**Maulavi MUHAMMAD AMJAD ALI:** Is it not a fact that there is no gap between the timings of one prayer and another ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** There are fixed timings for the congregations for all the prayers, *i. e.*, five prayers a day and the time is fixed when all should assemble and pray after the Imam.

**Maulavi MUHAMMAD AMJAD ALI:** So, no allowance has been made for those when they do not join the congregation ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** In that case a person is allowed to pray during the whole 24 hours.

**Maulavi MUHAMMAD AMJAD ALI:** No consideration has been shown to those who go singly after or before each congregation during each prayer ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I have already said a Muhammadan can go to the mosque all the 24 hours.

**Mr. ARUN KUMAR CHANDA:** Is the communiqué issued by this Government on all fours with the communiqué issued by the Bengal Government ?

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

**Mr. ARUN KUMAR CHANDA:** Do the Moslem members of this House follow a form of religion different from that followed by the Moslems of Bengal ?

(No answer.)

**Srijut ROHINI KUMAR CHAUDHURI:** Is it a fact that there is much less communal tension here than in Bengal ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I admit that, so it is, in so far as Assam Valley is concerned.

**Khan Bahadur Maulavi KERAMAT ALI:** In view of the fact that the matter is going to be discussed in a cut motion may I request the Hon'ble Premier to take note of the fact that the infection has been spreading to the Assam Valley after the issue of the communiqué and take necessary action ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I definitely feel that it is not the case ; but if any infection is there it is being brought about by the preaching of communal propaganda.

**Khan Bahadur Maulavi KERAMAT ALI:** May I ask the Hon'ble Premier whether he knows of any communal propaganda in Assam Valley definitely ?

(No answer.)



**Maulavi ABDUR RAHMAN:** Do not Government think that this communiqué is a direct invasion on the Moslem rights ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No. We consider it our bounden duty to respect the feelings of Muhammadans as well as the feelings of all other communities.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Is that the personal opinion of the Hon'ble Premier ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I am speaking on behalf of the Government.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** May I know what is the opinion of the Muhammadan Ministers on the point ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I say I speak on behalf of the Government.

**The Hon'ble the SPEAKER:** That question does not arise.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** This question arises, Sir, and may I have an answer from Hon'ble Khan Bahadur Maulavi Mahmud Ali as regards his opinion whether this communiqué makes an invasion on the rights of the Moslems ?

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

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** That was not answered by him.

**Maulavi ABDUR RAHMAN:** I would like to ask one or two questions on this.

**The Hon'ble the SPEAKER:** Very well, I shall allow the whole of this hour for supplementaries to this question.

**Maulavi ABDUR RAHMAN:** My question was "Will Government be pleased to quote the authority on which they regulated the prayer times". The answer, so far as I remember, is "No" or something like that.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have already said that we depended upon the timings of the Bengal Government.

**Maulavi ABDUR RAHMAN:** Are Government prepared to take it from me, if I say, that there is no such communiqué under the Bengal Government save and except some police orders ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** There is no communiqué. From the beginning there is no communiqué and the communiqué becomes necessary only when circumstances arise. Bengal is accepting the practice which is followed from time immemorial to publish the timings in the *Police Gazette*. We have taken out timings also according to that *Gazette* with this difference that we have added only the difference of time that is necessary to put it for our province.

**Maulavi ABDUR RAHMAN:** Are not the *Bengal Police Gazette* meant for Calcutta Corporation only ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It is meant for all the districts, it is the *Bengal Police Gazette*.

**Maulavi ABDUR RAHMAN:** Is the Hon'ble Premier aware that in Calcutta also music is stopped before certain mosques ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I know that there is one mosque where music is stopped.

**Maulavi ABDUR RAHMAN:** Are Government aware that there was such a communal riot in Burdwan ?

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

**Maulavi ABDUR RAHMAN :** Does the Hon'ble Premier go through the papers and is he not aware that there has been a communal tension in Burdwan ?

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

**Maulavi ABDUR RAHMAN :** May I know whether Government got any information how the Burdwan matter was decided ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** I have not much information. I think that after sometime the matter was settled just in the same way as in Sylhet.

**Maulavi ABDUR RAHMAN :** In view of the cut motion on this subject will it not be proper to stop these questions at this stage ?

**The Hon'ble the SPEAKER :** If members want to ask supplementary questions I cannot stop them from doing so.

**Maulavi ABDUR RAHMAN :** May I know, Sir, whether the Hon'ble Prime Minister thought it necessary to invite the opinions of the Muslims before issuing the communiqué ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** No, Sir. We followed the practice adopted by the Government of Bengal—a Muslim majority province—which must have taken all points into consideration before prescribing the times for stoppage of music before mosques. We thought that would be the best thing to do in regard to this matter.

**Maulavi ABDUR RAHMAN :** Does the Hon'ble Minister mean to say that, because there is a peculiar communiqué in Bengal, therefore the Muslims of this province should not be consulted ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** What I have said, Sir, is that we had no better guide for our action.

**Maulavi Saiyid Sir MUHAMMAD SAADULLA :** May I know, Sir, whether the Hon'ble Minister had seen the standard form issued by the Police as regards processions at the time the Government communiqué was issued ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** Yes, Sir, the whole matter was then in the hands of the police.

**The Hon'ble the SPEAKER :** I think we can now go to the next question.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :** Is the Government aware that the cries of "Bardoloi Ministri ki jai," "Mahatma Gandhi ki jai," etc., were shouted before mosques when processions were taken before them recently ?

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

**Maulavi ABDUR RAHMAN :** Am I right in saying that the communiqué simply prohibits music before mosques and not the shouting of political slogans ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** That immediately takes us, Sir, from the field of religion to that of politics. I thought the questions would be confined to religion and not extended to politics.

**Maulavi ABDUR RAHMAN :** What I want to know, Sir, is this. Does the communiqué include also the shouting of slogans ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** I do not think, Sir. answer given refers to timings of prayer. May I ask the Hon'ble Minister

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI :** The to tell me the times at which congregations are held ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** It is difficult for me to give the times definitely. But we know in all mosques the timings are different, varying from 5 to 10 minutes.

**The Hon'ble the SPEAKER :** This information is available from religious books.

**Mr. BAIDYANATH MOOKERJEE :** May I request the Hon'ble Finance Minister to say whether there is any such thing in the Koran or other religious books of the Muhammadans that music should not be played before mosques, or whether it is simply customary?

**The Hon'ble the SPEAKER :** I do not know whether he knows it or not.

**Mr. BAIDYANATH MOOKERJEE :** It is his look out, Sir.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** I have not got as deep a knowledge of the Koran as my hon. friends on the other side. But so far as I have read Koran, I think there is no such mention in the holy book.

**Srijut PURNA CHANDRA SARMA :** Is it a fact that the Hon'ble Leader of the House was taken in procession before the *Masjid* in Kulaura accompanied by music?

**Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I deny it.

**Srijut GAURI KANTA TALUKDAR :** May I know, Sir, whether the hon. member desires that the communiqué should be withdrawn and the matter placed in chaotic disorder?

**Maulavi ABDUR RAHMAN :** Yes, Sir, my intention is that this order should be rescinded as early as possible. This has led to the communal tension between the Hindus and Muhammadans save in one or two cases. This has led to ill-feeling between the communities who were living in very good relationship before.

### Temporary suspension of the project for improvement of the office building of the Tezpur Local Board

**Dr. MAHENDRA NATH SAIKIA** asked :

\*115. (a) Will Government be pleased to state whether the project for the improvement of the office building of the Tezpur Local Board has since been suspended by Government?

(b) If so, will Government be pleased to state the reasons for such suspension?

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

115. (a)—Yes, temporarily, pending enquiry into the necessity and scope of the present project.

(b)—Because some members of the board challenged with, *prima facie* considerable force—the necessity and scope of the project—Government have asked to see the plans.

**Dr. MAHENDRA NATH SAIKIA :** Are Government prepared to admit that it is a matter of the internal administration of the Board?

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

**Dr. MAHENDRA NATH SAIKIA :** What does the Hon'ble Minister mean by temporary suspension?

**The Hon'ble Babu KAMINI KUMAR SEN :** I have already answered Sir, that it is pending enquiry.

**Dr. MAHENDRA NATH SAIKIA :** Is it not a fact that in view of the fact that the rains are setting in, there cannot be any satisfactory repair ?

**The Hon'ble the SPEAKER :** The hon. member can put this question on answers to the next question which is more detailed.

**Temporary suspension of the project for improvement of the office building of the Tezpur Local Board**

**Srijut ROHINI KUMAR CHAUDHURI** asked :

\*116. (a) Is it a fact that the Government in exercises of its powers under the Assam Local Self-Government Act, has suspended the execution of resolution No.13 passed at an ordinary general meeting of the Tezpur Local Board held on the 29th November 1938, whereby the Board by a majority of votes decided to repair their office buildings ?

(b) If so, will Government be pleased to state—

(i) Under what section of the Local Self-Government Act, the order was passed by Government and the reason for the order of suspension ?

(ii) On whose application or motion the order was passed ?

(iii) On what date the order was passed.

\*117. Will Government be pleased to state if the Commissioner, Assam Valley Division and the Deputy Commissioner, Darrang, recommended suspension of the aforesaid resolution of the Board ?

\*118. (a) Has Government passed any final order annulling the resolution ?

(b) If so, when this order was passed and on what ground ?

\*119. Will Government be pleased to lay on the table a copy of the order suspending the resolution, the order of annulment if already passed and the reports on the subject by the Deputy Commissioner, Darrang and the Commissioner, Assam Valley Division ?

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

116. (a)—No formal order of suspension was passed by Government. They received complaints from certain members of the Board that the work was wasteful and unnecessary, so, as stated in reply to starred questions [No. 115 (a) and (b) ] by Dr. Mahendra Nath Saikia at this session, the Chairman was requested to stop the work pending further enquiry.

(b) (i)—Does not arise in view of the reply to question (a).

(ii)—At the instance of eight members of the Board.

(iii)—The telegram requesting stoppage of the work was issued on the 22nd December and a report was called for by correspondence on the 4th of January.

**Maulavi ABDUR RAHMAN :** May I know under what section of the Local Self-Government Act this order was passed ?

**The Hon'ble Babu KAMINI KUMAR SEN :** What order, Sir ?

**Maulavi ABDUR RAHMAN :** Under what section of the law was the order passed to stop the works ?

**The Hon'ble Babu KAMINI KUMAR SEN :** I think, Sir, Government has got power to suspend any resolution of the Board.

**Maulavi ABDUR RAHMAN:** Under what section, Sir ?

**The Hon'ble Babu KAMINI KUMAR SEN:** It is section 82, Sir.

**Srijut ROHINI KUMAR CHAUDHURI:** Are Government aware that under section 82 certain conditions must be fulfilled before Government exercises powers ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already answered, Sir, that the Government is still enquiring into the matter and before the enquiry is completed it cannot be said that the section does not cover it.

**Srijut ROHINI KUMAR CHAUDHURI:** Then, Sir, do I understand that the Hon'ble Minister acted under section 82 or 83 without making any enquiry whether the allegations made in the telegram sent by Congress members were correct or not ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already replied that the complaint *prima facie* has considerable force, that is to say that the expenditure is wasteful and unnecessary.

**Srijut ROHINI KUMAR CHAUDHURI:** Am I correct in saying, Sir, that section 82 does not mention anything about unnecessary or needless expenditure and that does not give any jurisdiction to interfere ?

**The Hon'ble Babu KAMINI KUMAR SEN:** Anything that causes public injury is covered by section 82.

**Srijut ROHINI KUMAR CHAUDHURI:** That section says, anything which is not in conformity with law or tends to annoy or cause a breach of the peace can be suspended by Government or interfered with.

**The Hon'ble Babu KAMINI KUMAR SEN:** Anything which causes public injury is also contemplated by section 82.

**Srijut ROHINI KUMAR CHAUDHURI:** What sort of public injury could be caused by repairing ?

**The Hon'ble Babu KAMINI KUMAR SEN:** If it appears on the face of it, the expenditure is wasteful and unnecessary ; it certainly causes public injury.

**Srijut ROHINI KUMAR CHAUDHURI:** Is it not a fact that the Local Board has jurisdiction to spend money up to Rs. 10,000 ?

**The Hon'ble Babu KAMINI KUMAR SEN:** Yes, Sir, a Local Board has got jurisdiction. But I think, I may make it clear to the House that on the plea of leakage in the roof and congestion in the record room, a project has been made at an estimate of Rs. 4,646, which includes, besides replacing tiled roof by corrugated iron sheet, one Chairman's room, one Vice-Chairman's room, one urinal, one dark room, one common room, etc. I have not been able to understand what is the necessity for a common room, or the dark room and the utility of separate rooms for the Chairman and Vice-Chairman.

**Srijut ROHINI KUMAR CHAUDHURI:** Does the Hon'ble Minister propose to suspend these orders because the expenditure is extravagant according to his estimate ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already answered that I have not yet got the details about the plans and estimates.

**Srijut ROHINI KUMAR CHAUDHURI:** May I know with regard to question No. 116(b)(ii) whether those members belong to the Congress Party ?

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

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

117.—No.

**Srijut ROHINI KUMAR CHAUDHURI**: Was the opinion of the Commissioner and the Deputy Commissioner taken on this matter?

**The Hon'ble Babu KAMINI KUMAR SEN**: I think, Sir, reply to that question will come in course of question No. 119.

**Srijut ROHINI KUMAR CHAUDHURI**: I may then call out question No. 119 first and then 118.

**The Hon'ble the SPEAKER**: The hon. member may call out both the questions together and then I shall allow him to put supplementary questions.

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

118. (a)—No.

(b)—Does not arise.

119.—The wording of the telegram is " Please stop work on office project pending enquiry ". Government do not consider it expedient to disclose the *ad interim* correspondence of the Commissioner and Deputy Commissioner.

**Srijut ROHINI KUMAR CHAUDHURI**: Sir, do I understand that the opinion of the Commissioner and the Deputy Commissioner was taken in this matter ?

**The Hon'ble Babu KAMINI KUMAR SEN**: Sir, I have already replied that I cannot disclose the *ad interim* correspondence of the Commissioner and the Deputy Commissioner.

**Srijut ROHINI KUMAR CHAUDHURI**: My question is whether the opinion of the Deputy Commissioner and the Commissioner was invited by the Hon'ble Minister ?

**The Hon'ble Babu KAMINI KUMAR SEN**: I have already replied, Sir, that the matter is still under correspondence and the Government do not think it expedient to disclose the *ad interim* correspondence.

**Maulavi ABDUR RAHMAN**: May I know, Sir, whether the Deputy Commissioner and the Commissioner took initiative in this matter ?

**The Hon'ble Babu KAMINI KUMAR SEN**: I don't know what the hon. member mean by the word 'taking initiative'.

**Maulavi ABDUR RAHMAN**: May I know whether the Commissioner and the Deputy Commissioner approached the Hon'ble Minister with the request that the order should be issued for stopping the work ?

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

**Srijut ROHINI KUMAR CHAUDHURI**: Is it a fact, Sir, that both the Deputy Commissioner and the Commissioner have distinctly stated that this expenditure is not necessary in the interest of the Board ?

**The Hon'ble Babu KAMINI KUMAR SEN**: I cannot add anything else. I have already said that I cannot disclose the *ad interim* correspondence.

**The Hon'ble the SPEAKER**: The Hon'ble Minister says that he cannot disclose the correspondence with the Deputy Commissioner and the Commissioner.

**Srijut ROHINI KUMAR CHAUDHURI**: Do I understand that the Hon'ble Minister is not prepared to inform the House as to what opinion the Deputy Commissioner and the Commissioner gave on this matter ?

**The Hon'ble Babu KAMINI KUMAR SEN**: As I have said, Sir, we have not yet finished the enquiry and I cannot disclose the *ad interim* report of the Deputy Commissioner and the Commissioner, at this stage.

**Srijut ROHINI KUMAR CHAUDHURI**: Then am I to understand that the *ad interim* report was that the expenditure was justified ?

**The Hon'ble Babu KAMINI KUMAR SEN:** The hon. member may make any inference he likes ?

**Maulavi ABDUR RAHMAN :** Sir, is it a fact that on the receipt of a telegram from some Congress members who also belong to the Congress-Coalition Government, Government took initiative in this matter ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already answered that at the instance of the eight members of the Board the work was stopped pending final enquiry.

**Maulavi ABDUR RAHMAN:** Was the representation submitted direct to the Hon'ble Minister ?

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

**Srijut ROHINI KUMAR CHAUDHURI:** When does Government expect to pass the order on the subject ?

**The Hon'ble Babu KAMINI KUMAR SEN:** As soon as we get the plans and estimates.

**Srijut ROHINI KUMAR CHAUDHURI:** Will Government pass the order before the end of this financial year ?

**The Hon'ble Babu KAMINI KUMAR SEN:** I have already answered that as soon as we get the plans and estimates, we shall pass the order.

**Srijut ROHINI KUMAR CHAUDHURI:** Does the Government realise that the order should be passed before the financial year closes ?

**The Hon'ble Babu KAMINI KUMAR SEN:** No, Sir. The project has only been taken on the plea of some leakage in the roof which can be repaired even within a week or ten days.

**Srijut ROHINI KUMAR CHAUDHURI:** Does the Hon'ble Minister mean to say that a work involving an expenditure of Rs.4,000 can be finished within a week ?

**The Hon'ble Babu KAMINI KUMAR SEN:** No, Sir, I do not say that. What I say is that the project has been taken only on the plea of some leakage in the roof. Even if we cannot finish the whole work, the roof may be repaired within a few days.

**Srijut ROHINI KUMAR CHAUDHURI:** May I know why Government is taking so long time in passing this order ? The month of March is coming to an end and still there is no assurance of an early order.

**The Hon'ble Babu KAMINI KUMAR SEN:** As I said, Sir, we have asked for the detailed plan and estimate because we have not yet been able to ascertain the utility of so many rooms, particularly of a common room, a dark room as well as two separate rooms for Chairman and Vice-Chairman.

**Dr. MAHENDRA NATH SAIKIA:** Sir, the matter has been pending before the Government for a long time. May I know whether the Government will hold themselves responsible for the destruction of the public documents due to the leakages in the roofs which will remain unrepaired until the disposal of the matter ?

**The Hon'ble the SPEAKER:** Certainly Government will be responsible for that.

**Srijut MAHADEV SARMA :** Sir, are Government aware that the Tezpur Local Board has not provided any amount in the Budget for communication ?

**The Hon'ble the SPEAKER :** That question does not arise.  
(Starred question No.120 standing in the name of Babu Shibendra Chandra Biswas was not put and answered as the questioner was absent.)

### Encroachments on road side reserved lands

**Khan Bahadur Maulavi SAYIDUR RAHMAN** asked :

\*121. (a) With reference to answer to starred questions Nos.384 and 385 put at the last session of the Assembly, will Government be pleased to state if they had made any enquiries since, regarding encroachments made on the road side reserved lands for the Assam Trunk Road running from Dibrugarh to Gauhati ?

(b) If not, do Government propose to leave the matter as it is ?

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

121. (a)—The preservation of road side lands and the treatment of encroachments have been provided for in the rules framed by the Government. The Revenue Officer and the Land Records Staff are charged with the duty of looking after this and Government have no reason to believe that they are not doing their duty. If the hon. member is aware of any encroachment, he should report it to the Deputy Commissioner, Sub-divisional Officer or Sub-Deputy Collector in charge of the area.

(b)—Government must leave it to the local officers to see that the rules are carried out.

### UNSTARRED QUESTIONS

(to which answers were laid on the table)

#### Forest Reservation settlement proposals

**Kumar AJIT NARAYAN DEV** asked :

72. (a) Are Government aware that a portion of a village on the border of the Runikhata Reserve Forest is going to be included in the Reserve area ?

(b) Are Government aware that the villagers are unwilling to render free service to the Forest Department and consequently have sent a petition to the Deputy Commissioner, Goalpara, requesting him not to include the same area in the Reserve Forest ?

(c) Does the land proposed to be included in the reserved area belong to the Sidli Estate ?

(d) If so, has the permission of the Raja of Sidli been obtained in this respect ?



**The Hon'ble Srijut RUPNATH BRAHMA** replied :

72. (a) and (b)—The Forest Reservation settlement proposals have been received but before final notification issues, Government will examine the points raised by the hon. member.

(c)—No.

(d)—Does not arise.

**Amount sanctioned for relief work and Agricultural loans**

**Kumar AJIT NARAYAN DEV** asked :

73. Will Government be pleased to state—

(a) The amount of money sanctioned by Government for relief work in the district of Goalpara during the last flood ?

(b) The amount of agricultural loan sanctioned by Government for that district during the last flood ?

(c) How much of the amount sanctioned for the purpose have already been spent ?

(d) Whether Government received any petition from the tenants of the Bijni Pargana praying for agricultural loan ?

(e) If so, do Government propose to sanction the said loan ?

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

73. (a) and (b)—Government sanctioned the following amounts :—

	Rs.
Gratuitous relief ... ..	60,500
Test Relief ... ..	7,500
Agricultural loans ... ..	88,000

(c)—Expenditure up to the 31st January 1939 was as follows :—

	Rs.
Gratuitous relief ... ..	50,103
Test Relief ... ..	4,905
Agricultural loans ... ..	66,509

(d)—No.

(e)—Does not arise.

**Kumar AJIT NARAYAN DEV** : May I know what has been done with the remaining sum ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : A portion of that sum is now being distributed as agricultural loan in the district.

**Kumar AJIT NARAYAN DEV** : With regard to (d), did Government make any enquiry after receiving my question ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : The Government have referred the matter to the Deputy Commissioner of Goalpara.

**Kumar AJIT NARAYAN DEV** : Have they got any reply ?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED** : No, Sir, not yet.

#### Question re Public Health Department

**Kumar AJIT NARAYAN DEV** asked :

74. Will Government be pleased to state—

(a) The number of Public Health Dispensaries in Assam ?

(b) The average expenditure per year on each such Dispensary ?

(c) The diseases taken up and treated therein ?

75. Is it a fact that a resolution was passed by the All-India Medical Association in their Conference at Gauhati asking Government to appoint Compounders in the Public Health Dispensaries ?

76. Are Government aware that the Public Health doctors have to do huge work without any help and that they will be better able to perform their duties with the help of Compounders ?

77. Are Government aware that these doctors are to do survey duty, and when they are away from dispensaries on such duties, patients have to return unattended ?

78. Is it a fact that the benefit, the public would derive from the appointment of Compounders will be much greater in comparison with the little additional expenditure ?

79. Is it a fact that there is a great demand for the treatment of heumatism and dyspepsia in the villages of the province ?

**The Hon'ble Srijut RAMNATH DAS** replied :

74. (a)—Sixty-six.

(b)—Approximately Rs.2,300.

(c)—Public Health dispensaries are primarily intended for the treatment of *kala azar* and while this necessity continues they are allowed— with a view to utilise the services of the doctors-in-charge in full—to treat Malaria, Leprosy, Yaws, Minor eye complaints, Influenza, Dysentery, Cholera and Diarrhoea and also Naga sore in Kamrup.

75.—The reply is in the affirmative.

76.—The Public Health Department doctors certainly have various and extensive work to do, but it is work which requires a qualified doctor and Government do not consider that the employment of a Compounder would relieve them : on the contrary it might tend to hamper their movements, for they are required to be constantly on the move.

77.—The reply to the first part of the question is in the affirmative. So far as the second part is concerned, the hon. member may be under a misapprehension as to the duties of Public Health Sub-Assistant Surgeons. They are to combat outbreaks of communicable diseases, and not to treat patients as is done by a Medical Department dispensary.

78.—No. Apart altogether from the question of expenditure, Government consider it most undesirable that the responsibility of medical diagnosis and treatment should be placed on compounders who are by training not fitted to undertake it, as the hon. member appears to contemplate.

79.—Possibly ; but there is a great demand for treatment of many more serious complaints than these, and the hon. member should understand that these have nothing to do with the preventive work of the Public Health Department.

### Recruiting centres for the Assam Rifles

**Kumar AJIT NARAYAN DEV** asked :

80. Will Government be pleased to state—

(a) The number of recruiting centres in Assam for the Assam Rifles ?

(b) How many centres are outside Assam ?

(c) How many men and officers are recruited—

(i) in Assam,

(ii) outside Assam annually for the Assam Rifles ?

(d) Whether the men recruited outside Assam are fitter physically and mentally than the men recruited in Assam ?

(e) How many Commissioned Officers are there in the Assam Rifles ?

(f) What is the total strength of men in the Assam Rifles ?

(g) What is the number of Assamese men and officers in the Assam Rifles ?

(h) How many men are given Commission annually ?

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

80. (a)—Recruitment is done in the districts by recruiting parties. There are no fixed recruiting centres.

(b)—Two—Kurughat and Ghoom.

(c) (i) and (ii)—No Indian Commissioned Officers or Non-Commissioned Officers are recruited direct. The number of men to be recruited as sepoy depends on the extent of deficiencies anticipated during the financial year.

(d)—The right type of Assamese recruit is on a par in education with and of quicker intelligence than the average Gurkha, but is not so persevering. The Assamese and the Gurkha working together make an excellent combination.

(e)—63 (Commissioned Indian Officers).

(f)—3,277.

(g)—333.

(h)—It depends upon the number of vacancies which vary from year to year.

**Kumar AJIT NARAYAN DEV** : What are the other nationalities recruited to the Assam Rifles ?

**The Hon'ble Srijut GOPINATH BARDOLOI** : The Gurkhas.

**Mr. BAIDYANATH MOOKERJEE** : Can the Hon'ble Premier give us some idea of the percentage of Gurkhas employed in the Assam Rifles ?

**The Hon'ble Srijut GOPINATH BARDOLOI** : I want notice of that question.

**Mr. BAIDYANATH MOOKERJEE** : Is it the dearth of Assamese people for this work that is responsible for their low percentage ?

**The Hon'ble Srijut GOPINATH BARDOLOI** : It is the recruiting officers who take men after putting them to necessary test ; and it is for them to decide what proportion is to be filled up by the Assamese and the other people.

**Mr. BAIDYANATH MOOKERJEE** : Have Government fixed any definite percentage themselves ?

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

**Mr. BAIDYANATH MOOKERJEE** : Will the Government kindly look into the matter and advise the authority so that if fit Assamese people are available they might get the preference ?

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

**Srijut ROHINI KUMAR CHAUDHURI** : With regard to (g), may I know the number of Assamese officers ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** There are no Assamese commissioned officers.

**Srijut ROHINI KUMAR CHAUDHURI:** I am not speaking anything about commissioned officers. The question was "what is the number of Assamese men and officers in the Assam Rifles", the answer is "333". Is there no officer out of these 333 men?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I cannot say off hand. I want notice of that question, Sir.

### Question re Agricultural Loan

**Khan Bahadur Hazi ABDUL MAJID CHAUDHURY** asked:

81. Will Government be pleased to state the amount of Agricultural Loan which still remains outstanding in the districts of Sylhet and Cachar? (To be shown Subdivision by Subdivision separately).

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

81.—The latest Land Revenue Administration Report shows that on the 30th June 1938 (the last day of the Revenue year) there were no agricultural loans outstanding in Cachar and as regards Sylhet the outstandings amounted to Rs.92,684. Since the 30th June 1938 a sum of 2 lakhs has been sanctioned for agricultural loans in Cachar. Government is unable to say how much of this has been issued as loans up-to-date. (Information is not available Subdivision by Subdivision).

**Maulavi ABDUR RAHMAN:** May I know from the Hon'ble Minister whether it is possible for him to let me know the amount of loan still unrealised in the subdivisions of Habiganj, North Sylhet and Sunamganj?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** It is impossible for Government to give the figures subdivision by subdivision. We have already stated that Rs. 92,684 are still unrealised in the district of Sylhet, and no dues were outstanding in the district of Cachar. Government recently sanctioned a sum of Rs. 2 lakhs for the district of Cachar, which is being distributed now.

**Maulavi ABDUL AZIZ:** May I know why the information is not available subdivision by subdivision?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** These figures will have to be collected from the district, which means that a long time will be taken. It was not possible for Government to obtain the figures subdivision by subdivision within the short time which was available before the session, and so we gave this reply lest the hon. member should have a grievance that this question was not replied during this Session.

**Maulavi ABDUR RAHMAN:** Is it not a fact that the previous Government issued a general order for the remission of 80 per cent. of the outstanding agricultural loan in the district of Sylhet?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** I am not aware of that.

**Maulavi ABUL AZIZ:** Are Government prepared to write off the agricultural loan which is still outstanding in the district of Sylhet?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Government are not prepared to pass any general order, but if specific grievances are brought to their notice, they will consider them on the merits.

**Maulavi ABDUL AZIZ:** Will Government make an enquiry into the paying capacity of the debtors to see whether they are in a position to pay this debt?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** The hon. member should realise that if such debts are wiped out as a general rule it will be impossible to grant such loans in future.

**Maulavi ABDUR RAHMAN:** The Hon'ble Minister said that he was not aware of the order of the previous Government that 80 per cent. remission should be granted. May I now request the Hon'ble Minister to look into the order and insist that there should be a general remission of 80 per cent.?

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED:** Yes, Sir, I shall look into the order. If there is such an order I am sure it must have been carried out.

**Question re constable Jnan Chandra Datta and another of Karimganj**

**Khan Bahadur Hazi ABDUL MAJID CHAUDHURY** asked:

82. Are Government aware that the constable Jnan Chandra Datta and another constable of Karimganj Thana (Sylhet) were convicted under Sections 353 and 352 of the Indian Penal Code respectively?

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

82.—No Constable by the name of Jnan Chandra Datta was convicted under Section 353, Indian Penal Code, but one Constable by the name of Jnananda Mohan Chanda was convicted under Section 355, Indian Penal Code and sentenced to pay a fine of Rs.30 in default, one month's rigorous imprisonment. Another Constable by the name of Hironmoy Deb also was convicted in the same case under Section 352, Indian Penal Code and sentenced to pay a fine of Rs.15 in default, one week's rigorous imprisonment, on 30th November, 1938 at Karimganj Court.

**Srijut ROHINI KUMAR CHAUDHURI:** May I know if these offences were committed in the discharge of the duties by the constables or whether they were private assaults?

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

**Srijut ROHINI KUMAR CHAUDHURI:** May I know if any departmental action had been taken against these two constables after these judgments were passed?

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

**Maulavi ABDUR RAHMAN:** Are Government aware whether these people are still in service?

**The Hon'ble Srijut GOPINATH BARDOLOI:** No, Sir, I am not aware of that.

**Maulavi ABDUR RAHMAN:** Will Government be pleased to make an enquiry?

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

## Communal riots

Maulavi ABDUL BARI CHAUDRURI asked :

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

- (a) The number of communal riots that occurred in the districts of Sylhet and Cachar in the years 1936 and 1937 ?
- (b) The number of such riots occurred after the assumption of office by the present Cabinet ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

83. (a)—

	1936	1937
Sylhet ... ..	2	...
Cachar ... ..	...	...

(b)—One at Sylhet town and one at Putijuri in the Habiganj subdivision. A list of the Sylhet incidents cases is placed on the table.

## LIST OF SYLHET INCIDENTS CASES

(1)	Case No.	9(10)38, Section 147, I.P.C.,	Sylhet Police Station.
(2)	10(10)38,	Section 447/147, I.P.C.,	„ „
(3)	11(10)38,	Section 325, I.P.C.,	„ „
(4)	12(10)38,	Section 379, I.P.C.,	„ „
(5)	15(10)38,	Section 147/325, I.P.C.,	„ „
(6)	16(10)38,	Section, 447/143, I.P.C.,	„ „
(7)	17(10)38,	Section 325, I.P.C.,	„ „
(8)	18(10)38,	Section 325, I.P.C.,	„ „
(9)	19(10)38,	Section 147, I.P.C.,	„ „
(10)	20(10)38,	Section 447, I.P.C.,	„ „
(11)	21(10)38,	Section 143, I.P.C.,	„ „
(12)	23(10)38,	Section 143, I.P.C.,	„ „
(13)	24(10)38,	Section 447/143, I.P.C.,	„ „
(14)	25(10)38,	Section 147/379, I.P.C.,	„ „
(15)	26(10)38,	Section 447/143, I.P.C.,	„ „
(16)	28(10)38,	Section 143, I.P.C.,	„ „
(17)	29(10)38,	Section 147, I.P.C.,	„ „
(18)	30(10)38,	Section 147, I.P.C.,	„ „
(19)	31(10)38,	Section 143, I.P.C.,	„ „
(20)	27(10)38,	Section 147, I.P.C.,	„ „
(21)	38(10)38,	Section 147, I.P.C.,	„ „

## Petitions for land

**Dr. MAHENDRA NATH SAIKIA** asked :

84. (a) Will Government be pleased to state whether any action has been taken on the petitions for land that were submitted to the Hon'ble Prime Minister during his stay at Nowgong in his last December visit by some Kaibarta Raji of different villages of the District of Nowgong ?

(b) If not, when do Government propose to take actions on those petitions ?

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

84. (a) and (b)—If the hon. member would be good enough to give the names of the petitioners, it would be possible to trace the petition in the Secretariat and say what action has been taken on it.

**Dr. MAHENDRA NATH SAIKIA** : May I know from the Hon'ble Premier whether he remembers that a number of petitions for land were submitted to him by many Kaibarta Raji during his stay at Nowgong about the 22nd of December last ?

**The Hon'ble Srijut GOPINATH BARDOLOI** : I remember to have received some petitions for land by the Kaibartas.

**Dr. MAHENDRA NATH SAIKIA** : Has the Hon'ble Minister taken any action on them, or does he propose to take action as early as possible, if he has not taken any action as yet ?

**The Hon'ble Srijut GOPINATH BARDOLOI** : The reply has already been given by the Hon'ble Revenue Minister that he would take action if specific cases are brought to his notice.

**Dr. MAHENDRA NATH SAIKIA** : May I know from the Hon'ble the Prime Minister whether he admits, in view of the grievances for land that were laid before him at Nowgong, that these Kaibarta people are landless.

**The Hon'ble Srijut GOPINATH BARDOLOI** : Representation was made really to that effect.

**Dr. MAHENDRA NATH SAIKIA** : Is the Hon'ble Prime Minister going to deal with the cases of these people favourably ?

**The Hon'ble Srijut GOPINATH BARDOLOI** : We will request the Hon'ble Revenue Minister to look into the matter.

## DEMANDS FOR GRANTS

## GRANT No.9

(25.—General Administration)

**The Hon'ble Srijut GOPINATH BARDOLOI** : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.21,29,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "25.—General Administration."

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

"That a sum not exceeding Rs.21,29,300 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "25.—General Administration."

**The Hon'ble the SPEAKER:** There are 22 cut motions. There are three cut motions in the name of Maulavi Mabarak Ali which are of the same nature and they appear to be cuts to suggest economy in the expenditure. So also is the cut motion standing in the name of Maulavi Md. Maqbul Hussain Chaudhury. Are they going to move these cut motions? (*Voices—Yes.*)

There are also some censure motions. I would like that the censure motions be taken up first. In that case, I shall call upon Maulavi Abdul Bari Chaudhury (*voices—he is absent*). Then Maulavi Ashrafuddin Md. Chaudhury (*Voices—He is also absent*).

Then, I shall ask Maulavi Mabarak Ali to move his economic cut motion.

**Maulavi MABARAK ALI:** I beg, Sir, to move that the provision of Rs.50,950 under Grant No. 9, Major head 25.—General Administration, Minor head H.—Ministers (total), at page 66 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.50,950.

Sir, the object of my moving this motion is to criticise the action of the Government.....

**The Hon'ble the SPEAKER:** Order, order. I may tell hon. members that for every mover of a cut motion I fix 7 minutes for his speech and for Government Member to reply 7 minutes and for other members 5 minutes for each speech.

**The Hon'ble Srijut GOPINATH BARDOLOI:** The reply from Government will be only once, I suppose?

**The Hon'ble the SPEAKER:** That is always the case.

**Maulavi MABARAK ALI:** Shall I be allowed to move all my motions?

**The Hon'ble the SPEAKER:** But the sum mentioned is Rs.50,950. He must move one motion. The objects of the motions are not given.

**Maulavi MABARAK ALI:** Objects were given, but as these cuts are for total refusal, the objects were not put there.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** May we criticise the policy of administration by these cut motions?

**The Hon'ble the SPEAKER:** No, he cannot criticise the action of Government. He should show that this economy is necessary. But so far as the question of policy is concerned, it is relevant only in relation to the economy suggested. He cannot censure the Government.

**Maulavi MABARAK ALI:** I am going to criticise the action of Government. I want to speak about the inclusion of the Commissioner's expenditure in the Budget. That is my first point.

**The Hon'ble the SPEAKER:** I am afraid, there is another cut motion to the same effect standing in the name of Maulavi Abdur Rahman. That is more specific.

**Maulavi MABARAK ALI:** Very well, Sir, I shall deal with another point. I have got some other points.

**The Hon'ble the SPEAKER:** Will it not be better to take up that question about Commissioners separately?

Maulavi Abdur Rahman may move his motion.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I beg to move that the provision of Rs.6,469, under Grant No.9, Major head—25.—General Administration, Minor head R.—Commissioner, Sub-head—I.—Pay of



Officers, Detailed head—Personal Assistants, at page 71 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300, do stand reduced by Rs.6,469.

As is known to the hon. members as far back as 1937, during the first Budget session, I moved a similar motion refusing the whole grant of the establishment of the two Commissioners of the two Valleys and the hon. members of the House were pleased to support my motion, and as a matter of fact the vast majority were in favour of the total refusal of the establishment of these two Commissioners.

**Mr. BAIDYANATH MOOKERJEE:** We are still with you.

**The Hon'ble the SPEAKER:** I think this is not the entire grant—it is only a part of the total amount.

**Maulavi ABDUR RAHMAN:** Yes, Sir.

**The Hon'ble the SPEAKER:** If the hon. member moves his motion he will only criticise the "Personal Assistant". The motion that stands in the name of hon. Maulavi Muhammad Amjad Ali is the proper motion to be moved in this connection. He may move that motion.  
(The motion was not proceeded with.)

**Maulavi MUHAMMAD AMJAD ALI:** I beg, Sir, to move—

“That the provision of Rs.44,239, under Grant No.9, Major head—25.—General Administration, Minor head—R.—Commissioners (total), at page 71 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.44,239.”

Mr. Speaker, Sir, as I move this motion I quite feel that by moving this motion I am taking away certain amount of credit from my hon. friend Maulavi Abdur Rahman, as he has already specialised in cutting down Commissioners.

The object of moving this motion is to cut down the rest of the Commissioners of the province. Sir, this is a measure of economy. We expected the Congress Government to cut it down this unwanted branch of the Administration. Sir, at the time when I was occupying the Government Benches.....

*A Voice:*—As a Minister? (*Laughter.*)

**Maulavi MUHAMMAD AMJAD ALI:** Of course, I was about to become a Minister. When this cut motion was tabled by the then Opposition, we had the privilege of giving our warm accord to the motion. Both sides of the House were at one with regard to this motion. Both to-day as Providence has given me an opportunity of coming to this side of the House to see and judge the action of the then Opposition. Sir, it was a measure which the Congressites were very vehemently crying to bring about. I remember that during the last Budget discussions, the Congress party staged a walk-out as a measure of protest against the last Government because they failed to cut down this expenditure.....

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** They may stage a walk-out even now.

**Maulavi MUHAMMAD AMJAD ALI:** Sir, much time has passed since then, and I believe the mentality of my Congress friends, who now adorn the Government Benches, has not changed.—*Voices:*—*No, No.*

Then as I see, Sir, I think, I will not have much difficulty in having my motion accepted by the House. They will surely accept my motion. So with these words I commend my motion to the acceptance of the House.

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

"That the provision of Rs. 44, 239 under Grant No. 9, Major head 25.—General Administration, Minor head—R.—Commissioners (total), at page 71 of the Budget be refused, i.e. the amount of the whole grant of Rs. 21,21,300 do stand reduced by Rs. 44,239.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I want to make this point clear. As we have said we are at one with the hon. member of this cut motion. (*Hear, hear.*) As a matter of fact if the hon. member had taken the trouble of reading the foot-note he would have seen that we did not include this amount in the Budget, and it was in the exercise of his special responsibilities that His Excellency the Governor has included this amount.

**Maulavi MABARAK ALI:** On a point of information, Sir. Did the Hon'ble Premier give any advice to His Excellency in this matter?

**The Hon'ble Srijut GOPINATH BARDOLOI:** This is a matter which cannot be disclosed, but I may inform the hon. member that our attitude in this respect remains the same as it was when we were in the Opposition. (*Hear, hear.*)

**Maulavi MUHAMMAD AMJAD ALI:** On a point of order, Sir. Is it not clear from the speech of the Governor-General that when a Minister discusses with the Governor with regard to his special responsibility he can openly state that in the House? Is it a matter between the Ministers and the Governor, or between the Government and the Secretary of State for India?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It is definitely a matter between the Secretary of State for India and the House. (*Hear, hear.*) The motion that was previously passed was in reference to both Commissioners. In the meanwhile the Secretary of State, we do not know on whose recommendation, was pleased to accept the recommendation of the House in respect of one Commissioner only. But the other Commissioner is supposed to be necessary by His Excellency the Governor at any rate for the discharge of his special responsibilities. It may probably be well-known to the hon. members that His Excellency has special responsibilities in respect of the excluded areas and the House has very little to say in the exercise of his discretion. Possibly, he thinks, that the administration of the excluded areas and to some extent the partially excluded areas is not possible without an officer who will act as a liaison between the Governor and the heads of these districts.

Then, Sir, it has been argued from certain quarters that even in respect of the administered areas there should be some kind of a moving Secretariat in order to supervise the work of the district officers. These are undoubtedly several questions which have been raised regarding the abolition of the second Commissioner. But as I said, we respect and are respecting the wishes of the House and we will continue to do so. In view of that position taken up by the Government, we did not think it desirable to include this amount in the Budget; and if this amount has been included it has been done in exercise of the special responsibilities of the Governor. As I said, I am at one with the mover and if it is necessary for the Government to go to the lobby they will be ready to march with the mover of the cut motion. (*Hear! hear!*)

**The Hon'ble the SPEAKER:** Order, order, I am putting the motion.

**Srijut ROHINI KUMAR CHAUDHURI:** Sir, may I speak a few words?

**The Hon'ble the SPEAKER :** The Government Member has already replied.

**Srijut ROHINI KUMAR CHAUDHURI :** There is precedent that a member can speak even after the Government reply.

**The Hon'ble the SPEAKER :** Not after the Government reply.

**Srijut ROHINI KUMAR CHAUDHURI :** We can show precedent.

**The Hon'ble Srijut GOPINATH BARDOLOI :** The procedure hitherto followed, so far as I know, is that the mover moves his motion and after that other members speak and then Government is given the right to reply.

**The Hon'ble the SPEAKER :** Very well, on this occasion I make a departure from the established practice and allow the hon. member to speak.

**Srijut ROHINI KUMAR CHAUDHURI :** Mr. Speaker, Sir, in this respect I hold definitely a different view. I think one Commissioner should function for some time at least. But I understand from the Hon'ble Prime Minister that according to his opinion no Divisional Commissioner is necessary. If he holds such a strong view in this matter, what I would say is that he should not allow a state of things in which His Excellency would interfere with his view as well as the wishes of the majority of this House. It is no use saying what the previous Government had done under the same circumstances. The whole question is that the prestige of that party of which the Hon'ble Prime Minister is the Leader has to be kept in tact. I would have liked to know from the Hon'ble Prime Minister what is his idea as regards the second Commissioner. My information is that he wants to reserve the post of the Revenue Tribunal for an Indian Civil Service officer and that he wants certain duties of the Commissioner of the Assam Valley Division to be performed by the Revenue Tribunal.

**The Hon'ble Mr. FAKHRUDDIN ALI AHMED :** On a point of information, Sir, may I know from the hon. member what is the source of his information ?

**Srijut ROHINI KUMAR CHAUDHURI :** I am not prepared to disclose that. I shall be quite satisfied to take a denial from the Government Bench. As a matter of fact I put the question straight to the Government Bench, but the Government Bench evaded that. Is it the opinion of the Hon'ble Prime Minister that it is necessary to continue the post of the second Commissioner in the interest of the administration of the partially excluded areas ? Is it necessary to continue this post for the better administration of the partially excluded areas ? I also want it to be made clear to the House, that if the Governor withdraws the order passed by him in his discretion in the exercise of his special responsibilities in this matter, what would be the machinery to perform the various duties of the second Commissioner ? As a matter of fact he seemed to have spoken something as regards the necessity of a moving Secretariat to supervise the works of the District Officers and I can say from my experience that a Commissioner has been found extremely useful during the time of floods and during difficult times when it was necessary to give relief in case of scarcity as well as in times of communal tension. But if he thinks that he will be able to do away with the post of the second Commissioner, he should have made it clear to the House how and by whom he is going to get those works done. Of course a Government will not be carried on eternally by exercise of the special responsibilities of the Governor and as far as I know of a Governor he would not exercise his special responsibilities unless he has some sort of encouragement from the

Prime Minister, and the speech which the Hon'ble Prime Minister just now delivered will go to show that the Governor must have got some sort of tacit consent from him in this matter.

**Srijut GAURI KANTA TALUKDAR:** Does the hon. member oppose the motion?

**Srijut ROHINI KUMAR CHAUDHURI:** Let the hon. member hear what I say. He should have some patience. He is remarkably guilty of impatience, I should say.

**Maulavi JAHANUDDIN AHMED:** Mr. Speaker, Sir, you have given me an assurance when I rose on a point of information that I will be allowed to ask some questions of the Hon'ble Premier.....

**The Hon'ble the SPEAKER:** Yes, the hon. member may put his question straight.

**Maulavi JAHANUDDIN AHMED:** May I know from the Hon'ble Premier whether he wanted to resign when he disagreed with His Excellency (*laughter*)?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I am not here to say what I did or what I might do.

**Maulavi JAHANUDDIN AHMED:** Why did he not resign?

**The Hon'ble the SPEAKER:** He is not prepared to give any answer.

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

"That the provision of Rs.44,239 under Grant No.9, Major head—25.—General Administration, Minor head—R—Commissioners (total), at page 71 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.44,239."

The motion was adopted.

**Maulavi MABARAK ALI:** I beg to move, Sir,

"That the provision of Rs.50,950 under Grant No.9, Major Head—25.—General Administration, Minor Head—H.—Ministers (total), at page 66 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.50,950."

Sir, the object of moving this motion is to criticise the action of the Ministry in not placing before the House the recommendations of the Retrenchment Committee and their failure to give effect to those recommendations. Every hon. member of this House is aware of the fact that the Retrenchment Committee swallowed a large sum of money to retrench the salaries of Government officers and to adopt some new scales. But it is stand why the recommendations of Retrenchment Committee which held about 4 or 5 sittings have not yet been given effect to and why the report has not been placed before the House for consideration.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir, may I know from the hon. member whether he knows when the Committee last finished its sittings?

**Maulavi MABARAK ALI:** I think it is in the month of January.

**Maulavi ABDUR RAHMAN:** That fact is quite well known to the hon. member who put the question.

**Mr. BAIDYANATH MOOKERJEE:** But it has been said, I think, sitting was over some two years ago.

**Maulavi MABARAK ALI:** I said that it began about two years ago. But that is not my business. As regards my second point the Congress Ministry has failed to bring forward any Bill to retrench the salary of the members of this House.

**The Hon'ble the SPEAKER:** This motion is one which suggest economy in the expenditure. The hon. member is to show why this Rs.50,950 should not be voted in favour of Government. He has to show that item is unnecessary.

**Maulavi MABARAK ALI:** If the recommendations of the Retrenchment Committee be accepted, in that case this amount would have been saved.

**The Hon'ble the SPEAKER:** Then the hon. member should say what are the recommendations of the Committee the giving effect of which will amount to this figure.

**Maulavi MABARAK ALI:** But they have not placed the Retrenchment Committee's recommendations before us.

**The Hon'ble The SPEAKER:** The hon member has taken it upon himself and he should prove it.

**Srijut BELIRAM DAS:** May, I know, Sir, if the hon. member is prepared to support an amendment of the Bill for the reduction of the members' salaries ?

**Maulavi MABARAK ALI:** Yes, Sir, provided it is brought at this stage. What I will do if it is brought at a later stage I cannot say now. I challenge the Ministry to bring up an amendment.

**The Hon'ble the SPEAKER:** The hon. member is to look at the Budget and he will find that this amount is composed of many items. He is required to show which items of expenditure should not be passed.

**Maulavi MABARAK ALI:** I draw the attention of the hon. members and I want to attack the policy.

**The Hon'ble the SPEAKER:** Policy cannot be attacked in this way. Then the motion will be out of order.

**Maulavi MABARAK ALI:** The inaction on this matter of the Ministry shows that they have failed even up till now to bring forward a Bill to reduce the salaries of the members and to give effect to the recommendations of the Retrenchment Committee. Thus they failed to do their duty and so I propose that this amount should be withheld from the Budget.

**Mr. BAIDYANATH MOOKERJEE:** May I know from where the hon. member got this figure ?

**Maulavi MABARAK ALI:** Just consult the Budget.

**Mr. BAIDYANATH MOOKERJEE:** Sir, there is no such one item in the Budget. It is really ridiculous that the hon. member cannot account for his figure.

**The Hon'ble the SPEAKER:** I am not going to place the motion. From the speech of the hon. member it appears that he wants to censure the Government. But the motion has not been tabled in that way. Therefore the motion as tabled is really out of order.

The next motion is in the name of Maulavi Maqbul Hussain Chaudhury. He has also to show how the economy is to be effected.

**Maulavi MAQBUL HUSSAIN CHOUDHURY:** I do not like to move the motion,\* Sir.

**The Hon'ble the SPEAKER:** Then the motion in the name of Maulavi Abdur Rahman is also an economic cut and the hon. member will have to show in what way this expenditure is to be reduced.

\* That the provision of Rs.50,950 under Grant No. 9, Major head—25.—General Administration, Minor head—H.—Ministers (total), at page 66 of the Budget be refused, i.e., the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.50,950.

**Maulavi ABDUR RAHMAN:** I beg to move—

“ That the provision of Rs.7,100 under Grant No.9, Major head 25.—General Administration, Minor head—Secretariat and Headquarters Establishment—O.—Revenue Tribunal (total), at page 69 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.7,100. ”

Sir, the object of moving this motion is not .....

**The Hon'ble the SPEAKER:** I do not understand the hon. member.

**Maulavi ABDUR RAHMAN:** Yes, I will just show how it is relevant. I am coming to that. It is not unknown to the house that this legislature is not prepared to bear the unnecessary burden of expenditure on account of the establishment of the Revenue Tribunal here in this province. And as the salaries of the Revenue Tribunal is a charged item we cannot touch that. But we can refuse the other charges on account of the Establishment of the Revenue Tribunal.

The salaries of the Commissioners are charged and so it is not within our scope to touch that. It was quite competent for this House to vote or not to vote for the amount that is reserved for the establishment of the Commissioner. As a matter of fact what we did was to refuse the whole of the amount which is within our power. My intention of moving this cut motion is that, as we are debarred from touching the charged amount, we should refuse the amount at least for the establishment of the Revenue Tribunal, thereby to show that we are not prepared to accept the heavy taxation of Revenue Tribunal on our shoulder. Even in August 1937, during the first Budget session a similar motion was moved by some hon. member. The late Chief Minister of course pointed out that the Government of India Act had provided for the establishment of the Revenue Tribunal in the province of Assam. But it was contended by the mover and the supporters of that motion that, by adopting a legislation this heavy amount for this charge could be done away with, and the then Ministry assured the House that they would adopt such a measure. Since August 1937 two years have rolled on and no such legislation has been adopted either by the previous Government, nor is there any indication on the part of the present Government to adopt such a measure. My idea is that it is the bounden duty of the then oppositionists who are now in the Government Benches to initiate necessary legislation to do away with this heavy expenditure which this poor province is not in a position to bear. With these few words I commend my motion for the acceptance of the House.

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

“ That the provision of Rs.7,100 under Grant No.9, Major head—25.—General Administration, Minor head—Secretariat and Headquarters Establishment—O.—Revenue Tribunal (total), at page 69 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.7,100. ”

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I have not been able to follow the argument of my hon. friend Mr. Abdur Rahman, the mover of this motion. It may be seen, Sir, that the maintenance of the Revenue Tribunal is a statutory obligation that has been imposed by the Government of India Act, and therefore the Tribunal must be there. It is true that we have a right of legislation in order to determine the kind of person who may be occupying this office. But the necessity for a tribunal is definitely there and we cannot get over it. From another point of view also a highest Revenue Authority is really necessary for a province. Therefore what we should really aim at is a legislation by which we can

recruit possibly a cheaper agency than the one that is now proposed to hold charge of this high office. This is an economic cut, and I do not see anything put before the House as to how that economy could be effected by cutting down the clerks of the establishment.

It will be seen from the details in the Budget that provision for 3 clerks, 5 servants, some travelling allowance and some smaller expenditure have been provided for, which in all comes to Rs.7,100. This is the amount which the hon. member proposes to cut. Does the hon. member think that a Revenue Tribunal would be functioning without clerks, without typists and without other contingent expenditure? As a matter of fact we do not find anything put before the House by which it could be shown that a Revenue Tribunal could run without this expenditure. If there was really any direction for economy, this Government would have considered the matter. But the motion as it stands before the House, I must say, we oppose it.

**Maulavi ABDUR RAHMAN:** Sir, .....

**The Hon'ble the SPEAKER:** I do not allow any reply to a cut motion. If the hon. member wants, he can give a personal explanation, but it cannot be a reply.

**Maulavi ABDUR RAHMAN:** It is an economic cut and, as I have said, Sir, there is a Bengali proverb “বাকে না মারতে পারি হাতে তাকে মারবে ভাত” and by adopting this motion we are to show our disapproval.

**The Hon'ble the SPEAKER:** The hon. member should have explained it in his main speech.

(After a pause)

The question is—

“That the provision of Rs 7,100 under Grant No.9, Major head—25.—General Administration, Minor head—Secretariat and Headquarters Establishment—O.—Revenue Tribunal (total), at page 69 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.7,100.”

The motion was negatived.

**The Hon'ble the SPEAKER:** Does the hon'ble Mr. Amjad Ali want to move his motion? It is also an economy cut.

**Maulavi MUHAMMAD AMJAD ALI:** I do not want to move the motion, Sir.\*

**The Hon'ble the SPEAKER:** Motions Nos. 14 and 15, one standing in the name of Maulavi Matior Rahman and the other in the name of Maulavi Muhammad Amjad Ali, are practically the same motion.

**Maulavi MATIOR RAHMAN MIA:** I do not want to move this motion.†

\*That the provision of Rs. 45,251 under Grant No. 9, Major head—25.—General Administration, Minor head—Legislative Boards—K.—Provincial Legislative Council (total), at page 67 of the Budget be refused, *i. e.*, the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs. 45,251.

†That the provision of Rs. 1,09,432 under Grant No. 9, Major head—25.—General Administration, Minor head—District Administration—U.—Other Establishments—(a)—Process-serving Establishment, Sub-head—1.—Pay of Establishments, Detailed head—Peons, at page 73 of the Budget be reduced by Rs. 100, *i. e.*, the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs. 100.

(To criticise the policy of the Government for its indifferent attitude to increase the pay of the peons).

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, I beg to move. "That the provision of Rs. 1,56,000 under grant No.9, Major head—25.—General Administration, Minor head—District Administration—U.—Other Establishments—(a) Process-serving Establishments, Sub-head.—1.—Pay of Establishment (total), at page 73 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs. 100".

Sir, this motion is brought in with a view to bring to the notice of the Government the various grievances of the Process-servers regarding their pay and prospects.

At the outset, may I remark Sir, that one of the shining lights of the Congress Srijut Omeo Kumar Das had the great privilege of presiding over a big conference of the Process-servers at Gauhati during the last cold weather. It was the first of its kind in Assam. It was a huge meeting and was attended by a number of people of all shades of opinion. Great enthusiasm was shown, particularly by the Congress people. I got an impression that everybody was convinced that the poor lot of the Process-servers really require improvement.

**Srijut OMEO KUMAR DAS:** Did the hon. member attend that conference?

**Maulavi MUHAMMAD AMJAD ALI:** I did attend, Sir. All seemed to be very eager to give some relief to the Process-servers as they were not content with their lot. During the discussion it was found that their pay and prospects should really be increased. They made certain grievances in the shape of their allowances and pay also. The object of my motion is to bring to the notice of the Government the grievances that were mentioned in the resolutions copies of which were duly forwarded to Government. I hope they would see their way to ameliorate the condition of these Process-servers who form an important link in the Administration. As we know, Sir, these Process-servers are a class of people without whose ungrudging service, it would have been rather difficult to go on with the works of the Administration. Process-serving by itself is a difficult job. In connection with litigation or other works of Administration, they have got to be away from their home for a long time in distant places sometimes they have got to go to some out-of-way places. So they expected through these resolutions that they should be given certain benefits in the shape of medical aid, some facilities for their children's education and better pay with allowances.

**Srijut BELIRAM DAS:** May I know from the hon. mover of the motion whether he has got any copy of the resolution passed in the conference?

**Maulavi MUHAMMAD AMJAD ALI:** I may inform the House that the copies of the resolutions and proceedings which I possessed have just now been borrowed from me by the hon. questioner (*laughter*). He also told me Sir, that he would see his way to do away with their grievances through their party. And that he would give us a good support on this motion from his party. When he gave me an understanding about all these, I gave all my papers to him (*laughter*.) I think, Sir, that the hon. members perhaps know that there is a certain amount of corruption rampant in that service and as such I hope that this Government, if not for any other reason, at least with a view to check the corruption, will try to see their pay and prospects increased and their grievances redressed.

**The Hon'ble the SPEAKER:** Cut motion moved "that the provision of Rs. 1,56,000 under Grant No. 9, Major head—25.—General Administration, Minor Head.—District Administration.—U.—Other Establishments.—(a).—Process-serving Establishments, Sub-head.—1.—Pay



of Establishment (total), at page 73 of the Budget be reduced by Rs 100 *i. e.*, the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs. 100.

I think no other hon. member is going to speak on the motion.

**Maulavi MUHAMMAD AMJAD ALI:** I would be grateful if my hon. friend Srijut Omeo Kumar Das throws some light on the subject.

**The Hon'ble the SPEAKER:** I cannot compel the hon. member to do so ;

**Maulavi MUHAMMAD AMJAD ALI:** May I request him through you, Sir ?

**The Hon'ble the SPEAKER:** Order, order.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, we are glad that the Process-servers have got in my hon. friend Maulavi Muhammad Amjad Ali an advocate for their cause. He has given us some idea about the grievances from which they are suffering. He has also tried to draw our sympathy in this motion by making some reference to their poor lot. As you know, Sir, it is the principle of the Congress to take up the cause of the poorer servants as much as possible but the limitation of finance is always there.

As I said, Sir, we sympathise with their lot, and now that their grievances have been brought forward to our notice, we will try, if funds permit, to take the matter into our consideration. In view of this assurance I request the hon. mover to withdraw his motion.

**Maulavi MUHAMMAD AMJAD ALI:** In view of the assurance given by the Hon'ble Premier I beg leave of the House to withdraw my motion.

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

Adjournment.

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

After lunch

The Assembly re-assembled after lunch at 2 p.m.

**The Hon'ble the SPEAKER:** The next motion is in the name of Maulavi Muhammad Amjad Ali. He may move it.

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

"That the provision of Rs.12,49,996 under grant No. 9, Major head—25—General Administration, Minor head—District Administration (total), at page 63 of the Budget be reduced by Rs. 100, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.100."

This is a motion, Sir, by which I take the opportunity of bringing the subject matter of a resolution of mine which I had tabled for discussion during this session of the Assembly. My resolution has not got a fair place in the ballot.

**The Hon'ble the SPEAKER:** What does the hon. member mean by "a fair place". Does he mean that anything unfair has taken place ?

**Maulavi MUHAMMAD AMJAD ALI:** I mean a favourably high place. There is no chance of that resolution being taken up this session owing to shortage of non-official business days.

So I take this opportunity of speaking a few words regarding the corrupt practices in Courts and Government offices. I would first of all begin by reading out certain portion of a speech of my learned brother Srijut Debeswar Sarma. It was a censure motion which he brought during the first Budget session of this Assembly :

"Civil Courts, Criminal Courts, Revenue Courts, process serving departments, are all on the same boat. It is a great distressing thing. Sir, most of us, who sit here, may not possibly be subjected to that inconvenience".

All that I can say is that the hon. member presumes that most of us do not know what it is. But I presume that most of us in this House who are lawyers have causes to know, during their practice in law courts, what it is. Herein I may refer, Sir, to the fact he had an opportunity of practising in courts for longer years than I could do, and it will be beneficial to profit by his experience.

He says :

“Possibly when we require a thing to be done, we can get it done easily. When you want a paper to be taken out from a certain office of the Court and when you go into the Court room, possibly you are offered a chair there and the person concerned gives you the paper and oblige you. But the position is quite different with the ordinary average person who has to pay extra rips in every stage. Very few, excepting those well connected with the Law Courts, know what hardships he is made to suffer by those who go to take persons on bail from the Court lock-up. I am not here inclined to give particular instances. Firstly, because I do not want to accuse anybody and I have no axe to grind against anybody. Secondly, because corruption is so rampant that it is difficult to pick and choose. Sir, I am not exaggerating a word when I say that justice is more often to be purchased now.”

May I tell him, Sir, that the same state of affairs is still continuing, during the Congress regime. He says “Formerly when I started practice some years back, at any rate, it was not so open, it was not so daring. But now in Courts we find there is hardly any delicacy in the matter of asking for or taking bribes. My motion relates to judicial officers and I concentrate upon the higher cadre of the officers, because had these people been strict and less susceptible to such malpractices, lower officers in the Court possibly would have been a little more careful. We know of instances—members of public know of instances—Marwaris’ khatas will possibly bear instances—of Munsiffs and Magistrates taking money to decide a case in one way or the other. (Mr. B Mookerjee—We all know what he said). The judgment is delayed and in the meanwhile transactions take place in one shape or another. So, Sir, the Ministry will do a great service to the Government—because no Government would like that its officers should be corrupt and that its prestige should be lowered by the bad behaviour of these officers.”

It was a motion that he brought to censure the previous Government who did not take any steps for the eradication of this evil. So my motion here is for censuring the Government for having also not been able to take any decisive step regarding this matter.

Sir, the subject matter of the resolution is delicate and I do not think I shall be justified in drawing an indictment against the Government servants in general and any class of them in particular. While according my recognition and praise for services rendered by officers often under trying circumstances, I am definitely of opinion that time has come when there should be a thorough enquiry as to the prevalence of corruption in Courts and offices. I myself am a humble lawyer, and I am sure all lawyers, or for the matter of that, anybody who has any occasion to have recourse to law courts or offices, will bear me out when I say that their experience gained there about the existence of corruption is simply appalling. Sir honesty and rectitude and fair dealing of public servants are assets which no Government can afford to see impaired, far less to lose them altogether. One might say that public service is the body of the Government, if that body be festered by ugly sores, no one can have any respect for such Government, however high-sounding the policy and programme of that

Government may be. If personal purity is a virtue for an individual I think, purity of Administration is a more important factor in the make-up of the Government. While we discuss and quarrel about high politics and ultimate destiny of the Indian people in the Assembly Chamber, other people come in contact with officers in court and offices and go away with an impression which is anything but pleasant.

The United Provinces and Bihar Governments have moved in this matter and it seems both the Governments are determined to stamp out corruption from Government offices. I hope that by carrying my motion the present Cabinet will simply fall in line with the other Congress Governments. We have heard much about purification of Congress organisations. May I hope that the Hon. Premier, who is a shining light of the Congress, will see that corruption, which I believe, is much more prevalent in Government offices than in Congress organisations, and which touches more vitally and more intimately the public as a whole, should engage his attention in equal if not to a greater extent?

Sir, this is not the time for me to draw up a charge sheet to justify my motion. If and when the committee which I have suggested sits seriously to tackle the problem, the members will, simply be staggered at the existence of the amount of corruption which is going unchecked for long, and which, I regret to say, is not altogether unknown to officers of higher rank. I appeal to the personal experience of many here and ask them to take a very determined attitude in this matter.

Sir, with these few words I commend this motion to the acceptance of this House.

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

"That the provision of Rs.12,49,996 under Grant No. 9, major head—25—General Administration, Minor head—District Administration (total) at page 63 of the Budget be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.100."

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir, May I know what the hon. member means by the term "decisive step" referred to in the statement of objects and reasons.

**Maulavi MUHAMMAD AMJAD ALI:** The definite line of action which would effectively kill malpractices in courts and Government offices. If my hon. friend the questioner would have had any occasion of going to law courts he would have been aware of it. Unfortunately he could not pass the B.L. examination, if he had, he would have appreciated the difficulty we lawyers, experience.

**Mr. BAIDYANATH MOOKERJEE:** I mix with many pleaders at my place.

**Maulavi MUHAMMAD AMJAD ALI:** I take this opportunity to say that I am sorry to see that bribery and corruption in the various Departments of Government have increased.

**Srijut GAURI KANTA TALUKDAR:** Is the hon. member aware that this Government, since it took charge, has invited suggestions from the people, including Members of Legislative Assembly and Members of Legislative Council?

**Maulavi MUHAMMAD AMJAD ALI:** I will take notice of this question when the Hon'ble Minister replies.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Mr. Speaker, Sir, I also rise to support the motion. In connection with this, I would like to make a few observations. My hon. friend has brought some allegations, which I think he will be able to prove, against officers of law-courts. But I think that there are a considerable number of lawyers

also who are guilty of this to some extent. (*Hear, hear!*) Sir, it is an open secret that some lawyers give bribes to these officers. I have known such cases where pleaders have realised a fee from their clients under the name of *baje*, or miscellaneous and that was meant for clerks. Of course, I am not accusing all the pleaders, but there are some who, I know, do it. The poor clerks of the courts are not angels, similarly not all those who do not serve in courts. We have heard of persons holding high positions who are supposed to have swallowed whole motor-cars even a Member of the British Cabinet was charged of bribery. But thereby I do not support corruption—(*laughter.*) The thing is that while my friend asks for an enquiry he does not give us any practical suggestion. There is a saying—“Set a thief to catch a thief”. I do not know whether my hon. friend will agree to accept this principle. The main fact is that there is corruption, and it must go, and it would be contributing a great deal towards this end if all the pleaders are determined that they will not pay anything to clerks in order to get undue advantage.

With these few remarks I whole-heartedly support the motion.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I also rise to support this motion. In connection with another motion which was moved by the same hon. member in connection with the pay and prospects of the process-serving establishment, the Hon'ble Premier, while admitting that the condition of these people was deserving of consideration at the same time said that they could make out something more by other means. We can all understand what that means. And so I can take it that the Hon'ble Premier is quite aware that such sort of bribery and corruption are not unknown to those who are serving in the courts. But as it has been pointed out by one of the members in my front that whether the mover of the motion knows that Government are taking certain steps to eradicate the evil, I can say that very recently I received a letter from the local Deputy Commissioner to give our opinion as to the ways in which Government should take measures to eradicate this evil. But the manner in which Government are taking up the matter now does not seem to me at all adequate. Sir, this is not a new thing which Government have to face with. Only one instance has been cited by the mover that in September Session 1937 such a motion was moved by my hon. friend Srijut Debeswar Sarmah. But it was moved again in the subsequent session by my friend the Hon'ble Mr. Kamini Kumar Sen—probably in December 1937. And since then Government took it up and we received certain circulars issued by the then Minister in charge to the local officers to give their suggestions. Now I fail to understand why no practical measures have yet been taken up by Government although the matter has been engaging their attention since such a pretty long time. Is it unknown to the Members of the present Cabinet as well as other members that there are such dis-appointing things and why they should not take early steps in the matter? I therefore, suggest that a committee should be appointed as was done in Bihar with a view to come to a decision as to how this evil can be eradicated.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** I am sorry to say that the hon. mover of this cut motion has not been able to make the point very clear. The Government have failed to take necessary steps to remove corruptions. It is always admitted that corruption is rampant everywhere—corruption at the top and corruption at the bottom. My Hon'ble friend the Judicial Minister while occupying the Opposition Bench had the honour of moving such a motion during the regime of the last

Ministry in August last. The present Ministry took office in October last. The other day there was an interpellation in answer to which he said that he had issued certain circular letters. He also admitted that no time limit had been put as to when the replies to those circular letters should be received. He also said that he had received some replies, but he was still awaiting other replies. So the point is that when the Congress is fully cognizant of the corruptions prevailing, they ought to have taken certain decisive steps in the matter of rooting out the corruptions. By decisive steps I do not mean the mere issue of some such circular letters but the appointment of such a committee which will look into the matter. Government should have shown their earnestness by appointing a committee to go into this matter in all its details and then by taking effective and immediate steps for the checking of the corruptions. As the Government have failed to do that, I think, they deserve a censure (*hear, hear!*).

**The Hon'ble Srijut GOPINATH BARDOLOI:** I think we are generally agreed, may not be to the same extent in all cases—but it is generally agreed that there is corruption in the country. There is probably corruption at the top, but I do not say as widely at the top, but there is surely corruption at the bottom. So far as the cut motion aims that expeditious measures should be adopted against continuance of corruption, I have every sympathy, but the manner in which the motion is brought and the suggestions made would only go to show that the problem would definitely take more time to be solved than that by measures the Government is proposing to do. Sir, we did not wait for a Committee to come with certain recommendations to be examined by Government and then put those recommendations into effect. We are already taking action straight way.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir. Is the Hon'ble Premier aware that in Bihar and United Provinces two Committees were appointed?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Yes, I am coming to that. I am just speaking what we are going to do in this matter. Sir, I think the measures that Government are adopting will be more expeditious than the one that has been suggested, namely setting up a committee and then going into their recommendations. That will delay the matter. It is well-known to the hon. members that the United Provinces Government only six months ago came to certain decisions in a Committee regarding the removal of corruptions in that province. Some of those recommendations could probably be accepted by us without much scrutiny. But there are others which relate to conditions different from this province and therefore it is considered desirable by this Government to take the opinion of the representatives of the public and all who could say over this matter of corruption. So the earliest possible way of meeting this evil has been adopted. Government would like to examine the recommendations of those committees as well as what they can get from the local people and after going into them would take immediate action in the matter. Therefore the method that has been adopted by Government will surely lead to an earlier action than by adopting the method that has been suggested by my hon. friend Khan Bahadur Sayidur Rahman. The institution of a committee may mean many things, it may mean not only the setting up a committee but also the examination of persons, probably the object of which may be obtained by calling for opinion by Government. The way in which my hon. friend the Khan Bahadur wants to tackle the question, would only mean delay. It is known

to the hon. members that the Hon'ble Minister in charge of this Department was himself one who moved a cut motion on this subject and we can definitely state that it is for that reason that the matter has been expedited. In moving the motion no definite suggestion has been put before this House and if anything of a kind of recommendation had come from the House on the subject, we would have been glad to accept that and put into action. As it stands Sir, the motion cannot be said to be a *bonafide* one. Government have done all that is possible to do within the short time at their disposal and I can assure the hon. members that we shall be very soon receiving the replies to our circular letters and will take action immediately.

**Khan Bahadur Maulavi KERAMAT ALI:** On a point of information, Sir, may I know what action the Government is going to take?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I have already explained there are certain recommendations already and we can take certain actions on them. There are others again which will have to be in conformity with the opinion or will have to be in accordance with what will be obtained from the opinion and from the facts received from the public.

**Khan Bahadur Maulavi KERAMAT ALI:** Is there any objection to letting the House know what action has been taken in the meantime?

**The Hon'ble Srijut GOPINATH BARDOLOI:** We are taking the House into confidence. What I am sorry to find is that no constructive suggestions have been forthcoming. Government is merely sought to be censured. Whereas I think Government should be congratulated for all that they have done within this short time.

**Srijut ROHINI KUMAR CHAUDHURI:** Does the Hon'ble Premier complain that he has not received any constructive suggestion from his party?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Their suggestions are being worked upon.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir, regarding the enquiry from different sources for eliciting opinion what other steps have been taken?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I have already repeatedly said, there are the recommendations of the Bihar and United Provinces. We can immediately take up these matters in which the opinions will be common between them and us. As regards the other matters, there may be conditions that vary and we have asked for opinion. As soon as those are received we shall take action.

**Maulavi MUHAMMAD AMJAD ALI:** Till now there are certain suggestions and I find there are certain matters in which we can take action. But have they done that?

**The Hon'ble Srijut GOPINATH BARDOLOI:** As I have said it is under consideration and we shall take action as early as possible.

**The Hon'ble the SPEAKER:** The hon. member is not giving any suggestion.

**Maulavi MUHAMMAD AMJAD ALI:** A committee has been suggested to enquire and look into the matter.

**The Hon'ble the SPEAKER:** It is admitted there is corruption. What is the need for a Committee, that is the point made.

**Maulavi MUHAMMAD AMJAD ALI:** These matters require some amount of enquiring and a good deal of labour would have been saved. It would have been better also to follow in the lines of other Congress Governments.

**The Hon'ble Srijut GOPINATH BARDOLOI:** What I suggest is this. The recommendations are already there and if my hon. friend wants a committee again, I have already said and that if it is the wish of the House we are prepared to agree. But at the same time we feel now that there is no necessity for it and we have already known the ways of committees.

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

"That the provision of Rs. 12,49,996 under Grant No.9, Major head—25.—General Administration, Minor head—District Administration (total), at page 63 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.21,29,300, do stand reduced by Rs.100"

The motion was negatived.

**Maulavi MUHAMMAD AMJAD ALI:** I beg to move—

"That the total provision of Rs. 21,29,300, under Grant No.9, Major head—25.—General Administration, at page 63 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.100"

This is a motion in which I believe the whole House will agree with me when I say that a certain class of officers particularly in districts are posted to one particular place for a certain number of years. I am referring particularly to clerks and lower grade officers like clerks. And in their being kept to the same places some sort of interest is created upon that place. He gets advantages of his friends, sometimes his relations, to do his own duties in his own way. That takes me back again to the delicate question of corruption. It is not unknown to this House that corruption in lower grade officers like the clerks and ministerial officers are not less. Sometimes a particular officer is kept in one particular place for half of his service life and somehow or other he gains a certain amount of advantage due to his position and utilises it for his monetary gain. This is a matter again which is likely to involve us in the question of corrupt practices again. The Hon'ble Minister in charge will readily know that by keeping these officers in their particular places for a certain number of years would mean some sort of influence over those officers. My idea is definitely to tell the Government that there ought to be certain periods during which these officers should be moved from one place to another, of course keeping the exigencies of public service in view. With these words I commend my motion to the acceptance of the House.

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

"That the total provision of Rs.21,29,300 under Grant No.9, Major head—25.—General Administration, at page 63 of the Budget be reduced by Rs.100, i.e., the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs.100"

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, I beg to support this motion. In doing so, I wish to say that the Government has not any definite policy in the matter of transfer of officers from one place to another. There are two classes of officers—gazetted and ministerial. I will speak of the gazetted officers first.

The criterion by which transfer of these officers is regulated is exigency of public service. I beg to point out to the House that this term 'exigency of public service' is an undefinable something—a loose and flexible term which depends much on the sweet will and pleasure of the Heads of Departments. As I pointed out the other day also, you will find many officers who are moving in their own home districts, but there are other officers who

are moving farther and farther away from their own home. You will find, some of officers in one place for a number of years while others are subjected to frequent transfers. By these transfers a considerable drain is made on the public exchequer also. The other day I put an interpellation to know what amount had been spent in paying the travelling allowance of officers who have been transferred from one place to another in the interests of the public service. The Hon'ble Premier was pleased to reply that the information could not be procured, or it was difficult to procure the information. Even that information has been withheld from us. I think we can presume that a large sum has been spent yearly on payment of travelling allowances on account of transfers. My point is this that, if these transfers depend only on exigencies of service, which again depends on the sweet will and pleasure of the Heads of Departments, there is likelihood of a waste of public money on account of arbitrary transfers. So, I think it is meet and proper that there should be some definite policy adopted by this Government, so that this waste of public money might be checked.

The other day the Hon'ble Premier asked me to give specific cases. But I do not think that it will be fair to the officers or to me to give any specific instances. (Mr. Baidyanath Mookerjee: Why?) Because I will not only incur the displeasure of those officers, but also be subject to a charge of nourishing some grudge against those officers on some ground or other. So I do not want to give any specific instances. But I am sure that if Government will be pleased to make an enquiry into the matter, then many anomalies and discrepancies will be discovered.

Then as regards ministerial officers, the recruitment of ministerial officers, Sir, is made on a district basis. So the ministerial officers are not liable to transfer from one district to another. In the interests of purity and efficiency of administration, I think these ministerial officers should be transferred from one office to another. In the High Court Rules and Orders there is a provision that ministerial officers should be moved from one office to another. In spite of that direction in the High Court Rules and Circulars, I find that in the district offices a man who is once a Nazir in the interests of economy of administration, Government should adopt a definite policy regarding transfer of all officers, whether gazetted or ministerial.

**The Hon'ble the SPEAKER:** It will be better if Maulavi Abdur Rahman speaks on this motion as part of the present motion covers a separate motion\* tabled by him.

**Maulavi ABDUR RAHMAN:** Sir, my motion is to criticise Government for not discontinuing the practice of posting officers other than ministerial officers in their own subdivision. My hon. friend the mover of this motion has touched the ministerial officers.

**The Hon'ble the SPEAKER:** His motion is of wider scope.

**Maulavi ABDUR RAHMAN:** I only want to speak of gazetted officers. However, I shall speak now.

I partly support the motion which has been moved by hon. friend Mr. Amjad Ali. I say 'partly', Sir, because I am opposed to the idea that

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\*That the total provision of Rs.21,29,300 under Grant No.9, Majorhead—25.—General Administration, at page 63 of the Budget be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.21,29,300 do stand reduced by Rs. 100.

(To criticise Government for not discontinuing the practice of posting officers other than Ministerial Officers in their own subdivision),



the ministerial officers should be disturbed. The ministerial officers are not highly paid and if they become subject to frequent transfers from one place to another, I should take pity on them. (*Hear! hear!*) My idea is that the ministerial officers should be allowed to work in their own subdivisions. As for the gazetted officers, these people, if allowed to work in their own subdivisions, it would really go against principles. Probably hon. members of this House remember that on many occasions I have tabled resolutions with the recommendation that officers other than ministerial officers should not be allowed to be posted in their home subdivision. As a matter of fact during the last session of the Assembly I put a question regarding a particular officer—an Extra Assistant Commissioner of my place and the Hon'ble Premier was pleased to take action in the matter immediately (*hear, hear*). If these officers, Sir, are allowed to work in their own subdivision, they are likely to be influenced in hundred and one ways. They have got their own relations there and they have got their own men there. On one occasion one Extra Assistant Commissioner was in my subdivision and that gentleman was a zemindar also of that subdivision. And there were cases coming before him concerning his zemindari affairs and this officer was complaining to the Subdivisional Officer to be more careful in sending cases concerning him. So, it is not fair both for the officers and for the public that they should be stationed or posted in their own subdivision. There are other instances. These officers take part in petty local politics. These charges are many a time brought against them in some shape or other. Politics is a nasty thing where the officers cannot help poking their noses. So I would again appeal to the House that they should make it a point not to allow an officer to be posted in his own subdivision. This will not only maintain the prestige of the Government but also to some extent of the officers themselves. It cannot be denied, Sir, that sometimes representations from political bodies are sent to the authorities concerned for the posting or transfer of some officers because they take part in politics. With these few words, Sir, I support the principles of the motion.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information Sir, may I inquire from the hon. member who spoke just now as to what suggestion he can give about the Honorary Magistrates?

**The Hon'ble the SPEAKER:** It does not come within the scope of discussion. (*Laughter*).

**Maulavi ABDUR RAHMAN:** So far as I remember the Government gave us to understand that the practice of appointing Honorary Magistrates are going to be stopped.

**Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir, my friend Khan Bahadur Sayidur Rahman has complained that lot of things are done in the name of exigencies of service. He has also complained that this term or phrase 'exigencies of service' is indefinable. Probably he would like to have it defined, but I may tell him that it would be very inconvenient for the present Government to define that term precisely, because I have noticed that there are various circumstances, for which Government have been recently passing orders of transfer.

**Mr. BAIDYANATH MOOKERJEE:** Was it convenient for himself?

**Srijut ROHINI KUMAR CHAUDHURI:** My hon. friend Mr. Mookerjee sitting in the Government Bench is always trying to surpass his Colleagues in that Bench.

**Mr. BAIDYANATH MOOKERJEE:** You need not be afraid of me.

**Srijut ROHINI KUMAR CHAUDHURI:** I am not afraid, Sir, but I may tell him that he should keep the dignity of the Members of the Government. Perhaps, Sir, you think that Mr. Mookerjee is irrepressible and therefore you do not interfere.

There are various reasons for which Government have to transfer their officers, for instance, Mr. Nandi who tried the case of Maulavi Matior Rahman Mia, an Opposition member of this House.....

**The Hon'ble the SPEAKER:** I object to this. The hon. member can give specific instances without introducing names.

**Srijut ROHINI KUMAR CHAUDHURI:** I do not blame him, Sir, but I can give specific instance that Mr. Nandi whose home district was in Sylhet was immediately after conviction of certain member.....

**The Hon'ble the SPEAKER:** Why should the hon. member name the officer again?

**Srijut ROHINI KUMAR CHAUDHURI:** All right, Sir, I will not name the officer. A certain Magistrate whose home was in the district of Sylhet and who was posted at Goalpara for sometime was immediately after the conviction of a certain member of the Opposition transferred to his home district in Sylhet, and that it is an instance of 'exigency of service'. A certain Divisional Inspector of Police who was under order of transfer from Hailakandi had immediately after he had arrested a certain member belonging to the Opposition of this House, had the satisfaction of finding his order of transfer cancelled. This is another instance of finding his (*Voices from the Congress Benches:—*What about Balaganj forgery case? Was that also in the exigency of service?) If any hon. member want to get any information about that, he should stand up and he will get information to his satisfaction. A certain other Magistrate who happens to be the relation of a prominent member of Congress Coalition Party and who was posted in the Barpeta subdivision, Assam Valley district, was immediately after the assumption of office of the present Hon'ble Prime Minister, transferred to his home district. That was also another instance of exigency of service. So I say that exigencies of circumstances occurred and will occur and there should not be any complaint on the part of my hon. friend Bahadur Sayidur Rahman. My friend does not like to quote Khan instances for various reasons, but, Sir, if I am prepared to meet the specific of my hon. friend the Prime Minister who has perpetual frown towards the Opposition of this House (*laughter*), I can very well risk the wrath of the subordinate officers.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I repudiate many insinuations and remarks that my hon. friend Srijut Rohini Kumar Chaudhuri was choosing to make against certain officers. I consider it below the taste of any member of this House to indulge in a thing of this kind. (*hear, hear and laughter*). My hon. friend will, I think, excuse me for saying this because I am bound to speak in this manner, excuse dignity of the House. It is undoubtedly true that 'exigency of service' is a term which is far too vague and wide of implication, but it will be seen that if we want to take any action according to any definition, we cannot do but accept such definition. I will give instances from various arguments that have been put forward by the members of the Opposition in support of my contention. For example my hon. friend Maulavi Abdur Rahman was pleased to say that it would be operating with great deal of harshness if the ministerial officers who are recruited on district basis are made to be transferred from one place to another. That is undoubtedly a sound principle, but supposing an officer is found that he is not carrying on his

duty properly and he is not quite fit to hold charge of his place, in his district, then will not my hon. friend agree that he should be transferred from that district? In the same way I do not see how a strict principle can be made applicable to any class of cases. Thus, for example, if we adopted any rigid rule it would mean that Government will not be in a position to punish the officers for any fault which they may commit. So, Sir, if we put down a particular principle we will always have difficulty in putting that into practice. On the other hand, we will try to act as far as possible in accordance with the criticisms that have been made. I quite agree with the criticisms of my hon. friend Maulavi Abdur Rahman that officers should not, as far as practicable, be allowed to be posted in their home districts. As he said, they may take parts in local politics. But, Sir, it may also so happen that in connection with certain matters it may be necessary for Government to give concession to a certain officer and put him there. Then, Sir, regarding fixing a particular period, as a tenure of service in a particular place, Government are already following a kind of principle in the negative, but not in the affirmative. As I said just now Sir, we agree that a particular officer should not be posted in the home subdivision.

Secondly, we also agree that they should not be kept in a particular place for more than 3 years, if possible. These principles are followed and it must be understood that if on account of certain special reasons these principles have to be varied they are done so simply on account of the exigencies of public service.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir. Which particular class of officers does the Hon'ble Minister mean?

**The Hon'ble Srijut GOPINATH BARDOLOI:** I mean the gazetted officers. In so far as the ministerial officers are concerned I really agree with my hon. friend Maulavi Abdur Rahman that they should not in usual circumstances be transferred, because that would operate as a hardship on them.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** Can they not be transferred from one place to another in the same district?

**The Hon'ble Srijut GOPINATH BARDOLOI:** Only in certain cases, where the transfers do not operate as a hardship on them, this may be done. Regarding encouragement of corruption, as I said in reference to a previous cut motion, it is also the duty of the public to see that these people do not get scope to be corrupted. If the public was as strict against the prevalence of corruption it might have been stopped without bringing the hard lot of the poor ministerial officers into the picture. I know that human beings are frail, and so we are taking steps on the probability that these officers are liable to corruption. But even then, I think that a transfer which might operate with a certain degree of hardship should not be adopted. That being the position I would request the hon. mover to withdraw his motion.

**Maulavi ABDUR RAHMAN:** One point has not been clear, Sir. I want to know whether a general instruction will be issued to the Heads of the offices to the effect that one particular ministerial officer should not be posted in charge of a particular branch for a pretty long time.

**Maulavi MUHAMMAD AMJAD ALI:** On a point of information, Sir. Certain difficulties have been shown in the way of transferring one particular officer from one place to another, but can

there be any harm if a certain officer is rotated in the same office in different posts ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** That is usually done, Sir. They are always liable to get promotion, and they are also liable to get degraded.

**Khan Bahadur Maulavi KERAMAT ALI:** I think the Hon'ble Premier has not been able to follow the point. The point is whether there is any objection to a clerk being transferred from one department to another in the same office.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I have a little objection to that. The department has to see that particular clerks are trained in a particular line, and in a particular subject, for the facility of the work. That experience will be lost if they are transferred from one place to another even in the same office.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** What about the High Court Rules and Orders which lay down such transfers ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** It is for the District Judge to enforce them.

**Khan Bahadur Maulavi KERAMAT ALI:** I think the Hon'ble Premier knows that the longer is the period during which a particular clerk remains in the same office, the more is the possibility of corruption.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Possibly it is true.

**Maulavi JAHANUDDIN AHMED:** If there is such a possibility, as the Hon'ble Premier admits, then why not transfer them from one department to other ?

**The Hon'ble Srijut GOPINATH BARDOLOI:** If it is an office in which experienced man is required, another experienced man shall have to come, and he will also probably come with the same experience of corruption.

**The Hon'ble the SPEAKER:** Order, order. The question is that the total provision of Rs. 21,29,300 under Grant No. 9, Major head—25.—General Administration, at page 63 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs.100.

The motion was negatived.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I beg to move :

That the total provision of Rs. 21,29,300 under Grant No. 9, Major head—25.—General Administration, at page 63 of the Budget, be reduced by Rs. 100, *i.e.*, the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs. 100.

Sir, the object of this motion is to criticise Government for not constructing Criminal Court buildings at Habiganj where courts are held in *Kutcha* houses. Sir, probably it is not unknown to the Government—this Government or the previous one—that most of the Criminal Courts at Government are being held in *kutcha* sheds, and the Magistrates as well as lawyers and the litigant public have to undergo great hardships ; specially during rains their hardship knows no bounds. Sir, during rains the floor of these sheds become wet and muddy, and when there is flood the floor of these goes under water with the consequence that the floor of the Court compound become muddy making it impossible for persons concerned to remain inside those houses. Very often the lawyers concerned and other people get cold. This matter was brought to the notice of Government by many Subdivisional Officers for the last one decade. So far as I know the pre-Reform Government drew up a scheme, but since then the matter has been dropped

*sine die*. No action seems to have been taken up till now. In 1937 during the Budget Session several questions were put on this particular matter and the Government was then pleased to say that they would take up the matter as early as possible. But since then, Sir, another 2 years have elapsed. It is not only the cry of the public, it is the cry of the department also. I remember the district authorities as well as the subdivisional heads moved and are still moving in the matter. They are always trying that at least these two *kutch*a sheds should be replaced by semi-permanent buildings. As many as four Courts are being held there. It is not unknown to the hon. members that the Madan Raja Estate is now being ruled by Government. Nowadays the Officer of the Madan Raja Estate occupies one of the rooms. Besides that 4 Magistrates also work in these two *kutch*a sheds. I would therefore urge upon the Government to take up the matter as early as possible and see that semi-permanent sheds are constructed which will not cost Government more than Rs. 10,000.

With these words, Sir, I commend my motion for acceptance.

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

That the total provision of Rs. 21,29,300 under Grant No. 9, Major head—25.—General Administration, at page 63 of the Budget, be reduced by Rs. 100, *i.e.*, the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs. 100.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI\* :** I want to make a few observations by way of supporting this motion. First I want to know whether these Criminal Courts or this Branch is a profit-sharing department of the Government. If it is so, I think the public have got a right to demand for a better house. The condition of the houses is bad. I think the better epithet would be filthy houses. During the rains, Sir, it becomes so muddy that it is very difficult for the litigant public and officers of the Court to enter the houses with their shoes on. And sometimes it is so clumsy that, I think, it is not fit for horses and cows to be accommodated in this house. Then, Sir, the plinth of this house went under water during the last floods and it was knee-deep. Even the bungalow of the Subdivisional Officer was under water and he had to vacate the bungalow twice. Another thing, I want to draw the attention of the Government to, is this that the whole yard, I should say the premises, are below water level and every year these go under water. So for litigant public it becomes extremely difficult to go there, because the courts are held in *machang*. So I think no time should be lost in giving effect to the suggestions made by Mr. Rahman.

**The Hon'ble Srijut GOPINATH BARDOLAI\* :** We have known the grievance about these *kutch*a houses exists. But as may be well-known to hon. members of the House, we are just now in want of funds. Very many important projects are awaiting consideration of Government, and we shall be only too glad to consider the case of this building when we are in funds.

**The Hon'ble the SPEAKER :** Is the hon. member withdrawing his motion ?

**Maulavi ABDUR RAHMAN :** The reply is not encouraging in the least, Sir. Mr. Khurshid has just come from Habiganj. He made an earnest attempt to make the floor of the house *pucca*. Any way, the courts

last year remained closed for fifteen days due to this unhappy situation. I want that the Hon'ble Premier should give us an assurance.

**Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** We do not know when funds would be forthcoming. But may we know from the Hon'ble Premier whether he would give first preference to this case?

**The Hon'ble Srijut GOPINATH BARDOLOI:** We have not provided any money in the Budget for this project. It will be taken into consideration when it will be possible to provide money.

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

That the total provision of Rs. 21,29,300 under Grant No. 9, Major Head—25.—General Administration, at page 63 of the Budget, be reduced by Rs. 100, i.e., the amount of the whole grant of Rs. 21,29,300 do stand reduced by Rs.100.

The motion was negatived.

**The Hon'ble the SPEAKER:** The question is that a sum not exceeding Rs. 20,85,061 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "25.—General Administration".

The motion was adopted.

#### Adjournment.

The Assembly was then adjourned till 11 a.m., on Monday, the 20th March, 1939.

*Shillong:*

*The 12th May 1939.*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*