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As I walked through the city, I noticed the different architecture and the way the people dressed. It was a mix of old and new, and it felt like I had stepped back in time. The streets were wide and open, and the buildings were grand and imposing. I saw many people who looked like they had been through a lot of life. They had a certain air of confidence and resilience. I was struck by the diversity of the people here. There were men of many different backgrounds and colors, and it was a testament to the melting pot of the West. I felt a sense of awe and wonder at the possibilities that lay ahead of me.

The first night I spent in a small, cozy inn. The room was simple but comfortable, and the bed was soft and inviting. I lay in bed, looking out at the stars, and thought about the journey that lay ahead of me. I was excited and nervous at the same time. I had heard so much about the West, and now I was here, experiencing it all for myself. The excitement was palpable, and I couldn't wait to see what else this new world had in store for me.

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Proceedings of the Ninth 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 2 p.m. on Friday, the 28th March, 1941

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the nine Hon'ble Ministers and fifty-five members.

QUESTIONS AND ANSWERS
STARRED QUESTIONS

(to which oral answers were given)

Karimganj Government High School

Maulavi MABARAK ALI asked :

*116. Will Government be pleased to state—

- (a) If they have received proposals for reconstruction of the houses of the Karimganj Government High School burnt down by fire about two years ago ?
- (b) If they are aware of the inconveniences and difficulties of the pupils on account of the holding of the school now into two parts ?
- (c) Whether they have received any proposal for disposing of a plot of land lying to the east of the Moslem hostel attached to the school ?
- (d) If so, do Government propose to take any action this year for building the said houses ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

116.(a)—Yes, from the Director of Public Instruction.

(b)—Yes.

(c)—A suggestion has been received but no definite offer.

(d)—The matter is under consideration.

Barlikha Sub-Registry Office

Maulavi MABARAK ALI asked :

*117. Will Government be pleased to state—

- (a) Whether the present experimental period of the Barlikha Sub-Registry office will expire on the 30th June, 1941 ?

- (b) What is the minimum number of documents and other operations to be registered in an office of a Sub-Registrar to make out a case for its permanency ?
- (c) The number of documents and other operations registered in the Barlikha Sub-Registry office during the said experimental period ?

The Hon'ble Miss MAVIS DUNN replied :

117. (a)—The reply is in the affirmative.

(b)—Usually Government consider the registration of a minimum number of 2,000 documents during the course of a calendar year to be the standard deserving consideration for the opening of a departmental Sub-Registry office and a case for making permanent an office opened as an experimental measure may be made out when it satisfies the above condition and also pays its way.

(c)—The present experimental period has not yet expired. Seven hundred and ten documents were registered from 1st July 1940 to 31st December 1940.

Sub-Registrars of the Province

Maulavi MUHAMMAD AMJAD ALI asked :

*118. Will Government be pleased to state—

(a) The total number of Sub-Registrars in the Province ?

(b) How many of them are from the Surma Valley ? (To be shown district by district and the community to which they belong.)

The Hon'ble Miss MAVIS DUNN replied :

118. (a)—37 including 4 commissioned Sub-Registrars.

(b)—The distribution of salaried and commissioned Sub-Registrars is as shown in the statement laid on the table.

Statement referred to in reply to starred question No.118(b) asked by Maulavi Muhammad Amjad Ali

Statement showing the distribution of salaried and commissioned Sub-Registrars

Salaried :—

Community	Number	District
Muslim ...	15	11 from Sylhet, 4 from Cachar.
Surma Valley Hindus	12	11 from Sylhet, 1 from Cachar.
Scheduled caste...	1	Sylhet.

Total ... 28

Commissioned :—

Muslim ...	2	Sylhet.
Surma Valley Hindu	1	Sylhet.
Scheduled caste ...	1	Cachar.

Total 4

Grand total ... 32

There are also two Special Sub-Registrars from Sylhet, one a Muslim and the other a Surma Valley Hindu.

Maulavi MUHAMMAD AMJAD ALI: Will it be possible for the Hon'ble Minister to give us the number of Sub-Registrars as given in the statement referred to in question No. 118(b) in case of Assam Valley subsequently?

The Hon'ble Miss MAVIS DUNN: Does the hon. member wish that Assam Valley should be separately shown?

Maulavi MUHAMMAD AMJAD ALI: Yes.

The Hon'ble Miss MAVIS DUNN: I shall collect the figures and give these to the hon. member.

Maulavi MUHAMMAD AMJAD ALI: I shall be very much obliged if the Hon'ble Minister gives these in the adjourned session.

The Hon'ble Miss MAVIS DUNN: I shall comply.

Establishment of Paper Industry

Maulavi MUHAMMAD AMJAD ALI asked :

*119. Will Government be pleased to state—

- (a) Whether Government is aware that tons of bamboos are being exported from Assam for paper pulp for mills outside the province?
- (b) If so, what benefit Government is deriving from this huge export?
- (c) Whether Government have any scheme for encouraging the establishment of paper industry and training of experts in the line in Assam for the utilisation of this natural wealth of the province?

The Hon'ble Miss MAVIS DUNN replied :

119. (a)—As far as is known, a small quantity of bamboos is exported from Sylhet and Cachar to Titagarh for manufacture of paper and paper pulp.

(b)—Government gets a royalty.

(c)—No.

Maulavi MUHAMMAD AMJAD ALI: Has the Hon'ble Minister enquired of the large quantity of bamboo that is being exported from the Assam Valley also—I mean, from Kamrup and Goalpara?

The Hon'ble Miss MAVIS DUNN: I do not know the exact quantity, but a good deal is being exported.

Maulavi MUHAMMAD AMJAD ALI: Will the Hon'ble Minister please enquire whether a large quantity is exported by the Eastern Bengal Railway to Calcutta?

The Hon'ble Miss MAVIS DUNN: Very well.

Maulavi MUHAMMAD AMJAD ALI: With regard to question No. 119(c), the answer is 'no'. May I know the reason—this being a question industry—why Government should not take it up?

The Hon'ble Miss MAVIS DUNN: The Hon'ble Premier in reply to a cut motion the other day explained the policy of Government with regard to this industry and the matter was discussed at length.

Maulavi MUHAMMAD AMJAD ALI: With regard to this particular industry the policy has not been very clearly laid down.

The Hon'ble Miss MAVIS DUNN: I can only say that if there is any capitalist who is going to start the industry, Government is going to give him every facility.

Maulavi MUHAMMAD AMJAD ALI: May I expect the Hon'ble Premier to reply?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I can reply for the Ministry. My friend's question is 'whether Government have any scheme for encouraging the establishment of paper industry and training of experts in the-line in Assam for the utilisation of the natural wealth of the Province'. The reply is 'no'. In reply to a supplementary question, my Hon'ble Colleague said that the policy was discussed at length by me during a cut motion on the Industries Department. My friend is not satisfied with the reply. I shall elucidate further.

Now if by his question it is implied that Government should start paper industry in the province, the reply is definitely 'No', but if my hon. friend's question is with the intention of eliciting information whether Government is prepared to encourage the establishment of a paper industry by private venture, then the reply is as my Hon'ble Colleague has already given that Government will grant facilities to the capitalists who will come to exploit the raw materials that will be found in Assam.

Maulavi MUHAMMAD AMJAD ALI: Sir, an illustration will make it clear. My purpose of this question is for the training of experts. With regard to soaps, Government is training some experts for making soaps and as regards bamboos the training of some experts by Government in order to establish paper industry in the province at a later stage might be possible. That is my question, Sir. I want to know whether Government is willing to train some experts in paper industry.

The Hon'ble Miss MAVIS DUNN: Two students were given stipends to get training in the paper industry in 1939, but they have not been able to make any use of their technical knowledge as they have not started any paper industry of their own.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. friend wants that the manufacture of paper should be taken as cottage industry, in that case I should say that Government have already trained some pupil. My Hon'ble Colleague replied just now that two students were given stipends to learn paper making from waste paper, rag etc. but they have not been able to utilise their technical knowledge in starting any such cottage industry in the province, but if my hon. friend wants that we should train experts at Government expense outside India in order to start capitalized mill industry here, then the reply is that Government have not yet taken up that matter in hand as it is impossible now to send any stipendiary to an outside place where such training can be had on account of the international situation.

Maulavi MUHAMMAD AMJAD ALI: Will it be necessary to send a man outside India?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Director of Industries has reported that as far as is known facilities for training of experts do not exist in any province in India. Recently inquiries were made of Bombay and Bengal in this behalf as a result of which it transpires that paper mills are not quite willing to afford facilities.

Officers of Class III of Assam Education Service

Mr. BAIDYANATH MOOKERJEE asked :

*120. Is it a fact that many Assistant Lecturers are more qualified than many persons employed in Class II of the Assam Education Service ?

*121. Is it a fact that in no other province in India, the pay of College Professors is so low as it is in Assam in the case of Assistant Lecturers ?

*122. Do Government propose to take early steps to change the present scale of pay of the said Assistant Lecturers ?

*123. Will Government be pleased to state—

(a) When Class III of the Assam Education Service was introduced ?

(b) The names of the employees of that class after its introduction ?

(c) The names of the employees in Class II and Class III of the Assam Education Service with qualifications since after the present Government came to office ?

*124. Will the Hon'ble Minister in charge of Education be pleased to state whether he has received a memorial from the Assistant Lecturers of the two Government Colleges praying for a revision of their present scale of pay ?

*125. Will Government be pleased to state—

(a) What principle they have followed in fixing the scales of pay of the said Assistant Lecturers ?

(b) Whether Government considered the scales of pay obtaining in other provinces for similar posts ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

120.—Some of the Assistant Lecturers have higher academic qualifications than the Lecturers.

121.—No.

122.—The suggestion will be considered.

123. (a)—From 1st July 1940.

(b) and (c)—The particulars are given in the statement laid on the table.

Statement referred to in reply to starred question No.123(b) and (c) asked by Mr. Baidyanath Mookerjee.

NAMES OF EMPLOYEES OF CLASS III OF THE ASSAM EDUCATION SERVICE

123. (b)—1. Srijut Dandeswar Gogoi, M.A., Class II.
 2. Dr. Emran Hussain Choudhury, D.Sc., Berlin University.
 3. Srijut Dharmananda Das, M.A., Class II.
 4. Srijut Aswini Kumar Barkakoti, M.A., Class II.
 5. Dr. Debabrata Chatterjee, M.Sc., Class I, Ph.D. (Since resigned).
 6. Dr. (Mrs.) Kamala Roy, D.Sc.
 7. Srijut Chandra Kanta Das, M.Sc., Class II.
 8. Srijut Ghanakanta Sarma, M.A., Class I.

9. Srijut Rohini Kanta Barua, M.Sc., Class II.
10. Srijut Karunananda Dutta, M.A., Class I.
11. Maulavi Md. Raihanshah, M.A., Class II.
12. Srijut Kanak Lal Das, M.A., Class II.
13. Mr. Satijiban Das, B.A. (Hons., London.)
14. Maulavi Md. Ishaque Ali, M.A., Class I. (Officiating.)
15. Srijut Upendra Chandra Lekharu, M.A., Class II. (Officiating.)
16. Babu Himangshu Lal Sarkar, M.Sc., Class II. (Officiating.)
17. Maulavi Lutful Haque Choudhury, M.A., Class II. (Officiating.)
18. Maulavi Abdul Quddus Khan, M.Sc., Class I. (Officiating.)
19. Babu Ashutosh Biswas, M.A., Class I. (Officiating.)
20. Srijut Bansiram Das, M.Sc., Class II. (Officiating.)
21. Srijut Phanidhar Dutta, M.A., Class II. (Officiating.)
22. Srijut Bipin Kumar Borgohain, M.A., Class II. (Officiating.)

123. (c)—OFFICERS IN CLASS II OF ASSAM EDUCATION SERVICE

1. Maulavi Md. Golam Yahia Choudhury, M.A., Class II.
2. Srijut Madhab Chandra Das, M.A., Class I.
3. Maulavi Md. Abdul Hye, M.A., Class I.
4. Srijut Harish Chandra Goswami, M.Sc., Class II.
5. Maulavi Md. Ekhlash, M.Sc., Class I.
6. Srijut Gopal Chandra Sarma Barua, M.A., Class I.
7. Srijut Joy Krishna Misra, M.A., Class I.
8. Maulavi Abu Sayied Mahmud, M.A., Class III.

As regards details in respect of officers in Class III of the Assam Education Service, the hon. member's attention is invited to the reply to question (b).

124.—Yes.

125. (a)—Government were guided by the pay given to Tutors and Demonstrators who were absorbed as Assistant Lecturers in Class III and by the responsibilities they were to discharge in comparison with those of the officers holding superior posts in the service.

(b)—No.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Maya Mahal Cinema House at Dhubri

Kumar AJIT NARAYAN DEV asked :

184. Will Government be pleased to state—

- (a) The conditions for giving licence for a Cinema House ?
- (b) Why no permanent licence is given to the proprietor of Maya Mahal Cinema House at Dhubri ?
- (c) Whether it is a fact that the licence for the said Cinema House is renewed for short periods only ?
- (d) Whether it is a fact that the house has no qualification for receiving such licence ?
- (e) Whether it is a fact that the building of the Cinema House is not strong enough ?
- (f) Whether it is a fact that the Executive Engineer, Western Assam Division, suggested to the proprietor of the Cinema House to improve the building by inserting iron plates on the walls round the house ?
- (g) Whether it is a fact that the said suggestion is not acted upon by the proprietor of the Cinema House ?
- (h) Whether it is a fact that there are many cracks in the building rendering the building unsafe for holding shows ?
- (i) Whether it is a fact that the Municipality of Dhubri protested against giving licence to the proprietor of the said Cinema House ?
- (j) Whether it is a fact that there is neither any urinal nor any latrine attached to the said building for males ?
- (k) Whether it is a fact that some persons were arrested under Municipal bye-laws for committing nuisance on public street for want of urinal attached to the said Cinema House ?
- (l) Whether it is a fact that there are not sufficient number of fans in the portion of the auditorium reserved for ladies in that house ?
- (m) Whether it is a fact that the house is not yet complete and still the cinema shows are being held in the house ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

184. (a)—These are laid down in the Assam Cinematograph Rules, published with Notification No.1479-G.J., dated the 5th April 1935.
- (b)—The conditions of the rules have not been fully satisfied.
- (c)—Yes.
- (d)—It cannot be licensed until the conditions have been satisfied.
- (e), (f), (g) & (h)—It appears that the Executive Engineer has advised certain action, and his opinion on the safety of the building is pending further investigation and action on his recommendations.
- (i)—No.
- (j)—Yes.
- (k)—No.
- (l)—The point is not quite clear. The Act and rules regulate ventilation, but do not cover the question of mere comfort. In the opinion of the present Deputy Commissioner there should be more fans.
- (m)—Yes. The Deputy Commissioner reports that the building cannot be called complete and he does not consider that exhibitions should be allowed under the rules governing exhibitions under temporary licence.

Communal representation in the Agriculture Department

Babu BALARAM SIRCAR asked :

185. Will Government be pleased to state—

- (a) The number of officers such as Clerks, Demonstrators and Inspectors belonging to Sylhet and Cachar districts serving in the Agriculture Department ?
- (b) The percentage held by the Scheduled Castes people in that Department in the districts of Sylhet and Cachar ? (To be shown separately.)
- (c) Whether the Scheduled Castes are fully represented in that Department ?

186. (a) Are Government aware that some Scheduled Castes candidates applied this year for the posts of Demonstrators in the Agriculture Department ?

- (b) If so, why were they refused ?

The Hon'ble Dr. MAHENDRA NATH SAIKIA replied :

185. (a)—The information is furnished below :—

	Sylhet District	Cachar District
Clerks	17	1
Demonstrators	27	4
Inspectors	11	1

(b)—The hon. member presumably means the percentage of posts actually held and the reply is:—

1. Clerks	...	...	...	...	nil
2. Demonstrators	...	...	...	...	3 per cent.
3. Inspectors	...	...	...	...	9 per cent.

(c)—The reply is in the negative so far as categories 1 and 2 above are concerned. As officers in the third category are recruited on a provincial basis the question in respect of these officers cannot be answered with reference to the actual representation in these two districts.

186. (a)—No scheduled caste candidates applied this year for the posts of Demonstrators in the Agriculture Department.

(b)—Does not arise.

Cases disposed of by the Sunamganj Debt Conciliation Board

Babu KARUNA SINDHU ROY asked :

187. Will Government be pleased to state the number of cases disposed of in favour of the money lenders by the Sunamganj Debt Conciliation Board, from the date of its establishment up till now ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

187.--Up to the end of December 1940, the latest date for which figures are available, 1,447 cases had been registered before the Sunamganj Debt Conciliation Board. Of these 40 had been dismissed under Section 7(1) and one under Section 14. The remainder were all pending and no agreements under section 12(1) had up till then been executed.

Death of a Constable on the Keane Bridge, Sylhet

Babu KARUNA SINDHU ROY asked :

188. (a) Is it a fact that a man attached to the Assam Rifles at Sylhet has committed suicide recently on the Surma Bridge ?

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

(i) The name of the aforesaid deceased person ?

(ii) The date on which he committed suicide ?

(c) Is it a fact that he left a letter before he went to commit suicide ?

(d) Is it a fact that he was suffering from continuous illness ?

(e) Is it a fact that he could not get himself admitted in the Police Hospital, Sylhet ?

(f) Do Government propose to enquire and find out the cause of his committing suicide ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

188. (a)—No, but a Constable of the Armed Branch, Sylhet Police, died, having fallen on the high tension wires on the Keane Bridge, Sylhet.

(b) (i)—Khenon Ram Kachari.

(ii)—16th December 1940 was the day of his death.

(c)—No.

(d)—No.

(e)—No.

(f)—Does not arise.

Affairs of the Mahaprabhu Bari at Dhakadakshin

Babu KARUNA SINDHU ROY asked :

189. (a) Are Government aware that there are litigations amongst the Sebaitis of the Mahaprabhu Bari at Dhakadakshin and that the temple affairs there are being inefficiently managed causing inconveniences to the public ?

(b) If so, do Government propose to take up the management of the affairs of the said Mahaprabhu Bari at Dhakadakshin and appoint a committee for the purpose ?

(c) Are Government aware that occasional *Melas* are held at Dhakadakshin, where thousands of people assemble ?

(d) If so, do Government propose to make arrangements for drinking water and for other sanitary measures for prevention of diseases amongst pilgrims and other persons who attend such *Melas* ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

189. (a) —Government have no information about such litigation.

(b)—No such proposal has so far been submitted to Government.

(c)—Yes.

(d)—The suggestion will be conveyed to the authorities concerned.

Leprosy cases in Assam Valley

Srijut KARKA DALAY MIRI asked :

190. (a) Are Government aware that Leprosy cases in the Assam Valley, particularly in the Sibsagar district, are gradually increasing ?

(b) If so, what action Government propose to take to combat this disease ?

191. Do Government propose to start Leprosy colonies and segregate the lepers to such places or dispensaries wherein they can be treated and given sufficient relief ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

190. (a)—A statement of the number of leprosy cases treated in the districts of the Assam Valley for the last three years is given below. The number treated during that time does not show any appreciable increase.

Districts	1938		1939		1940		
	Medl.	P.H.	Medl.	P.H.	Medl.	P.H.	
Lakhimpur	...	46	...	70	...	56	...
Kamrup	...	531	310	473	161	559	195
Nowgong	...	41	230	34	155	41	118
Darrang...	...	220	145	240	142	201	184
Sibsagar	...	163	12	195	7	175	6
Goalpara	...	309	77	388	56	348	46
Garo Hills	...	132	...	128	...	124	...

(b)—In June 1940, a Special Leprosy Officer was appointed after training at Chingleput, Madras, in the diagnosis and technique of leprosy treatment for the purpose of tackling leprosy problem in Assam.

191.—Recently Rai Sahib Dr. I. Santra, Propaganda Officer, British Empire Leprosy Research Association made a tour in Assam with the Special Leprosy Officer. The question of opening occupational leper colonies will be considered on receipt of Dr. Santra's report and recommendations.

The Assam Forest (Amendment) Bill, 1940

Clause 3 —contd.

The Hon'ble the SPEAKER: Now we shall resume discussion on Mr. Mookerjee's amendment* to clause 3 of the Assam Forest (Amendment) Bill, 1940.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I rise on a point of order. It concerns an amendment† to the Forest (Amendment) Bill standing in my name. The amendment that Mr. Mookerjee is now moving.....

The Hon'ble the SPEAKER: He has already moved it and it is now before the House.

Mr. F. W. BLENNERHASSETT: In that case let us say it is under consideration. Mr. Mookerjee's amendment seeks to delete clause 3 of the Bill. But the amendment in my name seeks to qualify the section so that only such areas as directed by Government from time to time shall come under the operation of the section.

*That clause 3 of the Bill shall be deleted.

†That for sub-clause (2) of clause 1, the following shall be substituted :—

“(2) Section 2 of this Act shall come into force at once and shall apply to the whole of the territories to which the Regulation now applies and section 3 shall come into force at such times and in such areas as the Provincial Government, may by notification, direct.”

The amendment that I sent to the Legislative Assembly Office contained two parts:—(1) "Section 2 of this Act shall come into force at once and shall apply to the whole of the territories to which the regulation now applies". The second part reads thus:—"Section 3 of the Act shall come into force at such times and in such areas as the Provincial Government, may by notification, direct."

The form in which I sent the amendment has been changed by your office. Now would you consider the amendment in the present form acceptable?

The Hon'ble the SPEAKER: What was the preamble of the amendment? Did the hon. member state, "that for sub-clause (2) of clause 1, the following shall be substituted"?

Mr. F. W. BLENNERHASSETT: No, Sir. The object of my amendment is perfectly clear and I want to know whether in this form it will be accepted by you, as well as by the Government.

The Hon'ble the SPEAKER: May I take it that the first amendment was to clause 1 and the second amendment was to clause 3?

Mr. F. W. BLENNERHASSETT: That is true, Sir.

The Hon'ble the SPEAKER: Now as it stands, the second amendment was really no amendment to any of the clauses? It was really introducing something to be considered separately. Was it not so?

Mr. F. W. BLENNERHASSETT: That is true, Sir. Hence the amendment, as it stands, makes the position perfectly clear. All I want to know is whether the amendment, as it stands now, is acceptable to you and to the Government. That is, supposing Mr. Mookerjee's amendment is not accepted, will mine then serve the motive that I have in my mind?

The Hon'ble the SPEAKER: I am afraid, it will not be a proper amendment for giving effect to the intention of the hon. mover. Now clause 3 of this Bill really intends to do away with section 63 of the Forest Regulation. What the hon. member wants is that there should be a qualified repeal of section 63 of the Forest Regulation, *i.e.*, it will be in the option of the Government to select the time and also the place when and where section 63 should be made applicable. Now clause 3

Mr. A. WHITTAKER: Is it not a fact that section 63 will be repealed?

The Hon'ble the SPEAKER: Yes, it will be completely repealed. If clause 3 be passed then section 63 of the Regulation goes away. Then how the hon. mover can say that Government should give effect to it whenever and wherever they think it necessary? What the hon. mover wants is that there should be a qualified repeal of section 63 both as regards time and place, *i.e.*, section 63 shall come into force at such time and at such place as Government may choose. I do not know how it can be a proper amendment to give effect to the intention of the hon. mover. If the amendment is worded in a different way I am agreeable to allow the amendment. So I would ask the hon. member to word the amendment in such a way so that I can accept it.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir, if my amendment is accepted, I think, in that case Mr. Blennerhassett's amendment will be valid.

The Hon'ble the SPEAKER: Yes; but it will be necessary to make changes in the wording. If the hon. member's amendment be carried then with certain changes in the present amendment of Mr. Blennerhassett it can be held to be in order.

Mr. F. W. BLENNERHASSETT: In point of fact, if Mr. Mookerjee's amendment is carried I have no intention to move mine at all.

The Hon'ble the SPEAKER: If the hon. member is afraid that Mr. Mookerjee's amendment will not be carried then he can make the necessary changes in the wording of his amendment.

Mr. F. W. BLENNERHASSETT: I will move according to your direction, Sir. Will you accept that?

The Hon'ble the SPEAKER: Yes, the hon. mover will have to modify the wording, but it will be easier to modify it if Mr. Mookerjee's amendment is accepted. It would be a bit difficult to modify the amendment if Mr. Mookerjee's amendment is lost.

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I think it would be better to read the provision of section 63 as embodied in the Assam Forest Manual for information of the hon. members. Section 63 reads like this "when in any proceedings taken under this Regulation, or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved".

I may tell the hon. members at the very beginning that this section 63 is an independent section. It is only meant for the regulation and can be repealed without affecting any other provisions of the Manual.

Then as regards the amendment which has been moved by my hon. friend Mr. Mookerjee I fully appreciate the ideas expressed in his speech, but I am sorry I cannot accept his amendment. I am also thankful to many other hon. members who have expressed their keenness and who have felt so much for the preservation of our valuable forest. Government is also no less keen for it. As Minister-in-charge of Forest, my responsibility, anxiety and apprehension are certainly greater than that of any one else. I have heard the learned arguments advanced by the hon. friends both for and against the amendment. There are two opinions before the House. Some hon. members have advanced their learned arguments against the repeal of this section as they apprehend some danger which may tend to ruin our forest in future. On the other hand, there are many hon. members who have advanced their arguments for the repeal of this section. They have gone so far to say that because of the provision of section 63, the poor villagers easily fall victim to the subordinate officers of our Forest Department, and they think that with the repeal of this section 63 the people will get some relief. To be frank, Sir, I cannot deny that there is some weight in both these arguments. Our Forest subordinates have been accused of harassing the people. But so long there are the rules and regulations, our forest officers will have to enforce them where such cases are detected and in the strict enforcement of these rules if any harassment is done to these poor villagers, the fault is not with those officers. Now, Sir, as regards the effect of the repeal of this section, we cannot at this moment forecast what will be the real effects. Whether there will be a disaster or danger, that will have to be seen gradually in course of time. The immediate effect of the repeal of this section will be that the burden of proof will shift to the prosecution on the line of the general law. Let us hope that there will be no such disastrous effect as apprehended by some of the hon-members. The question of harassment is not a new thing. Since the year 1928 there have been agitation and criticisms both inside and outside this legislature;

there was insistent demand from people that some amendment should be made in order to give some relief to these harassed people. Now, Sir, in view of the repeated demand from the people, the Government and the successive Ministries undertook to bring some amendments so that the people may get some relief. Government very carefully considered the matter and closely examined all the aspects and after close examination and careful consideration they had to bring the Bill in its present form. This Bill was referred to a Select Committee and in that Select Committee there was a full discussion and all the members who were then present at the committee had accepted the provisions of the Bill with only one member dissenting. So, Sir, with these words, I oppose the amendment moved by my hon. friend Mr. Mookerjee.

The Hon'ble the SPEAKER: Before I put this question before the House I wish to address a few words to the House with regard to what was stated by Mr. Blennerhassett about his amendment. Now, as I told the House, that if Mr. Mookerjee's amendment be carried, then with slight modifications Mr. Blennerhassett's amendment may be allowed to be moved, *i.e.*, for the figure '3' there shall be substituted 'section 63 of the Assam Forest Regulation', but if Mr. Mookerjee's amendment be lost then clause 3 of the Bill stands, *i.e.*, section 63 of the Assam Forest Regulation is repealed. So, if Mr. Mookerjee's amendment be lost then there will be no scope for the amendment of Mr. Blennerhassett. What Mr. Blennerhassett ought to have done is that he should have tabled 2 amendments—one to clause 1 and another to clause 3. Now his amendment ought to have been to clause 1 to this effect :

"It shall apply to the whole of the territories to which the Regulation now applies and shall come into force at once."

After that 'subject to provision hereinafter made' and then he ought to have tabled an amendment to clause 3 saying that for the words and figure 'section 63 of the said Regulation is hereby repealed' substitute the following as a proviso to section 63 of the Forest Regulation, 'provided always that it will be in the competence of the Government either to give effect to section 63 whenever they choose' both as regards time and place. This is only indicating generally the shape of the amendments which might have been worded in sensible phraseology.

Mr. F. W. BLENNERHASSETT: That was my motive, Sir.

The Hon'ble the SPEAKER: Of course that was the motive of the hon. member, but I think at this stage it will be very difficult for me to allow him to table an amendment to clause 3 of the Bill in that way.

So I am now putting the question.

The question is: "That clause (3) of the Bill shall be deleted.

The Assembly divided.

AYES—12

- | | |
|--------------------------------|-------------------------|
| 1. Mr. Baidyanath Mookerjee. | 7. Mr. N. Dawson. |
| 2. Babu Kamini Kumar Sen. | 8. Mr. W. R. Faull. |
| 3. Srijut Purandar Sarma | 9. Mr. P. Trinkle. |
| 4. Srijut Santosh Kumar Barua. | 10. Mr. C. W. Morley. |
| 5. Dr C. G. Terrell. | 11. Mr. D. B. H. Moore. |
| 6. Mr. F. W. Blennerhassett. | 12. Mr. A. Whittaker. |

NOES—46

- 1 The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
- 2 The Hon'ble Srijut Rohini Kumar Chaudhuri.
- 3 The Hon'ble Srijut Hirendra Chandra Chakravarty.
- 4 The Hon'ble Khan Sahib Maulavi Mudabbir Husain Chaudhuri.
5. The Hon'ble Dr. Mahendra Nath Saikia.
6. The Hon'ble Maulavi Abdul Matin Chaudhuri.
7. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
8. The Hon'ble Miss Mavis Dunn.
9. The Hon'ble Srijut Rupnath Brahma.
10. Babu Akshay Kumar Das.
11. Babu Balaram Sircar.
12. Babu Bipin Behari Das.
13. Srijut Jogendra Narayan Mandal.
14. Srijut Joges Chandra Gohain.
15. Babu Kalachand Roy.
16. Mr. Naba Kumar Dutta.
17. Maulavi Abdul Aziz.
18. Maulavi Abdul Bari Chaudhuri.
19. Maulavi Abdur Rahman.
20. Maulavi Syed Abdur Rouf.
21. Maulavi Md. Abdus Salam
22. Maulavi Dewan Muhammad Ahbab Chaudhury.
23. Maulavi Muhammad Amiruddin.
24. Maulavi Muhammad Amjad Ali.
25. Maulavi Badaruddin Ahmed.
26. Maulavi Ghyasuddin Ahmed.
27. Maulavi Muhammad Maqbul Hussain Chaudhury.
28. Maulavi Matior Rahman Mia.
29. Maulavi Mabarak Ali
30. Khan Bahadur Maulavi Mufizur Rahmam.
31. Maulavi Muzarrof Ali Laskar
32. Maulavi Namwar Ali Barbhuiya.
33. Maulavi Naziruddin Ahmed
34. Maulavi Sheikh Osman Ali Sadagar.
35. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
36. Mr. Benjamin Ch. Momin.
37. Srijut Bhairab Chandra Das.
38. Srijut Bideshi Pan Tanti.
39. Srijut Binode Kumar J. Sarwan.
40. Srijut Dhirsingh Deuri.
41. Mr. C. Goldsmith.
42. Mr. Jobang D. Marak.
43. Rev. J. J. M. Nichols-Roy.
44. Srijut Khorsing Terang.
45. Srijut Rabi Chandra Kachari.
46. Babu Sanat Kumar Ahir.

The amendment was negatived.

The Hon'ble the SPEAKER: The question is that clause 3 stands part of the Bill.

The question was adopted.

Clause 2

The Hon'ble the SPEAKER: So far as the first part of Mr. Blennerhassett's amendment* is concerned, I don't think it will be of any use to move it.

Mr. F. W. BLENNERHASSETT: No object whatever could be served by moving it at all, Sir.

The Hon'ble the SPEAKER: I am really sorry that for the unhappy wordings of the amendment it could not be placed before the House.

*That for sub-clause 2) of clause () the following shall be substituted:—
(2) Section 2 of this Act shall come into force at once and shall apply to the whole of the territories to which the Regulation now applies and section 3 shall apply to the whole of such times and in such areas as the Provincial Government may, by notification, direct.

Mr. F. W. BLENNERHASSETT: Sir, may I say I would have liked to have this been pointed out earlier had it been possible. Mr. Mookerjee's amendment was tabled some time after mine. They were put together and I had no time to look into it, or else I would have found some alternative way of putting it.

The Hon'ble the SPEAKER: It would practically be an amendment to clause 3. Now as clause 3 has been put as part of the Bill, the hon. member's amendment cannot be allowed.

Now the question is that clause 2 stands part of the Bill.

The question was adopted.

Clause 1

The Hon'ble the SPEAKER: The question is that clause 1 stands part of the Bill.

The question was carried.

Title and preamble

The Hon'ble the SPEAKER: Now the question is that the title and preamble of the Bill stands part of the Bill.

The question was adopted.

The Hon'ble Srijut RUPNATH BRAHMA: I beg to move, Sir, that the Assam Forest (Amendment) Bill, 1940, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Forest (Amendment) Bill, 1940, be passed."

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, it is my duty that I should oppose the passing of this Bill. Sir, the argument advanced by me, though appreciated by the Hon'ble Minister-in-charge, was not accepted by him. He regretted that though these are good reasons but still he could not accept them. While discussing about my amendment yesterday, my hon. friend.....

Mr. JOBANG D. MARAK: On a point of order, Sir. May I draw your attention to the fact that one of the visitors is sitting over the railing of the gallery?

The Hon'ble the SPEAKER: The gallery is to be invisible to the Chair. That is the difficulty. The hon. member has rightly drawn my attention to what he has noticed in the gallery. This is quite sufficient. But in regard to such a matter a quiet complaint to the Secretary would have been suitable.

Maulavi MUHAMMAD AMJAD ALI: The Chair can possibly look at the gallery, because if the gallery gets disorderly, it will be to the detriment of the business of the House. The Chair will be disposed to look into the gallery whenever there is necessity for the same. I think, Sir, you will be pleased to give a ruling on the point.

The Hon'ble the SPEAKER: The hon. member has not really understood me. I was simply referring to a Parliamentary convention. The Chair is not supposed to look at the gallery. If there is anything disorderly, certainly steps would be taken by office under the direction of the Chair and according to the rules. To make a request to the Chair to be looking at the gallery is against Parliamentary convention.

Mr. BAIDYANATH MOOKERJEE : I am sorry, Sir, for the poor visitors. The attack was so long directed towards me but now I find that it has been directed towards the gallery.

The Hon'ble the SPEAKER : But I think this will have a real effect.

Mr. BAIDYANATH MOOKERJEE : In one point, Sir, I am entirely one with my hon. friend, Mr. Maqbul Hussain Chaudhury when he said yesterday that, because the Hon'ble Minister did not care to go and see the actual position, on the spot, he has brought forward such a Bill rather, such a hopeless Bill. I entirely agree with him in this respect.

Some argument was advanced that although in all other cases the onus of proof lies with the prosecution, in this particular case it was just the contrary. But, Sir, so far, as sub-clause (3) of clause 2 of this Bill is concerned, may I enquire from those hon. members that in other prosecution cases where some person is prosecuted and afterwards acquitted, whether in all such cases the police officer or other officers are prosecuted? There are provision like this, *viz.*, in sub-clause (3) of clause 2 of this Bill? It was also said, Sir, that it was the duty of the prosecution to prove that the article in question was the property of the prosecutor. Sir, it is rather easy to identify a box, an ornament, clothes or furniture, but is it possible to identify and to give proof of *san--grass*, bamboos and branches of trees? In all such cases some part of the article will be on the ground and how very costly it will be if local enquiry is to be made which I think absolutely necessary. Due to prohibitive cost there will be no case and stealing will be encouraged. These points ought to have arisen in the minds of the hon. members. But, Sir, in their zeal to give some relief to the peasants, some of the hon. members are supporting this Bill. I think, Sir, it would have been better on their part to come forward in a straightforward manner and not in disguise. If they want to give relief, there ought to have been a provision that the forest produce which can be carried by one man may be taken without any payment irrespective of the class of the forest produce. But that has not been done and the effect will be that the revenue from our forests will be decreased to a great extent and the officers will in many cases be blamed for nothing and the forests will be ruined.

Sir, again I appeal to the hon. members, before they pass this Bill, to consider these points seriously and then decide whether they should pass it or reject it, asking the Government to come before this House again with another Bill, so that the benefit that they want to give by this enactment may be given in a direct and proper form by allowing the people to take away forest produce as much as a single person can carry without paying any royalty. With these words, Sir, I oppose the passing of this Bill.

Mr. F. W. BLENNERHASSETT : Mr. Speaker, Sir, I need hardly reiterate the attitude of this Group on the provisions of this Bill. We have just shown what we felt about it in a most unmistakable manner. We feel, Sir, that the recommendations advanced in Mr. Whittaker's very wise minute of dissent have expressed our case absolutely. We considered, Sir, that there was not a chance of Mr. Mookerjee's proposal being generally adopted or approved and so it was our intention to have moved an amendment whereby it would have been possible for Government to experiment in particular areas before throwing the whole of the province over to such widespread and probably very disastrous legislation.

Yesterday, Sir, I could not help feeling that the more I heard of the case for the abolition of section 63 the more I found it was necessary to retain that section. Sir, there is no more doughty defender of the rights of that class of the populace who have become to be almost invariably referred to as "poor", than Mr. Mookerjee who desires the retention of section 63, but hearing the arguments of my friends Maulavi Abdur Rahman and Maulavi Maqbul Hussain Chaudhury in favour of the abolition of the section it had almost led me to think that the district of Sylhet had a special case, for the experiment I had hoped to advocate, for they said the section was being applied very harshly there and the people were being unnecessarily harassed, but in the course of their argument they, in fact, set up a very good case for retention of section 63. The arguments of my friends yesterday, summarised, really amounted to this "The police force are too alert—they have arrested a number of people falsely therefore abolish the law". "The police in their zeal to carry out the law have made wrongful accusations against innocent people therefore take the law from them." But that, Sir, is not wisdom. That there have been cases of wrongful arrest, I have no doubt, for wrongful arrest takes place under any Act of the Realm and will continue to take place so long as the police force exercise their duties. I have no doubt that in a few moments from the time I speak this Bill will become law, and once it becomes law it will never be repealed, unless indeed after a good deal of trouble. Sir, we have no axe to grind, we have nothing to gain and nothing to lose, but we claim to be able to view this problem through an entirely unbiased eye, and we do appeal to the Government and to this House even at this late hour to hesitate and consider well before putting into force an act of legislation which will tend to kill that promising baby, the Forests of Assam.

Mr. A. WHITTAKER: Mr. Speaker, Sir, I will mention only two small points. The Hon'ble Minister referred to the Select Committee and he said that as the majority of that committee were in favour of this Bill therefore it must be a right and correct Bill. I still think it is possible to convince even this Assembly that knowledge can begin in a minority of one.

My second point is that this afternoon, I heard from the front benches a most curious justification for the repeal of section 63. We heard from the Hon'ble Minister-in-charge of this Department—and I do not question for a moment both his concern and interest for his Department—that one of the reasons for this Bill is to prevent his own subordinates—(in the language of some of the speakers—) "committing oppressions." Sir, if the Hon'ble Minister and his own Department cannot stop their own subordinates from harassing the people I must say that no amount of repeal of section 63 will stop it.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I congratulate the hon. members of this House for passing this Bill (*laughter*). (*A voice: in advance?*) Sir, this Bill, as my hon. friend Mr. Mookerjee has said, is hopeless indeed, (*Mr. B. Mookerjee: hear, hear.*) but still it is a sign that we are progressing towards the improvement of forest legislation. My advice to the Hon'ble Minister-in-charge—as a member of the party—was to bring a more revolutionary Bill at an early date, but from this Bill I find that the Hon'ble Minister has more regard for the views of Mr. Mookerjee than mine as the word revolutionary might cause fever to Mr. Mookerjee.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mere amending of the Forest Regulation will not serve our purpose unless the transit rules are thoroughly revised and modified. I have every respect for the

feelings expressed by my hon. friend Mr. Blennerhassett, but still I stick to my own views, and I am not in favour of shifting the power from the hands of this House to the hands of any official or any departmental head. The views of a departmental head may carry weight with a District Magistrate, however *zabardast* he might be—but the position of the Government is not same : we must have regard for the wishes of the people. Law is meant for the ruled and not exclusively for the rulers, so when a law is proved to be oppressive to the people, it is the duty of the Government to change that law for the best interests of the people. I congratulate Government for bringing this Bill which convinces us that Government possess some progressive ideas, and we hope that in future they will come up with a better Bill.

With these few words I support the Bill, and I hope that all the hon. members will cast their votes in favour of the Bill. I appeal to the hon. Mr. Whittaker and the hon. Mr. Blennerhassett to change their opinion and lend their hearty support to the Bill.

Mr. F. W. BLENNERHASSETT : We on our side appeal to our hon. friend to change his point of view and vote with us.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, it has been very well said by my hon. friend Mr. Whittaker that no amount of legislation can stop oppression if the subordinate staff of the Forest Department want to harass the people. That is a truism that depends upon the person's inclination and therefore nobody can change it. But whether we should give opportunity to this class of misguided officials for greater chance of committing these depredations upon the poor masses, that was the point with which Government had to deal. The question of improving our forest laws has been engaging the attention not only of this House since its creation, but I remember that this question was debated very vigorously in 1928 when Government had to constitute a committee of enquiry to go into these matters. Since 1928, the agitation in favour of the repeal of this particular section and also of improving other sections of the Forest Regulation has gained in strength. Therefore, as popular Government, this Ministry had to introduce this Bill, which, according to the opinion of the Ministry was really a sort of compromise between the revolutionary suggestions of my friend Mr. Maqbul Hussain Chaudhury and the conservative cautiousness of friends like Mr. Mookerjee. Government have touched only one particular section of the Regulation and as every lawyer knows that this piece of legislation contains an inverted principle of Jurisprudence, *i.e.*, putting the burden of proof on the accused, Government thought of this little concession to create an atmosphere from which everyone whether forest officials or those black-sheeps in the society who sometimes commit theft, may derive some benefit. We say that clothed with the powers under section 63 of the Forest Regulation, sometimes enthusiastic forest officers or subordinates like the forest guard and the forester, have with impunity stopped people from taking forest produce, knowing full well that as the burden of proof is upon the poor man he can challenge on the authority of the forest laws, and in many cases innocent men have been harassed. Now, as it is a truism that whatever may be the law, there would be a section of the people in the Government service who will take pleasure in oppressing the people. Similarly the poorest society cannot but contain some members who indulge either on an urge of kleptomania or on grounds of maintaining himself, commit theft of minor forest produce. Nobody would be able to stop that. But if public feeling is aroused that with the greatest difficulty the representatives of the people have been able to cause a repeal of this section, it is up to the people

at large to conduct themselves in such a way that there may not be any counter agitation to replace the law as it was if there be denudation of forest property. Therefore, I say that this repeal may cause some better feeling of a sense of citizenship and a sense of using the authority in a proper manner amongst the parties concerned. (*Hear, hear.*)

My hon. friend, Mr. Blennerhassett, by his motion, wanted to bring in a compromise between the two views as expressed in the House by Messrs. Mookerjee and Maqbul Hussain Chaudhury. He thought, and very naturally, and the Head of the Department—the Conservator of Forests is also of the same opinion, that there is a likelihood of an increase of pilfering of forest produce if this check is removed. But Mr. Blennerhassett was of opinion that the power should be there and that Government should introduce this law at any time at any place where they thought necessary.

Mr. F. W. BLENNERHASSETT: On a point of explanation, Sir, I said, as an experiment.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In other words, he was willing to concede that in certain areas there may be reason to believe that necessity exists. But as he was willing to leave this matter of extending the repeal of section 63 in the hands of the Government there was not much check. If backed by the majority of opinion in the House that an Act should be in force throughout the province a popular Government cannot but listen to the dictates of its party and a notification will be issued covering the entire province. They must take a plunge boldly and make an experiment throughout the province. And if it is found that the Forest Revenues have been prejudicially affected by this change in the law, I think there will be politicians with moral character and courage to come before the House to replace the law, in future. As that course is open, I do not see any reason for a half way measure that my hon. friend Mr. Blennerhassett wanted to be adopted by the House by his motion.

The Hon'ble the SPEAKER: The question is:

“That the Assam Forest (Amendment) Bill, 1940 be passed.”

The Assembly divided with the following result:—

AYES—44

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|---|-------------------------------------|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 10. Babu Akshay Kumar Das. |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 11. Babu Balaram Sircar. |
| 3. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 12. Babu Bipin Behari Das. |
| 4. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 13. Srijut Jogendra Narayan Mandal. |
| 5. The Hon'ble Dr. Mahendra Nath Saikia. | 14. Srijut Joges Chandra Gohain. |
| 6. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 15. Babu Kalachand Roy. |
| 7. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 16. Mr. Naba Kumar Dutta. |
| 8. The Hon'ble Miss Mavis Dunn. | 17. Maulavi Abdul Aziz. |
| 9. The Hon'ble Srijut Rupnath Brahma. | 18. Maulavi Abdul Bari Chaudhury. |
| | 19. Maulavi Abdur Rahman. |
| | 20. Maulavi Md. Abdus Salam. |

AYES 44—*conld.*

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| 21. Maulavi Dewan Muhammad Ahabab Chaudhury. | 32. Maulavi Naziruddin Ahmed. |
| 22. Maulavi Muhammad Amjad Ali. | 33. Maulavi Sheikh Osman Ali Sadagar. |
| 23. Maulavi Badaruddin Ahmed. | 34. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. |
| 24. Maulavi Ghyasuddin Ahmed. | 35. Mr. Benjamin Ch. Momin. |
| 25. Maulavi Jahanuddin Ahmed. | 36. Srijut Bhairab Chandra Das. |
| 26. Maulavi Muhammad Maqbul Hussain Chaudhury. | 37. Srijut Bideshi Pan Tanti. |
| 27. Maulavi Matior Rahman Mia. | 38. Srijut Binode Kumar J. Sarwan |
| 28. Maulavi Mabararak Ali. | 39. Srijut Dhirsingh Deuri. |
| 29. Khan Bahadur Maulavi Mufizur Rahman. | 40. Mr. Jobang D. Marak. |
| 30. Maulavi Muzarrof Ali Laskar. | 41. Rev. J. J. M. Nichols-Roy. |
| 31. Maulavi Namwar Ali Barbhuiya. | 42. Srijut Khorsing Terang. |
| | 43. Srijut Rabi Chandra Kachari. |
| | 44. Babu Sanat Kumar Ahir. |

NOES—10

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| 1. Mr. Baidyanath Mookerjee. | 6. Mr. W. R. Faull. |
| 2. Babu Kamini Kumar Sen. | 7. Mr. P. Trinkle. |
| 3. Dr. C. G. Terrell. | 8. Mr. C. W. Morley. |
| 4. Mr. F. W. Blennerhassett. | 9. Mr. D. B. H. Moore. |
| 5. Mr. N. Dawson. | 10. Mr. A. Whittaker. |

The motion was adopted.

The Assam Revenue Tribunal Bill, 1941

The Hon'ble the SPEAKER: Now we shall take up the Assam Revenue Tribunal Bill, 1941.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg, Sir, to introduce the Assam Revenue Tribunal Bill, 1941.

(The Bill was introduced).

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to move that the Assam Revenue Tribunal Bill, 1941, be referred to a Select Committee consisting of the following members and that the Committee should submit their Report on or before the 30th June, 1941:—

1. The Hon'ble Minister in-charge of Revenue,
2. Mr. A. Whittaker,
3. Babu Kamini Kumar Sen,
4. Maulavi Abdur Rahman,
5. Khan Bahadur Maulavi Mufizur Rahman,
6. Maulavi Syed Abdur Rouf, and
7. Srijut Jogendra Narayan Mandal.

(Three members to form a quorum.)

Sir, I am really happy that almost at the fag-end of our life time it has been possible for us to present this Assam Revenue Tribunal Bill. Since the inauguration of reforms, non-official members both of this House and the Upper House have been making attempts to make a legislation in pursuance of Section 296(2) of the Constitution Act. Babu Karuna Sindhu Roy gave notice of a Bill several times. Similarly my hon. friend Maulavi Abdur Rahman also gave notice of such a Bill and the Hon'ble Mr. Chaudhuri, while he was in the opposition, also gave notice of a similar Bill; and in the Upper House too Babu Satyendra Mohon Lahiri gave notice of a Bill on the same subject.

The principal difficulty in considering those Bills was of a legal nature. It will be remembered by the House that the constitution of the Assam Revenue Tribunal now is under section 296. It was made by the Governor: "The Governor shall constitute a tribunal consisting of such person or persons as he, exercising his individual judgment, may think fit, to exercise the same jurisdiction until other provision in that behalf is made by Act of the Provincial Legislature". The present Assam Revenue Tribunal is consisted of one member who is a member of the Indian Civil Service. The post has been reserved for a member of the Indian Civil Service by the rule framed under section 246 of the Constitution Act. It was pointed out that the Provincial Legislature cannot by a legislation override a rule already framed by the Secretary of State. It was said that section 110(b) of the Constitution Act was attracted. There was a long correspondence between the Government of Assam and the Secretary of State on this matter. Finally we have been told by the Government of India that in certain circumstances the Provincial Government may recommend dereservation of the post. Now that circumstance will arise when the Bill that is now presented before the House will be passed by both the Houses. Before it becomes a law the Secretary of State will have to be referred to and the Secretary of State will then, we expect, see his way to dereserve the post. Now consideration of this matter alone opens the way in bringing a Bill of this nature. The Congress-Coalition Government assured Babu Karuna Sindhu Roy that they would come forward with a Bill of their own. They were considering about this matter from different aspects, but before they could come to any definite proposal they had to resign. Since I assumed office I have been taking up this matter in right earnest.

There were various knotty questions involved in this legislation. First of all, the question was what should be the jurisdiction of such a tribunal. Now clause (1) of section 296 makes it clear that the Revenue Tribunal will have jurisdiction to entertain appeals or revise decisions in revenue cases. This term 'revenue case' has nowhere been defined and that creates the difficulty. We have referred to other Governments but in none of the enactments this term 'revenue case' has been clearly defined. So we had to go to Bombay for enlightenment in this matter. In Bombay they have got a Revenue Tribunal Act, which we had to follow in drafting this Bill. The Bombay Revenue Tribunal Act has a schedule attached to it in which the cases which can be tried by the Revenue Tribunal are specifically mentioned. Now in this Bill also we have followed Bombay and have attached a schedule to the Bill. I may tell the House that the items which have been shown in this schedule are mostly of a non-contentious nature. We have taken account of those cases which have hitherto been tried by the Assam Revenue Tribunal. But there is a proviso in sub-clause (3) of clause 4 that the Provincial Government may, by notification in the official Gazette, direct by general or special order that the Tribunal shall also have jurisdiction to entertain and decide appeals and applications for revision in any case in which the Provincial Government may have jurisdiction to entertain and decide such appeals and applications. The Provincial Government may at any time by like notification cancel any direction issued by it under this subsection. So the schedule which has been proposed to this Bill can be added to and those additions can be cancelled afterwards but it will be for the Select Committee which will be constituted to examine closely this schedule whether the items included in the schedule should be kept in tact or should anything be deducted therefrom. Now this Bill also provides for the qualifications of the member of the Tribunal. This Revenue Tribunal is

the highest Court in the province so far as the revenue matters are concerned. So it is just in the same position as the High Court in other provinces. Accordingly the member who is to preside over such a Tribunal should be of the qualifications of a High Court Judge. It has been provided in section 3 that the Tribunal shall consist of one member possessing qualification of a High Court Judge as laid down in section 220(3) of the Government of India Act. Now, Sir, the object of this legislation is to have the Tribunal on a cheaper but no less efficient basis. Now I do not propose to make my Select Committee very big and unwieldy as it is desirable to have a small committee who would be able to go into the knotty points of law about the qualifications and jurisdiction of the Tribunal. But if it be the desire of the House to have a bigger committee than proposed, I shall be only too glad to implement the wishes of the House.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Revenue Tribunal Bill, 1941, be referred to a Select Committee consisting of the following members and that the Committee should submit their Report on or before the 30th June, 1941:—

1. The Hon'ble Minister in charge of Revenue,
2. Mr. A. Whittaker,
3. Babu Kamini Kumar Sen,
4. Maulavi Abdur Rahman,
5. Khan Bahadur Maulavi Mufizur Rahman,
6. Maulavi Syed Abdur Rouf, and
7. Srijut Jogendra Narayan Mandal.

(Three members to form a quorum.)"

Maulavi MUHAMMAD AMJAD ALI: Sir, I beg to propose that the names of Maulavi Ghyasuddin Ahmed and Maulavi Mabarak Ali be added.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I have no objection.

Babu KAMINI KUMAR SEN: May I suggest the name of Mr. Baidyanath Mookerjee to be added, Sir?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I agree, Sir.

Srijut RABI CHANDRA KACHARI: I suggest the name of Mr. Naba Kumar Dutta.

Babu AKSHAY KUMAR DAS: I suggest the name of Babu Balaram Sircar.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I think, Sir, the number will exceed 11. I have no objection to accept the name of Mr. Naba Kumar Dutta.

Babu AKSHAY KUMAR DAS: Sir, when the Hon'ble Minister has made the statement that he has no objection if the committee is made bigger then I do not know what is the reason of his not accepting the name of Babu Balaram Sircar.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I have no other objection to it, Sir, than that it will exceed 11.

Maulavi MUHAMMAD AHBAB CHAUDHURY: I suggest the name of Maulavi Maqbul Hussain Chaudhury.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: I thank the hon. member and decline the offer.

The Hon'ble the SPEAKER: Then am I to take it that the Hon'ble Minister accepts only the 4 names suggested?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
Yes, Sir.

The Hon'ble the SPEAKER: Are the hon. members agreeable to serve on the committee? (After a pause.)

Mr. BAIDYANATH MOOKERJEE: May I make a submission Sir, ? When the Hon'ble Minister is pleased to accept all other names proposed then what is the objection in accepting the name of Babu Balaram Sircar?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: But I do not know what is the number proposed. If however there is only one name then I have no objection.

Khan Bahadur Maulavi KERAMAT ALI: The number comes to 12, Sir. It should be 13, and I suggest the name of Mr Jobang D. Marak.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Then I agree to the inclusion of the name of Mr. Marak but in that case the number of quorum will have to be changed.

Mr. A. WHITTAKER: May I make an appeal, Sir, that a smaller committee might be formed? This Bill is a very technical one and I think a committee of 13 is a most formidable business.

The Hon'ble the SPEAKER: What number should form a quorum?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Six, Sir.

The Hon'ble the SPEAKER: To the names which have already been read the following names are added:—

1. Maulavi Ghyasuddin Ahmed,
2. Maulavi Mabarak Ali,
3. Mr. Baidyanath Mookerjee,
4. Mr. Naba Kumar Datta,
5. Babu Balaram Sircar, and
6. Mr. Jobang D. Marak.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
Yes, Sir.

The Hon'ble the SPEAKER: I am now putting the question. The question is:

“That the Assam Revenue Tribunal Bill, 1941, be referred to a Select Committee consisting of the following members and that the Committee should submit their Report on or before the 30th June, 1941:—

1. The Hon'ble Minister in charge of Revenue,
2. Mr. A. Whittaker,
3. Babu Kamini Kumar Sen,
4. Maulavi Abdur Rahman,
5. Khan Bahadur Maulavi Mufizur Rahman,
6. Maulavi Syed Abdur Rouf,
7. Srijut Jogendra Narayan Mandal,

8. Maulavi Ghyasuddin Ahmed,
9. Maulavi Mabarak Ali,
10. Mr. Baidyanath Mookerjee,
11. Mr. Naba Kumar Dutta,
12. Babu Balaram Sircar, and
13. Mr. Jobang D. Marak.

(Six members to form a quorum.)”

The question was adopted.

Adjournment

The Assembly was then adjourned till 11 A. M. on Saturday, the 29th March, 1941.

A. K. BARUA,

Secretary, Legislative Assembly, Assam

SHILLONG.

The 14th June, 1941.