

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m. on Tuesday, the 19th March, 1940

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 95 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Participation of certain members of the Education Department in politics

Maulavi ABDUR RAHMAN asked :

*212. (a) Has the attention of Government been drawn to an article published in the leader of the Naquib issued from Kulaura dated the 11th January 1940, regarding active parts taken in politics by certain members of the Assam Education Department ?

(b) Has Government since made any inquiry into this ?

(c) If so, with what result ?

(d) If not, do Government propose to hold an inquiry into this matter as early as possible ?

(e) Will Government be pleased to state the name of the alleged officer and the nature of action they propose to take against him ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

212. (a) to (e)—The hon. member is referred to the replies given to similar questions (unstarred question No. 208) asked by Maulavi Naziruddin Ahmed in this session of the Assembly.

The Hon'ble the SPEAKER: It will be better if the Hon'ble Minister reads out the answers to unstarred question 208.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Very well. The answers to unstarred question 208 are as follows :

"208. (a)—Yes, on receipt of the question.

(b)—The matter was enquired into.

(c)—The statement referred to does not appear to be correct.

(d)—Does not arise.

(e)—Government do not consider it advisable to mention the name as no useful purpose is likely to be served thereby. The second part of the question does not arise in view of the reply to question No.208(c) above."

Number and percentage of posts held by members of various communities in the public services

Srijut JADAV PRASAD CHALIHA asked :

*213. (a) Will Government be pleased to place on the table an *up-to-date* statement showing the number and percentage of posts held by the members of various communities in the public services in the Civil and Public Works Department Secretariats of the Province of Assam (in Form A, in the amalgamated roll of the office establishment of the Civil and Public Works Secretariats) ?

(b) What steps do Government propose to take to bring the under-represented communities to par ?

II

FORM A

Statement showing the number and percentage of posts held by members of various communities in the Public Services in the Civil and Public Works Department Secretariats of the Province of Assam

Personal Assistants and Stenographers to Hon'ble Ministers and Secretariat Stenographers

Communities	Population	Percentage of each community on the total population	Number of appointments which each community might hope to hold if the sole consideration was their numerical strength, the total number of appointments being 13	Number of permanent posts actually held by each community	Number of temporary and officiating posts held by each community	Remarks
1	2	3	4	5	6	7
1. Europeans and Anglo-Indians.	..	..	..	2	..	
2. Muslims	2,757,650	31	4.03	1	2	
3. Hindus, Assam Valley (excluding those falling in categories 5 and 6).	2,276,231	26	3.38	2	1	
4. Hindus, Surma Valley (excluding those falling in categories 5 and 6).	755,973	9	1.17	..	2*	* 1 acting in a leave vacancy.
5. Scheduled Castes (a) ..	572,805	6	.78	1	..	
6. Domiciled Hindus (other than ex-coolies).	..	†	..	..	..	† Less than 1 per cent.
7. Tribal people (Hills and Plains). (b)	1,376,861	16	2.08	..	1	
8. Others (c)	1,062,731	12	1.56	2(d)	..	
			13.00	8	5	

(a) *Assam Valley*.—Namasudra, Kaibarta, Bania (Brittia) Bania) and Hira.

Surma Valley.—Mali (indigenous), Dhupi (Dhobi), Dugla or Dholi, Jhalo, Malo, Mahara, Sutradhar, Muchi, Patni, Namasudra and Kaibarta (Jaliya).

Plus the following castes in both Valleys, *viz.*, La'be-i, Mehtar (Bhangi) and Bhansphor.

(b) Abor, Aka, Dafla, Garo, Hajong, Kachari, Khamti, Khasi, Kuki, Lakher Lalung, Lushai, Mikir, Miri, Mishmi, Naga and Synteng.

(c) The particular communities to which "others" belong should be specified in a foot-note.

(d) Bengalis other than the Bengalis of Sylhet and Cachar, who are not domiciled

Madrassi Hindu Nil

Nepali Hindu 2

.. .. . Nil

Total .. 2

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

213. (b)—The balance is being restored as vacancies arise.

214.—Government propose to call for applications from those under-represented communities from which there were not a sufficient number of candidates, who have been selected at the last test, for the vacancies which may arise in the near future, *i.e.*, Assam Valley Hindus and Scheduled castes.

(Starred question No.215 standing in the name of Rev. L. Gatphoh was not put and answered as the questioner was absent.)

Government contribution to the Karimganj Nilmani Government Aided High English School

Maulavi ABDUL AZIZ asked :

*216. Will Government be pleased to state—

- (a) The amount contributed by Government monthly as grant-in-aid to the Karimganj Nilmani Government Aided High English School ?
- (b) How many students are there in the aforesaid High School ?
- (c) How many of them are Muhammadans ?
- (d) How many teachers are there in the staff of the said High English School ?
- (e) How many of them are Muhammadans ?
- (f) How many members are there in the Managing Committee of the said High School ?
- (g) How many of them are Muhammadans ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

216. (a)—Rupees 430 per mensem.
- (b)—One hundred and sixty-seven.
- (c)—Thirty-eight only.
- (d)—Eleven including a Science teacher.
- (e)—One.
- (f)—Eleven.
- (g)—Two.

Maulavi ABDUL AZIZ: With regard to answer to (e) the answer is "one". May I know what teacher is he ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I think, Sir, he is the Persian teacher.

Maulavi ABDUL AZIZ: Is there no Muslim Assistant Teacher on the staff.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It appears to be so.

Maulavi ABDUL AZIZ: May I know why not ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is difficult for me to say now.

Maulavi ABDUL AZIZ: Is not communal representation obtaining there ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The same principle applies. The communal representation is always looked into. I shall enquire why the number is so small.

Post-Graduate Scholarships for the female students in Assam

Mr. NABA KUMAR DUTTA asked :

*217. (a) Are Government aware that there are no post-graduate scholarships at present for the female students of Assam ?

(b) Do Government propose to create some post-graduate scholarships for the female students ?

*218. (a) Are Government aware that there are only five post-graduate scholarships for boys ?

(b) If so, do Government propose to increase their number and to distribute them equitably among different communities ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It would be better for me to answer 217 (a) and (b) and 218 (a) together.

The Hon'ble the SPEAKER: Yes.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

217. (a) & 218. (a)—The hon. member is referred to rules 28 and 30, Part II, section 61 at pages 274-275 of the Assam Education Department Rules and Orders. The three post-graduate scholarships, including the post-graduate research scholarship referred to therein, were kept in abeyance from 1932 as a measure of economy. One of the scholarships under rule 28 was subsequently revived from 1937. Lady graduates are also eligible for these scholarships.

217. (b)—No.

Mr. NABA KUMAR DUTTA: May I enquire whether separate scholarships should be reserved for lady graduates ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: There is no such reservation.

Mr. NABA KUMAR DUTTA: Will the Government now consider it desirable to reserve scholarships for lady graduates only ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I had better answered 218 (b) also, Sir.

The Hon'ble the SPEAKER: Yes.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

218. (b)—As regards the first part of the question, Government will consider it when funds permit. As regards the second part Government will consider the suggestion when the number of scholarship is increased.

Tours of the Hon'ble Ministers to Dibrugarh

Mr. NABA KUMAR DUTTA asked :

*219. Will Government be pleased to state—

- (a) What was the object of the three Hon'ble Ministers, *viz.*, Hon'ble Miss Mavis Dunn, Hon'ble Srijut Rohini Kumar Chaudhuri and Hon'ble Srijut Hirendra Chandra Chakravarty to visit Dibrugarh at a time in the month of January 1940 ?
- (b) The places visited by each of these three Hon'ble Ministers individually in Dibrugarh ?
- (c) The travelling allowances drawn by each of these Hon'ble Ministers on this occasion ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

219. (a)—The object of the tour can be gathered from the reply to question 219 (b).

(b)—The Hon'ble Miss Mavis Dunn visited the Berry-White Medical School, and Girls' hostel attached to the Dibrugarh Government Girls' School, Barooah Press, Dibrugarh Electroplating Works, Knitting works done by one Hareswar Sarkar, an *ex*-constable and the Technical Section of the Local Government Boys' High School. The Hon'ble Minister of Education visited the Dibrugarh Jail, Government High School, Girls' High School and the Marwari Hindi High School at Dibrugarh. The Hon'ble Srijut Hirendra Chandra Chakravarty visited the Dibrugarh Civil Hospital, Berry-White Medical School and the Doom-Dooma Dispensary.

(c)—The Hon'ble Miss Mavis Dunn—Rs.242-4-0

The Hon'ble Minister of Education—Rs.257-8-0.

The Hon'ble Srijut Hirendra Chandra Chakravarty—Rs.346-12-0.

Recruitment of Assamese under-graduates to the Assam School Service

Srijut BEPIN CHANDRA MEDHI asked :

*220. Will Government be pleased to state—

- (a) From which year to which year, Assamese under-graduates were recruited to the Assam School Service (then Subordinate Educational Service) in the Assam Valley on Rs.50 a month (now Rs.75 a month) ?
- (b) From which year the practice of recruiting Assamese under-graduates was stopped to the above-mentioned service ?
- (c) Whether there was any understanding at the time of appointment, even after taking the L. T. diploma, that under-graduates will not be given positions of Assistant Head Masters and Head Masters ?

*221. Will Government be pleased to lay on the table the number of L. Ts at present in the Assam Valley serving as Deputy Inspectors of Schools, Head Masters, Assistant Head Masters, Superintendent of the Normal School and Assistant Superintendent of the Normal School ?

The Hon'ble Srijut **ROHINI KUMAR CHAUDHURI** replied :

220. (a)—From 1914 to 1918.

(b)—From July 1918.

(c)—There was no such understanding at that time, though it was stated that promotion would not be given to under-graduates unless they took the degree or the L. T. Diploma.

221.—

1. Maulavi Abdur Rahman, L.T.	...	...	Deputy Inspector, Gauhati.
2. Srijut Premanath Barua, L.T.	...	...	Deputy Inspector, Sibsagar.
3. Srijut Santapal Das, L.T.	...	...	Deputy Inspector, Jorhat.
4. Maulavi Syed Mohsin Ali Ahmed, L.T.	...	...	Deputy Inspector, Tezpur.
5. Srijut Chittra Malla Barua, L.T.	...	...	Deputy Inspector, Barpeta (under orders of transfer to Goalpara).
6. Maulavi Abdul Latif Barua, L.T.	...	...	Deputy Inspector, North Lakhimpur.
7. Srijut Premadhar Barua, L.T.	...	...	Deputy Inspector, Mangaldai.
8. Srijut Mitradev Mahanta, L.T.	...	...	Assistant Superintendent, Jorhat Normal School.
9. Mr. Kandura W. Momin, L.T.	...	...	Headmaster, Tura Incomplete High School (in class II, Assam School Service).

Srijut BEPIN CHANDRA MEDHI: Will the Hon'ble Minister-in-charge of Education please state from which year the practice of giving position to the L. T.'s as Assistant Headmaster and Headmaster has been discontinued?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I want notice of that question.

Number of Hindu and Muslim Deputy Inspectors in the Assam Valley

Maulavi GHYASUDDIN AHMED asked :

*222. Will Government be pleased to state the number of Hindu and Muhammadan Deputy Inspectors of Schools in the Assam Valley?

*223. Will Government be pleased to state—

(a) The names and the dates of first appointment of those Sub-Inspectors of Schools in the Assam Valley who have been promoted as Deputy Inspectors to fill up the vacancy caused by retirement or otherwise of some of the Deputy Inspectors in 1937, 1938 and 1939 ?

(b) The names and the dates of appointments of all the Muhammadan Sub-Inspectors of Schools ?

*224. Will Government be pleased to state whether all the factors that are necessary were taken into consideration when the promotions were made from Sub-Inspectors to Deputy Inspectors during the last three years ?

*225. Are Government aware that the cases of Muhammadan Sub-Inspectors were not taken into consideration in the matter of such promotion ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

222.—Hindu Deputy Inspectors of Schools	...	...	9
Muslim Deputy Inspectors of Schools	...	...	3
			12

223. (a)—

		Date of first appointment
1. Srijut Uttam Chandra Chaudhury	...	1st August 1917.
2. Srijut Preamdhar Barua	...	23rd July 1911.

During the period in question two Assistant Headmasters were promoted to Deputy Inspectorate.

They are :—

(1) Maulavi Saifuddin Ahmed	...	21st July 1916.
(2) Maulavi Abdul Latif Barua	...	11th September 1910.

(b)—

		Date of first appointment
Maulavi Azimuddin Ahmed, B.A., B.T.		5th July 1920.
„ Nawab Rafiul Hussain, B.A., B.T.		10th April 1923.
„ Harunar Rashid, B.A., B.T.,	...	20th November 1923.
„ Anisuzzaman, B.A., B.T.	...	19th April 1927.
„ Md. Hyder Ali, B.A., B.T.	...	1st May 1928.
„ Wahidur Rahman, B.A., B.T.	...	2nd August 1929.
„ Md. Mahbub Ali, B.A., B.T.	...	1st September 1934.

224.—Yes.

225.—No. Promotions are made on the basis of seniority and merit and not on communal basis alone. The cases of all Senior Sub-Inspectors including Muslims (if any) were considered at the time of making these promotions.

Supply of copies of Judgments in warrant cases free of cost

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

*226. (a) Is it a fact that the Subdivisional Officer, South Sylhet, has discontinued the practice of supplying copies of judgments in warrant cases, free of costs, to the accused persons who are acquitted of the charges ?

(b) Is it a fact that the complainants get copies of judgments free of costs, where the charges are dismissed ?

(c) If so, is the practice being followed at Maulvibazar ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

226. (a)—In the Courts of South Sylhet only the accused convicted in warrant cases are given copies of judgments free of charge for purposes of appeal. The proper practice will be brought to the notice of the Sub-divisional Officer.

(b)—No. There is no provision either by statute or rule entitling a complainant to copy of judgment or order dismissing a complaint, free of cost.

(c)—Does not arise.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Participation of certain members of the Education Department in politics

Maulavi NAZIRUDDIN AHMED asked :

208. (a) Has the attention of Government been drawn to an article published in the leader of the *Naqib* issued from Kulaura, dated the 11th January 1940 regarding active parts taken in politics by certain members of the Assam Education Department ?

(b) Has Government since made any inquiry into this ?

(c) If so, with what result ?

(d) If not, do Government propose to hold an inquiry into this matter as early as possible ?

(e) Will Government be pleased to state the name of the alleged officer and the nature of action they propose to take against him ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

208. (a)—Yes, on receipt of the question.

(b)—The matter was enquired into.

(c)—The statement referred to does not appear to be correct.

(d)—Does not arise.

(e)—Government do not consider it advisable to mention the name as no useful purpose is likely to be served thereby. The second part of the question does not arise in view of the reply to question No.208(c) above.

Surplus money out of the income of the Mechpara Ward's Estate

Kumar AJIT NARAYAN DEV asked :

209. Will Government be pleased to state—

- (a) What is being done with the surplus money out of the income of the Mechpara Ward's Estate after the payment of the Government Revenue, Local Rate, the cost of management and the allowance of the Zemindars ?
- (b) For how many years the Zemindars of the Mechpara Ward's Estate are not being paid the extra allowance which used to be paid to them previously ?
- (c) Whether it is a fact that the said surplus money left after payment of all necessary charges, has been invested, in unsecured loans last year ?
- (d) Whether it is a fact that the Court of Wards is not entitled to make any expenditure by way of speculation, etc., except for the purpose of improvement of the income of the Estate ?
- (e) If the replies to the above question 209 (d) is in the affirmative, will Government be pleased to state whether the investment so made is for the improvement of the Estate ?
- (f) If not, why such investment has been made ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

209. (a)—The surplus money after payment of the charges under 4 heads referred to by the hon. member is being applied towards meeting further obligatory charges under other heads, such as law charges, charities, maintenance of Estate buildings, etc.

(b)—If by the words "extra allowance" surplus money is meant, it was paid to the Zemindars last in 1938.

(c)—No.

(d)—The question is not understood. The hon. member's attention is drawn to sections 48 and 49 of the Court of Wards Act (Bengal Act IX of 1879) as amended by sections 13 and 14 of the Assam Court of Wards (Amendment Act, 1937) which provide for the disbursement of the income of a Ward's Estate.

(e) & (f)—Do not arise.

Opening of new block of land in the Miri areas to the immigrants in North Lakhimpur

Srijut KARKA DALAY MIRI asked :

210. Will Government be pleased to state—

- (a) Whether they have opened any block of land in the Miri areas to the immigrants in the North Lakhimpur, Rangnodi circle, Naoboicha mauza ?
- (b) If so, whether they have received any complaint from the Miris there ?

(c) If the reply to question (b) above is in the affirmative, will Government be pleased to state what steps Government have taken on that complaint?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

210. (a)—No block was opened to the immigrants in Miri areas but three houses of Miris were found within the block opened to immigrants since 1938.

(b)—Yes.

(c)—The Miris were allowed to remain there.

Srijut KARKA DALAY MIRI: মাননীয় বেত্তি-উ মন্ত্রী ডাঙৰীয়াই কৈছে যে Miri areaত Block খোলা নাই, অচৌ কৈছে যে Miri সকলে Complain কৰিছে। ইয়াৰ মানে কি ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: ইয়াত লিখা হৈছে যে তিনি ঘৰ Miri আছিল অ'ক এবৰ মানুহ অ'হ সামাইছে।

Srijut SARVESWAR BARUA: May I know what is meant by 'Miri areas' as stated in reply to question 210(a)?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is known to the hon. questioner because he has used that expression.

Srijut SARVESWAR BARUA: Does the Hon'ble Revenue Minister know that there are many Miri villages alongside the eastern and southern boundaries of this block?

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

Srijut SARVESWAR BARUA: Does the Hon'ble Minister know that the eastern and southern boundaries of this block are on the Miri villages?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: May be.

Srijut SARVESWAR BARUA: Does he not admit that the opening up of this block to the immigrants will bring them into conflict with the tribal people known as 'Miris'?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: There is no Miri village in the neighbourhood.

Srijut SARVESWAR BARUA: What is the source of information of the Hon'ble Minister? He has just now said that the block may abut on the Miri villages.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Information has been received from the local officers that there is no village in the neighbourhood. Of course, there are two or three houses of the Miris.

Srijut KARKA DALAY MIRI: Miri গাঁৱৰ পৰা কিমান দূৰলৈকে Miri area বুলি ধৰি লব পাৰিব।

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is a question of opinion.

Settlement of waste lands in Baska Mauzas in the Kamrup district with immigrants

Srijut RABI CHANDRA KACHARI asked :

211. Will Government be pleased to state whether it is a fact that recently, Government waste land in Baska Mauzas in the Kamrup district, has been settled with immigrants ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

211.—No. Settlement was allowed in Baska mauza in nine villages, viz., Balabari, Hahkata, Kahibari, Bilpar, Majdia, Dimalpur, Salmora, Guakuchi and Barbilla by the Deputy Commissioner Kamrup, in 1937 with the approval of the then Commissioner Mr. Higgins as the lands which were mostly periodic were sold by the Kacharis to the immigrants. In order to protect the Kacharis against the onrush of immigrants, Mr. Pawsey passed orders in 1936 disallowing settlement of land with the immigrants in Pub Baska and Betna mauzas except in the aforesaid nine villages

Total population of convicts in the different jails of Assam

Maulavi ABDUL BARI CHAUDHURY asked :

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

- (a) The total population of convicts in the different jails of Assam ?
- (b) How many of them are women and children ?
- (c) How many of them are Muhammadans ?
- (d) Are Government aware that most of these offenders are illiterate ?
- (e) Do Government propose to start a literacy campaign amongst these prisoners ?
- (f) Are Government aware that there is no profitable labour in almost all the Muffasil jails of the Province ?
- (g) Do Government propose to introduce Hand-spinning and hand-loom weaving in all the jails of Assam ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

212. (a)—The total population of convicts on the 10th November 1939, was 2,708.

- (b)—Twenty-five women and one child.
- (c)—One thousand two hundred and seventeen.
- (d)—Yes.
- (e)—Government have already appointed teachers in the bigger

jails where long term prisoners are confined. As only short term prisoners with sentences of 3 months and less are confined in most of the remaining jails, no useful purpose would be served by introducing this system in these jails.

(f)—Yes. The introduction of new and profitable occupations in jails is engaging the attention of Government. It is difficult, now that oil pressing by manual labour has been abolished, to provide really profitable forms of labour without incurring an initial outlay.

(g)—Provision for these industries already exists in some of the bigger jails of the province.

Damages to crops by flood in the Kamrup district

Srijut BISHNU RAM MEDHI asked :

213.(a) Are Government aware that the sudden flood in July last damaged the entire "Bao" and "Ahu" crop in North Kamrup specially in Modertola mauza, Pubpar Mauza, part of Ramdia and Hajo Mauzas and that in consequence acute scarcity prevails in those localities ?

(b) Are Government aware that due to partial failure of crops in previous years and due to recent cattle mortality on account of cattle epidemic there is acute distress among the villagers in the flood-affected areas ?

(c) Are Government aware that the villagers of the flood-affected areas approached the authorities repeatedly from time to time for gratuitous relief and remission of revenue and for loan to purchase plough bullocks ?

(d) If the replies to the above questions 213(a), (b) and (c) are in the affirmative, will Government be pleased to state what relief, if any, was given to the villagers in the flood-affected areas to alleviate the acute distress prevailing there ?

214. Will Government be pleased to state—

(a) The number of warrants for attachment of movables issued for realisation of arrears of revenue in the respective mauzas named in question 213(a) above, in 1938-39 and 1939-40 ?

(b) The number of estates put up to sale for arrear of revenue in the said respective Mauzas in 1938-39 and 1939-40 respectively ?

(c) Do Government propose to consider the plight of the distressed villages of the flood-affected Mauzas and give proper relief to them ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

213.(a)—The hon. member is referred to the reply given to unstarred question No.91(a) of Srijut Gauri Kanta Talukdar in the current session of the Assembly.

(b)—Government have had enquiries made but the report of the local officers show that the situation was acute.

Srijut BISHNU RAM MEDHI: May I know what steps Government took to give relief to the acute distress admitted in the answer ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The Deputy Commissioner was asked to take all steps necessary.

Srijut BISHNU RAM MEDHI: My question was what relief was actually rendered to remove the acute distress admitted by the Government ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: In some cases, I think, seeds were distributed.

Srijut BISHNU RAM MEDHI: No other steps than the supply of seeds ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The Deputy Commissioner reports that there was no necessity for remission of revenue.

Srijut GAURI KANTA TALUKDAR: May I know in what localities seeds were distributed?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I want notice of that question.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

213.(c) & (d)—The hon. member is referred to the reply given to unstarred question No.91(c), (d) & (e) of Srijut Gauri Kanta Talukdar in the current session of the Assembly.

214.(a)—The numbers of distress warrants issued in the 4 mauzas during 1938-39 and 1939-40 were as follows:—

Name of mauza	Year 1938-39	Year 1939-40
Madartola	214	54
Pubpar	23	18
Ramdia	46	12
Hajo	81	22

(b)—The number of estates put up to sale for arrears of revenue during those two years were as follows:—

Name of mauza	Year 1938-39	Year 1939-40
Madartola	18	47
Pubpar	22	26
Ramdia	1	...
Hajo	47	60

(c)—The villagers are not as distressed as suggested, and relief operations for them are not necessary.

Appointment of Srijut K. N. Thakur, B.T., as the Mass Literacy Officer for Assam

Khan Bahadur Maulavi KERAMAT ALI asked:

215. Will Government be pleased to state—

- Whether Srijut K. N. Thakur, B.T., is the Mass Literacy Officer for Assam?
- Whether this officer, prior to his appointment to the present post, was only an Assistant Master in the Collegiate High School at Gauhati?
- Whether he had any chance of gaining practical experience of vernacular education in rural areas?
- Whether the said Srijut K. N. Thakur is junior to some of the Sub-Inspectors of Schools?
- Why did Government select him for the post in preference to the claims of senior and experienced officers in the Inspecting branch of the Education Department?

- (f) Is it a fact that as a Mass Literacy Officer for the Province, he is now superior in rank to the senior most Deputy Inspector of Schools who would be his subordinate for this part of his duty ?
- (g) Is it a fact that this officer has to work as an attached officer in the Director of Public Instruction's Office under the direct supervision of the Director of Public Instruction ?
- (h) Is it a fact that this officer's headquarters are at Gauhati ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

215. (a)—Yes.
 (b)—Yes.
 (c)—Yes. He worked as Sub-Inspector of Schools in 1931 and that was considered sufficient for the purpose.
 (d)—Yes.
 (e)—He was considered to be the most suitable person of his grade and pay and there was no question of superseding any claim of his seniors.
 (f)—No.
 (g)—Yes.
 (h)—No.

Use of mixed languages in setting up question papers for Girls' Middle Vernacular Schools

Mr. P. PARIDA asked :

216. Are Government aware—
- (a) That the question papers of girls' middle vernacular examination in Assam on Bengali Literature, written arithmetic, Hygiene, Bengali Grammar, composition and dictation for 1937-38 contained English in some cases and vernacular in others all throughout ?
- (b) That similar or more frequent use of English was made in the questions on different subjects of Girls' Primary leaving certificate and scholarship examination of 1938-39 in the plains districts jumbling up therein, two or three languages together in one and the same paper ?
- (c) That extra questions in English are printed and supplied in some subjects along with vernacular question in the plain districts in both Middle Vernacular and Primary examinations for girls' such as History, Geography, etc., in middle vernacular and mental arithmetic, arithmetic, etc., in Primary examination ?
- (d) That sometimes question papers of middle vernacular examination for boys contain languages as in question 216(a) above, as also of the Training examinations of male and female teachers ?
217. If the replies to question 216(a), 216(b) and 216(d) above are in the affirmative, do Government propose to issue instruction to the authority concerned to use only one language in vernacular question papers, namely, only that particular vernacular in which the questions are set without making the question papers a mixture of two or three languages and to stop the issue of extra question in English as mentioned in question 216(c) above ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

216. (a) & (b)—No. Questions were set in vernacular only ; but the headings of some question papers were in English. So far as the last part of question (b) is concerned, the questions in Drawing for the Girls' Primary Examination were printed on the same paper in three different languages, viz., English, Assamese and Bengali for the sake of economy.

(c)—Yes, a few extra copies of question papers in English on each subject for each of the Girls' Middle Vernacular and Primary Examinations were printed and supplied to the Superintendents of different examination centres with a view to see if there were any printing mistakes in the vernacular versions of the question papers so that they might be corrected before they were distributed among the examinees.

(d)—No, only the headings of the question papers were in English.

217.—The point raised by the hon. member will be considered.

No-confidence motions in the Ministry—Leave of the House

The Hon'ble the SPEAKER : Order, order. I have received notices of four motions of no-confidence in the Ministry. The first motion stands in the name of Mr. Naba Kumar Dutta.

Mr. NABA KUMAR DUTTA : Sir, I beg leave of the House to move :

“That the Assembly has no confidence in the present Council of Ministers.”

The Hon'ble the SPEAKER : The motion as read out is in order. Has the hon. member leave of the House to move this motion ?

(Then more than 35 members rose from their seats).

The hon. member has got leave of the House to move his motion.

Then comes the motion of Babu Lalit Mohan Kar.

Babu LALIT MOHAN KAR : Sir, I beg leave of the House to move :

“That the Assembly has no confidence in the present Council of Ministers.”

The Hon'ble the SPEAKER : The motion as read out is in order. Has the hon. member leave of the House to move his motion ?

(Then more than 35 members rose from their seats).

The hon. member has got leave of the House to move his motion.

Then Babu Balaram Sirkar to move his motion.

Babu BALARAM SIRKAR : I beg leave of the House to move :

“That this House has no confidence in the Council of Ministers.”

The Hon'ble the SPEAKER : The motion as read out is in order. Has the hon. member leave of the House to move his motion ?

(Then more than 35 members rose from their seats).

The hon. member has got leave of the House to move this motion.

The next motion stands in the name of Babu Bipin Behari Das.

Babu BIPIN BEHARI DAS : Sir, I beg leave of the House to move :

“That this House has no confidence in the Council of Ministers.”

The Hon'ble the SPEAKER : The motion as read out is in order. Has the hon. member leave of the House to move this motion ?

(Then more than 35 members rose from their seats).

The hon. member has got leave of the House to move his motion.

Now I am to fix a time for taking up these motions. We have got only to-day and day after to-morrow on which the Assembly will sit. I cannot fix to-day for discussion of these motions; therefore, I fix 3 p.m., on day after to-morrow as the time to take up these motions.

We are now to proceed with the other business of the House, *i.e.*, further demands for grants if any. There are no further Demands for Grants. The next item is 'discussion, if any, of supplementary statement of expenditure charged upon the revenues of the province during 1939-40.' The hon. members have been supplied with the copies of this supplementary statement. They can start a discussion if they like on that statement.

Re: arrangement of business

Babu RABINDRANATH ADITYA: Mr. Speaker, Sir. Yesterday we were discussing clause by clause the Temporary Postponement of Execution of Decrees Bill, 1938. It seems, Sir, that this Bill has not found place in the agenda of to-day.

The Hon'ble the SPEAKER: The hon. member is wrong. It was not put down for to-day.

Babu RABINDRA NATH ADITYA: It was, of course, not fixed for to-day. It seems to me that the Goalpara and the Sylhet Tenancy (Amendment) Bills have got precedence over this Bill which was almost half done. It would be much better if this Bill can be finished and new Bills are taken up later.

The Hon'ble the SPEAKER: It was specially arranged yesterday that these two Bills will be taken up to-day and no hon. members raised any objection to that. The hon. members would realise that I fixed these two items for to-day having regard to the fact that to-day is a Government business day and that the House could, if they agree, take up these two Bills, specially mentioned by me. So in fact these two items are fixed for to-day.

Babu RABINDRA NATH ADITYA: Sir, there was a discussion about this at 4 p.m. yesterday and nobody knew that the Bill would not be finished and as such it would not be possibly included in to-day's list of business but it is desirable that this Bill be taken up to-day and finished.

The Hon'ble the SPEAKER: I cannot do it to-day. It will be taken up day after to-morrow.

Discussion on Supplementary Statement of Expenditure charged on the revenues of the Province during 1939-40

The Hon'ble the SPEAKER: The next item of business is the discussion, if any, of Supplementary Statement* of Expenditure charged upon the revenues of the province during 1939-40. Is there going to be any discussion on that?

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir. I beg to oppose the Supplementary demand No.5.

The Hon'ble the SPEAKER: What does the hon. member mean by saying that he wants to oppose?

Srijut LAKSHESVAR BOROOAH: What I mean, Sir, I want to raise a discussion about this demand. Sir, what has been stated in the explanatory note appended to Grant No.5 is not sufficiently explicit in order to afford opportunity to us to discuss for what purpose this particular amount is necessary. It has been very vaguely worded and it has not been stated for which officer this amount is necessary and also no mention has been made as to where this officer was placed. Secondly, Sir, I think, this is not in order because we find from rule 101 of our Assembly Rules that demands of this

nature are to be dealt with in the same way as demands for grants. It runs as follows :—“When a supplementary statement is laid before the Assembly under the provisions of section 81 of the Act, it shall, in the case of expenditure charged upon the revenues of the province, be dealt with in the same way as demands for grants.” From a glance at the printed copies of Demands, it will be found that in every proposal for demand, the recommendation of His Excellency was sought and obtained and then the discussion on these grants took place. But in this particular case, we do not find at least from the proposal made before the House that such a recommendation from His Excellency was obtained. Sir, section 81 of the Government of India Act says “if in respect of any financial year further expenditure from the revenues of the province becomes necessary, over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure.....”. So it is mandatory under the provisions of section 81 of the Government of India Act that in every case when supplementary demand is placed before the House it should be clearly stated whether the sanction of His Excellency was obtained previously or not. I beg to submit that in this proposal it has not been shown whether the previous sanction of His Excellency was obtained by the Ministry.

The Hon'ble the SPEAKER : What does the hon. member mean by saying “previous sanction”?

Srijut LAKSHESVAR BOROOAH : I mean previous recommendation of His Excellency.

The Hon'ble the SPEAKER : Recommendation and sanction are two different things.

Srijut LAKSHESVAR BOROOAH : Ordinarily, Sir, previous recommendation of His Excellency is always obtained in every case. Recommendation of His Excellency was not obtained before this demand for grant was placed before the House. Therefore, I beg to submit that this demand is out of order. And secondly, Sir, it has got to be stated how this demand can come in at this stage. Sub-rule (2) of rule 101 of the Legislative Assembly Rules says :—“A demand may be presented to the Assembly for an additional or supplementary grant in respect of any demand for grant to which the Assembly has previously refused its assent, or in respect of the amount which the Assembly has previously reduced”. Sir, this is how a supplementary demand can come in for discussion before this House. But it has not been stated, Sir, as to whether this amount was previously either refused by this House or whether this amount represents an amount that was reduced by the Assembly before. We do not know that. So, Sir, the proposal does not comply with the provision made under sub-rule (2) of rule 101 of the Legislative Assembly Rules.

Looking at section 81 of the Government of India Act we find as follows :—“If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein”.

The Hon'ble the SPEAKER : This section apparently does not apply. It speaks of expenditure from the revenues of the province.

Srijut LAKSHESVAR BOROOAH: I am going to submit, Sir, that the provisions of the previous sections refer to this particular case. Section 80 runs as follows:—"The Governor shall authenticate by his signature a schedule specifying—(a) the grants made by the Assembly under the last preceding section": This relates to voted demands. Then it continues:—" (b) the several sums required to meet the expenditure charged on the revenues of the Province, but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chamber or Chambers: Provided that, if the Assembly have refused to assent to any demand for a grant or have assented to such a demand subject to a reduction of the amount specified therein, the Governor may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility". The second sub-section is that "The schedule so authenticated shall be laid before the Assembly but shall not be open to discussion or vote in the Legislature". Also sub-section (3) says:—"Subject to the provisions of the next succeeding section, no expenditure from the revenues of the Province shall be deemed to be duly authorised unless it is specified in the schedule so authenticated".

So I submit, Sir, that with respect to this demand the provisions of section 80 do not arise, because this expenditure was not either refused by the Assembly or this amount does not represent any amount reduced by the Assembly.

The Hon'ble the SPEAKER: The hon. member is making a fundamental mistake. He will see that this is a supplementary statement with regard to expenditure charged on the revenues of the Province. That does not come to the vote of the House. Therefore no question of refusal or restoration of any grant arises in this case. Also the hon. member has not read section 79 of the Government of India Act, which lays down that the expenditure charged on the revenues of a Province shall not be submitted to the vote of the Legislative Assembly. Hon. members are only entitled to discuss an expenditure for which a statement is laid before the House. That is the position.

Srijut LAKSHESVAR BOROOAH: I am only discussing the amount now required, *i.e.*, Rs.8,000 and odd stated in one of the items of demand No 5.

The Hon'ble the SPEAKER: The hon. member will please look to the heading of the demand—Supplementary statement of expenditure charged on the revenues of the Province during 1939-40.

Srijut LAKSHESVAR BOROOAH: I shall then, Sir, emphasise on my previous objection, *viz.*, that it has got to be clearly stated as to what purpose this amount is necessary.

The Hon'ble the SPEAKER: Yes, that can be discussed. The hon. member may show how this expenditure is not justified.

Srijut LAKSHESVAR BOROOAH: As I have already stated, Sir, the expenditure is not sufficiently explained and secondly because this leave allowance, an usual item of expenditure which occurs every year, should have been anticipated by the Government, and therefore the Hon'ble Minister is not entitled to move this supplementary demand.

The Hon'ble the SPEAKER: The position with regard to this statement is this. It is laid on the table of the House on the recommendation of His Excellency the Governor and the hon. member knows that the

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Hon'ble Premier made a statement when placing this statement before the House that the hon. members are only entitled to discuss every item of these expenditures and give their opinions so that they may be placed before His Excellency and considered by him whether what he has sanctioned as expenditure charged on the revenues of the Province has been rightly incurred or not. It is absolutely in the discretion of His Excellency either to accept or not to accept the criticisms of the House. The hon. members are not to give their vote on any of the demands; they are only entitled to discuss the reasonableness or otherwise of the expenditure sanctioned as expenditure charged on the revenues of the province.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, at the time of the general discussion of the budget I forgot to draw the attention of the Hon'ble Prime Minister with regard to a matter which is of very vital importance so far as the revenues of this province are concerned. Sir, this is a matter which I can relevantly and more properly raise at the time of the discussion of the demand which is before the House just now. It refers to the expenditure which this province has to bear on account of the Khasi States. The Hon'ble Premier knows that, as far as Provincial revenues are concerned, we have to pay quite a big amount for the expenditure which is incurred on the Khasi State Fund, without deriving any benefit and without having any price in incurring such an expenditure.

Sir, while I was in charge of the portfolio of Finance, I had the occasion to go into the matter very deeply and it was at my suggestion that a Special Officer was appointed to go into the details of this particular expenditure with a view to press on the Central Government that the amount which is now being paid by this province to balance the budget of the Khasi States should be taken over by the Central Government and our responsibility released to this extent. Sir, in this connection the Hon'ble Premier will bear me out if I say that the question of realising the tax from betting is also of considerable importance. While it is on the one hand contended by the S'em that a portion of the proceeds from such a tax should go to him, on the other hand it is contended by the Governor's sanction that such proceeds, I think the whole of it, should go to the Khasi States Fund. Sir, if the latter view is supported by the Central Government, there is all the more less reason for the Central Government to insist on the Provincial Government that the latter should be responsible for balancing the budget of the Khasi States.

I hope the Hon'ble Premier will take the House into his confidence and say, if, after giving consideration to this matter he has come to the decision of making a representation to the Central Government for releasing us from the charge and responsibility of balancing the Khasi States budget so that the provincial Government may be able to balance their own budget. Sir, I am sure that if a strong representation is submitted to the Central Government, we shall get a relief due to us. At present the arrangement is so unsatisfactory that, while the province does not gain anything, it has to pay a sum well over a few lakhs of rupees to the Khasi States Fund without having any voice as to how the amount is or should be spent. I hope, Sir, the Hon'ble Premier will take us into his confidence and tell us to-day how far this matter has progressed and whether any definite steps have been taken by him to make this representation to the Central Government.

Babu RABINDRANATH ADITYA: Sir, under the charged amount, the first expenditure, that generally arrests the attention of any hon. member, is that some officers whose salaries were formerly shown as voted have now been translated into the charged realm. Some

officers of the Provincial cadre have been promoted to the Deputy Commissioner's scale and under the orders of the Government of India they have been classified under the charged list. The items of expenditure on the charged head are enumerated in section 78. It includes the salaries and allowances of the Governor and other expenditure relating to his office, secondly debt charges, thirdly salaries and allowances of Ministers and expenditure on salaries of Judges of High Court, expenditure connected with the administration of excluded areas and then any other expenditure declared by the Government of India Act or any Act of the Provincial Legislatures to be so charged. So I do not find that any of these provisions covers the salaries of these officers. I am not unaware of the fact that there is certain provision with regard to the salaries of officers whose appointments, etc., are regulated by the Secretary of State, but an officer of the Provincial cadre promoted to the Listed cadre has got no concern with the Secretary of State so far as his promotion to that cadre is concerned. In that view of the case I do not see any justification why the salaries of these officers should be taken away from the voted demand and placed on the charged list.

Then with regard to item No. 3, the excess amount under head "Pay of Officer" is Rs. 5,588. The excess is due to the appointment of a Special Officer in the Governor's Secretariat. It has not been shown why the appointment of a Special Officer in the Governor's Secretariat was at all necessary, was it for war purposes? Clearer explanation ought to have been submitted by the Hon'ble the Finance Minister on this question.

As regards item No. 5, the same remark that I have already made, applies. The excess is mainly due to the fact that the pay and allowances of the Listed officer, who worked as Director of Land Records, formerly shown in the voted expenditure, are classified as charged with effect from the 1st June 1939.

In item No. 4 regarding the Administration of Justice, we find that the reason for the increase in 1938-39 has been accounted for by the Bengal Government to be due to the corresponding rise in the percentage of time basis on which the calculations are made and also to the capital expenditure amounting to Rs 3,75,443 incurred in original works on the High Court buildings. We do not know if we have got any right, title or interest over the High Court buildings. If the Assam Government has got any share or interest there, then this expenditure on account of High Court building may be justified. Otherwise we do not see, while the Bengal Government is the sole owner of the property, why the Assam Government should pay for the expenditure on account of repairs of the High Court buildings.

With regard to item No. 6, there is an explanatory note that the outbreak of War has upset the calculation regarding the pay and leave salary of Indian Medical Service Officers. How that calculation has been upset there is no reference to that. Is it the contention of the Government that some officers have been taken away for war service? Or is it the contention of the Government that war allowance and dear allowances have been granted to these officers. So it is not clear.

In item No. 9 (iv) it is said: "To meet the extra demands due to increased touring and also expenses for medical treatment of an I. S. E. Officer". We do not know whether he fell ill in the course of his duty; in that case there may be a moral duty of the Government to bear his medical expenses. I do not know if there is any rule that our officers who belong to the provincial or lower services

enjoy the same privilege regarding their medical expenses. If that be the rule, I have nothing to grudge. But if there is a special rule for the special cadre of officers, we cannot but raise a voice of protest. These are some of the features which strike me and I hope the Hon'ble Premier will kindly elucidate the points I have raised.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, you have rightly pointed out that the objections raised by my hon. friend Srijut Lakshesvar Borooah are not in accordance with the rulers of this House. I, therefore, need not take the time of the House with regard to these.

My learned friend wanted to know about item No.5, *i.e.*, the sum of Rs.8,587 required for a police officer. His quarrel is with the explanatory note, which is rather laconic but, in my opinion, sufficiently explicit. The explanatory note runs to the effect "the excess is due to the leave salary of an officer for whom no provision was made in the original budget". Now, the hon. member will find that this supplementary statement of expenditure refers to the year 1939-40. It appears, Sir, that one of our Assistant Superintendent of Police, Mr. G. E. D. Walker, had to go on a year's leave, but at the time of framing the Budget for 1939-40, *i.e.*, when the party opposing it was in power, it was not known that this officer will go on leave. Whenever an officer of British nationality goes on leave, he draws his salary through the High Commissioner for India at London. As no provision was made in the High Commissioner's budget for that year, for the simple reason that nobody knew that this officer would go on leave, when the officer actually went on leave his pay was drawn in London through the High Commissioner for India. In order to reimburse the budget of the High Commissioner, this extra sum has had to be paid to the High Commissioner. I hope my hon. friend now realises why this money is shown in this statement of charged expenditure.

Sir, I will come to the very interesting point raised by my predecessor last. I will first satisfy the demands of my hon. friend Mr. Aditya to explain the different items which he has mentioned in his speech. He wants to know, referring to the statement on General Administration, why a sum of Rs.5,588 is necessary. The explanatory note shows that "the excess is due to the appointment of a Special Officer (Mr. C. K. Rhodes) in the Governor's Secretariat". Sir, this appointment was made about the middle of last year—if I remember aright, Sir, about the beginning of the outbreak of war—and the services of this officer were utilised for war purposes (A voice:—What are these?). For price control, defence measures, censoring of correspondence from India and the United Kingdom, and so forth; for such duties, he was appointed in the Governor's Secretariat. Since Mr. Rhodes was appointed as Director of Land Records, Mr. Paine has been working as Special Officer. When I assumed office in November 1939, I saw Mr. Paine actually working as Special Officer in the chain of Mr. Rhodes. But this time Mr. Paine is working in the Civil Secretariat, and not in the Governor's Secretariat.

Mr. FAKHRUDDIN ALI AHMED: On a point of information, Sir. Is the Hon'ble Prime Minister aware that it was decided by the previous Government that whatever salary and allowances are drawn by Mr. Rhodes as Special Officer would be ultimately met by the Central Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: All I find, Sir, is that any expenditure necessary as a war measure will be debited to the Defence fund.

Mr. FAKHRUDDIN ALI AHMED: May I give this piece of information to the Hon'ble Premier, so that he can strengthen his claim on the Central Government, that our Ministry had agreed to the appointment of Mr. Rhodes as Special Officer only on condition that his salary and allowances would be borne by the Central Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If there was any condition and if that condition was accepted by the Central Government, surely they shall have to pay.

My hon. friend Mr. Aditya also wants to know why in sub-item No. (v) under the General Administration the pay and allowances of the listed officer have been shown as charged. He raised some contention on the first item as well, i.e., provincial excise. As Rai Bahadur Durgeswar Sarma was both the Excise Commissioner as well as the Director of Land Records at the time, the same remarks will apply to these two points. As I have already pointed out, this ruling that the Listed Officers' salaries and allowances should be classified as "charged", came from the higher authorities, *viz.*, the Government of India. As it appears that this change is to come into effect from 1st June 1939, it is to be presumed that at the time of this classification the previous Government, who held office then, did not object or protest. I have submitted to these changes as I have found them after assuming office, and the change is due not to any action of the present Government, but of a superior Government. Now, the question that my hon. friend Mr. Aditya has raised in this connection is an all-India one. I remember aright—I am speaking from memory and subject to corrections—it was the Listed Officers themselves who pressed the higher authorities that since they are Listed they are borne on the cadre of the Indian Civil Service officers, and therefore all the protection and privileges that are obtainable by the Indian Civil Service officers, should be granted to them. Probably this classification was the result of that representation.

Sir, my hon. friend has raised a very pertinent discussion as regards the sum which is necessary under the head "Administration of Justice", item No. 4 of the statement. Hon. members may remember that while in 1937 I requested this hon. House to present an Address to His Majesty the King for establishing a High Court in this province, I gave the genesis of these demands from Bengal. Since the Montague Chelmsford Reforms were introduced in 1921, the question of inter-provincial contribution for services rendered was for the first time made the order of the day, and the Bengal Government was not slow to take advantage of that new order of things. They immediately told the Assam Government that the Assam Government should pay to the Bengal Government for expenditure incurred by that Government for the Assam cases that are brought before the Calcutta High Court in appeal and revision. Sir, an arrangement was arrived at originally for two years, later on for three years, and ultimately a five-year agreement with Bengal, that Assam should pay for the expenses of the Appellate Section of the High Court to the extent of 8 per cent. The number of cases from Assam over which the High Court Judges had to devote time was found to be on a rough and ready calculation, 8 per cent. On the basis of that, and also for utilising the services of the Law Officers of Bengal for instance, the Advocate-General, the Government Pleader, the Government solicitor in Bengal, as also the Legal Remembrancer and the Deputy Legal Remembrancer, Assam, had to pay more than a lakh of rupees. The state of affairs continued in this way till 1932, when I was in charge both of the Administration of Justice as well as

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Finance. I found, having a little knowledge of the working of the High Court myself, that the Assam Government was being made to pay through their nose for various items for which there ought to have been no payment at all. I raised the question that Assam was interested not only in the Appellate Side but also in the Original Side. I have personal experience that many cases from Assam are dealt with on the Original Side of the High Court. The main point was that the Original Side of the High Court worked on a high profit, *i.e.*, the income on the Original Side is much greater than the expenditure for that section. If the income and expenditure on the entire High Court is taken into account, instead of the Assam Government paying anything, they ought to get something from Bengal. In short I raised several objections. One small point I can mention as my hon. friends have just seen that the Assam Government is asked to contribute for the repair charges of the entire building, yet rent, proportionate, of course, for the different rooms where the different offices are held, *viz.*, the room where the Advocate-General holds his office, the room in which the Government Pleader holds his office, is to be paid by Assam and so on. Therefore I started a vehement protest, and I claimed that Assam should not pay a single farthing towards the cost of the High Court. Matters came to this pass that the Bengal Government had to approach the Government of India to arbitrate. I left office for Finance Member in 1934, and when I was practising in the High Court I got a letter from the then Governor, Sir Michael Keane, to the effect that as I had started the hare and as the Central Government had appointed an Arbitrator in the person of the Auditor-General, Sir Ernest Burdon, enquiring whether I would be willing to appear on behalf of the Assam Government on a *lum sum* fee. I politely declined to accept the fee, but I said that I would do my best. The result was that I had to appear before the Arbitrator single-handed whereas Bengal was represented by 9 officers—they had their Advocate-General, they had their Judicial Secretary, they had their Registrars of the High Court—in all 9 officers appearing for them against Assam's single representative in my person. After two days' discussion, Sir Ernest Burdon gave a decision which compelled Assam to continue to pay, but a lesser sum than before. I had raised a constitutional point that so long as the Bengal High Court remained under its present Charter embracing Assam in its jurisdiction, the High Court was bound to decide cases from Assam if proper court-fees were paid, irrespective of the fact whether we pay anything to Bengal or not. The Auditor-General did not pursue the constitutional position which I advanced but from that time, this formula of percentage-time basis came into vogue. In the High Court, it is found that the time of the Judges is devoted more over the Criminal cases from Assam, whereas of Bengal, the Civil cases take more time. If we have got to decide what time is devoted over Assam cases the time factor for Assam cases separately for Civil and Criminal shall have to be taken into consideration. The formula is called the time basis, and on that basis we are now to pay. In the year in question there were extensive repairs of the High Court, but this was not known to the Government of Assam as this was not within the normal expenditure of the High Court, and therefore this supplementary demand and we have to pay this sum. I hope, I have made the point clear to my hon. friend Mr. Aditya.

The next question he mentioned is Item No.6. Here also my hon. friend must remember that immediately on the outbreak of the war, officers who were on leave in England were recalled, and some officers of the Indian

Medical Service were recalled, and in those cases their pay which was in the budget of the High Commissioner, had to be paid here. But there will be a corresponding saving on this account in the High Commissioner's budget.

Item No.9 is as regards the treatment of Indian Service of Engineer Officers. The hon. member must be aware that all covenanted officers of the Indian Service of Engineers not only get their medical treatment free but also arrangements had to be made for the treatment of British Officers by European Medical Officers, under the Lee Concessions.

I have supplemented the explanatory note which my hon. friend Mr. Aditya wanted. I now come to the important point raised by my hon. friend Mr. Fakhruddin Ali Ahmed. I am at one with him, and in the earlier files he must have found my notes to the effect that the Provincial Government should not be asked to bear any portion of the deficit of the Khasi States' budget and I am glad to be able to publicly thank him that he also had held the same views and that he has left notes to that effect. The matter has been complicated by various things. First, although our Khasi Chiefs are very minor chiefs as compared to the big Native States of other parts of India, they have got treaty rights with the British Government and their *Sanads* come from the Viceroy. The second difficulty is that their States are interspersed amongst British territories. The third is, that by certain concessions which the Chiefs themselves have submitted to the British Government, they have allowed the British Government to exploit the natural resources of their States, namely the forest, the lime stone quarries and the coal mines, the resulting royalty being shared half and half by the State and the British Government. Now that the Khasi States are contributing voluntarily on the basis of some arrangement arrived at in the past, giving a share of their own royalties to the British Government, it is rather difficult for the British Government to insist that whatever may be the deficit in their budget they must alone pay, for, the Centre is extremely unwilling to share the deficit. I have seen files, or replies on our representation that the States must increase their own contribution so that they can meet their deficit budget. The subject is, therefore, in my mind and I will come to it again, Sir, and see if the entire deficit in the budget cannot be thrown on the shoulders of the Central Government.

Next, as regards the imposition of the Amusements and Betting Tax in the Shillong race course ; that subject has engaged my attention already. Immediately after assumption of office, I took up this question and unless our provincial Act is extended to that area by means of the Foreign Jurisdiction Order, we cannot levy the tax there. This Foreign Jurisdiction Order is to be invoked from the Viceroy. The Act can be extended either by the co-operation of the Siem concerned or at the instance of Gown representative, the Viceroy. I thought of interesting the Siem himself and getting his sanction for the extension of the Act. In the meantime, while the Civil Secretariat, under my guidance, was taking these measures, I find the Governor's Secretariat was dealing with this subject from a different standpoint. The Siem, naturally in view of the prevailing principles of sharing royalties from forest and coal mines, thought that whatever be the income from this betting tax, it should be shared alike on 50, 50 basis between the Provincial Exchequer and the Siem's State concerned. But the Governor's Secretariat is of opinion that as the race meets are patronised and the money realised from the race-goers who are not merely people from the Myllem State where this race course is situated, but also by peoples from the British States as well as the other native states of the Khasi Hills,

the income should go into the Khasi State Budget direct and not to the particular Siem's State. I am told, Sir, that no definite arrangement has been arrived at as yet on this subject and, therefore, the question of expansion of revenue by extending the Act is still hanging in the air. But as I have already mentioned, I have taken action on the matter and I will pursue it till we can see that something is realised from the race course by way of taxes on betting.

Sir, I have touched on all the relevant criticisms raised on the discussion of the demands.

Supplementary demands for grants for 1939-40

(4.—Taxes on Income other than Corporation Tax)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum of Rs.8,438 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head "4 —Taxes on Income other than Corporation Tax".

As has been explained in the explanatory note, the previous Government who had the Agricultural Income Tax Act passed last year, also arranged to utilise the services of the Central Income Tax Department for assessment and collection of tax under the Assam Agricultural Income Tax Act. I find from the papers that although the then Government recommended a periodic term for utilisation of the services of the Government of India staff, the Government of India allowed the services of their officers only for one year. Since then, they have also insisted that we should have an Assistant Commissioner of our own for Agricultural Income Tax and we have been compelled to entertain an officer. Being doubtful whether the Central Government will allow us to utilise their services, we have drawn up a scheme for having our own income-tax staff for the purpose of the collection of the tax under the Act. We have since made a reference to the Government of India that their officers were actually utilised only for a small portion of the year as the Bill itself was passed late in the year and the rules are still in the process of being framed. So, although the original agreement was for a lump sum provision of Rs.15,000 contribution we have asked them to accept half the amount as shown in the Supplementary Demand.

The Hon'ble the SPEAKER : Motion moved :

"That a sum of Rs.8,438 be granted to the Minister-in-charge, to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head "4.—Taxes on Income other than Corporation Tax". There are of course no cut motions.

Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir, the Hon'ble Prime Minister has come forward with a Supplementary Demand for two items, one of which is in respect of the share of the cost which the province had to pay to the Central Government as a result of the work done by the Central Government for helping the Provincial Government for realising the Agricultural Income-Tax and the second is in respect of the salary and allowances which the Government had to pay on account of the Special Officer whom they have appointed for supervising the collection work of the tax. As I said at the time of the discussion of the budget, it was very unwise on the part of this Government to have appointed a Special Income-tax Officer at a stage when we did not know what the yield would be from this

source of taxation and when the purpose of imposing this tax was not to create appointments for individual benefits but to utilise each and every pie of such an income for the benefit of the people of the province. Sir, as I said, the Central Government at our representation had agreed to collect our portion of the tax on a commission basis. They had agreed to do so on a commission of Rs.15,000 a year and I was certainly at a loss to see when my Hon'ble friend the Premier, stated the other day that the Central Government had gone back on arrangement agreed upon. If the Central Government have now the attitude that they cannot look after our collection work and that their own work would be interfered with, if they stick to the arrangement already agreed upon, a further representation will clear up the matter. Sir, as I explained the other day, no question which would involve the Central Government and the provincial Government in a dispute in this matter, can arise. As the Hon'ble Premier and the hon. members of this House know, most of this tax will fall on the tea planters who are already assessed to an extent of 40 per cent. by the Central Government. It will therefore be easy for us to get the figures worked out by the officers of the Central Department as 60 per cent. of such tax will be purely Provincial. Only a very small portion of the tax will fall on the Zemindars of the province. This would entirely be a separate tax and on which the Central Government would not and cannot have any claim. This matter has once for all been disposed of by the highest legal authority—the Privy Council—that the Central Government can have no claim to the income derived from the agricultural source other than tea industry. Sir, if for supervising the collection of 7 or 8 per cent. of the agricultural income-tax, which will be realised from the Zemindars, a Special Assistant Commissioner of Income-tax has been appointed and the province is made to bear an expenditure of nearly Rs.30,000 a year, on that account, I think, it is sheer waste of money which should have been more profitably utilised for the benefit of the poor people. Sir, moreover, as the Special Assistant Commissioner of Income-tax who has been appointed by the present Ministry, will have to supervise the work done by the officers in charge of this Department and also will have to hear appeals, enormous difficulties as I shall explain hereafter, will arise. First of all, I am not sure if the officers under Central Authority will allow one Assistant Commissioner of Income-tax to go and inspect the offices which will be under their direct control. If, therefore, Sir, he is not allowed or is prevented from exercising that power, of what use and value will be the appointment of the Special Officer. Further, I do not know if the Government have taken into consideration the number of appeals which will come before this Special Officer? As far as I can think, the tea planters who will mostly pay this tax would rather file appeal before the all-India authority than before our Special Officer, as if they managed to get the decision of the Central Government in their favour it will not be difficult for them to make it binding on the Provincial Government. Sir, I submit, that the action taken by the present Ministry without knowing what actually would be the number of appeals and without realising the difficulties this Special Officer will have to face in supervising the various offices under the control of the Central Government, was ill-advised and would be inflicting on the province an expenditure for which there is no justification. And for these reasons, I oppose the motion moved by my Hon'ble friend the Premier.

Mr. BAIDYANATH MOOKERJEE : On a point of information, Sir, may I know from the Hon'ble Premier how many notices have been served excluding the cases of tea planters?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It is impossible for me to give the information to my hon. friend just now.

The Hon'ble the SPEAKER : Now I find there are about 14 demands to be disposed of. Of course, there are no cut motions tabled to any of these demands. But according to the time-table fixed for the disposal of business of to-day we shall have to finish these demands before 3 p. m. Therefore, I will fix a time-limit for each speech. Any member speaking on any of the demands will be given 5 minutes' time and the Hon'ble Premier will have 5 minutes for his reply.

Mr. FAKHRUDDIN ALI AHMED : May I say one thing, Sir. With regard to most of the demands there may not be any speech from our side, but there are two or three demands which we consider very important, and we shall be obliged if you kindly give us more time in these cases.

The Hon'ble the SPEAKER : Very well, I shall watch how the proceedings go on and if I find that there has arisen any occasion to relax this rule I shall certainly do so.

Srijut GAURI KANTA TALUKDAR : Mr. Speaker, Sir, I do not see any justification for the appointment of a Special Officer in the person of the Provincial Assistant Commissioner of Income-tax. Sir, we have not experienced any difficulty for which such an Officer should be appointed nor have we had the experience of any demand from the side of the public. First of all, before an appointment of this nature is made, the most important point to be taken into consideration is whether there is a demand from the public and whether there are sufficient number of cases for justifying the appointment of this nature. The last Government proposed to pay Rs. 15,000 to the Central Government for their doing the service for this province on account of the Agricultural Income-tax collection. Now that experiment ought to have been made for some time, and if the Central Government made any additional demand or if they objected to utilise the services of their Assistant Income-tax Commissioner then and then only this question of appointment would have arisen. I for myself consider this appointment to be quite anomalous. He will have no office of his own in the mofussil. Besides he may not be a very welcome visitor to the circle offices of the Central Government. I consider that this appointment ought to have been stayed for some time and by experience if we found that it was necessary, then and then only this appointment ought to have been made. We have not been convinced of the necessity for such an appointment and I therefore oppose this motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, some hon. members are labouring under a mistake of fact. My hon. friend Mr. Fakhruddin Ali Ahmed clearly stated that the major portion of this demand represents contribution to the Central Government which they had settled. My hon. friend Mr. Talukdar has misunderstood that point and he is opposing the entire demand. Sir, we are promise-bound because a promise was made by the previous Government to pay Rs. 15,000.

Mr. FAKHRUDDIN ALI AHMED : I did not refer to any other items except the one which provides for the salary and allowances of a Special Officer.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My friend Mr. Talukdar is practically opposing the whole demand. I have

already mentioned that the Central Government with whom Assam Government came to terms last year during the time of the previous Ministry, have forced us to appoint our own Assistant Commissioner for the Agricultural Income-tax. They have in fact ordered that we must have our own Officer because there may be a conflict with their interest. I am in agreement that so far as assessment on tea industry is concerned there is hardly any room for disagreement, but they say that there will be clash of interest between the Central Government and the Local Government and therefore they say that we must have our own officer. He will not be an Appellate Officer, but he will be executive officer. This is a case in which we had absolutely no voice because the Centre is at present providing the machinery for collection of our agricultural income-tax. If my hon. friend wants that this tax should be collected, we must follow the order passed by the Central Government. It is on this account we have appointed our own officer. I can say that he is more than fully occupied with the rules which have got to be framed and also for revising the rules that were very hurriedly drafted last year. In view of this fact, we have been compelled to appoint our own man. The Central Government who lent the services of their officers to us for payment of Rs. 15,000 annually have been requested by us to take half, as their officers were not employed for the whole year. As such, there is no other alternative for the Local Government but to appoint an officer of their own.

Mr. FAKHRUDDIN ALI AHMED: On a point of information, Sir. We perfectly see the justification of appointing an Officer for the purpose of framing the rules, but what I want to say is this that if a strong representation is made to the Central Government that there is no necessity for retaining this officer after the rules are framed, I am sure the Central Government will agree to carry on with the arrangement which was previously decided upon between the previous Government and the Central Government. I hope, Sir, the Hon'ble Premier will have no objection in making a further strong representation to the Central Government on the lines outlined by me and if the latter agree, to dispense with the services of this officer after the rules are framed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, Sir, I will consider the suggestion of my hon. friend.

The Hon'ble the SPEAKER: Order, order. The question is:

"That a sum of Rs.8,438 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head 4.—Taxes on Income other than Corporation Tax".

The motion was adopted.

(8.—Provincial Excise)

The Hon'ble Dr. MAHENDRA NATH SAIKIA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs. 50,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "8.—Provincial Excise".

It is explained in the explanatory note that during the Budget session of 1939 the Assembly agreed to a motion on a resolution moved by the then Excise Minister for expenditure up to Rs. 2,50,000 for two years in connection with the experiment of prohibition of opium in the Dibrugarh and Sibsagar subdivisions. The experiment was started from 15th April,

1939, and it is estimated that the total expenditure on this account in the current year would come up to Rs. 70,650. Of this a saving of Rs. 20,650 is expected under the head 'Pay and allowances of officers, of the Excise budget'. The Assembly is, therefore, asked to vote an additional grant of Rs. 50,000 only.

The Hon'ble the SPEAKER : Motion moved :

"That an additional sum of Rs. 50,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head 8.—Provincial Excise". There is no cut motion.

Mr. D. B. H. MOORE : Mr. Speaker, Sir, I would like to take this opportunity of expressing the views of our group on the experimental prohibition of opium which was commenced from the 15th of April of last year. At that time, it will be recalled that we promised our fullest co-operation to the scheme, but at the same time pointed out that there were a number of practical difficulties which in our view would have to be solved if the scheme was to be a success. That the promise which we then gave was fully implemented and it has been proved by the fact that, had it not been for the very considerable assistance which was rendered by the Tea-garden Medical Officers, it would probably not have been possible to carry out the scheme of medical treatment, and secondly by the fact that out of a total of 189 treatment centres, throughout the three thousand and odd square miles of prohibited areas, no less than 100 treatment centres were provided by the tea-garden hospitals. These tea-garden hospitals not only treated the tea-garden addicts but also a considerable number of addicts from outside the gardens. A very accurate and careful record was kept of this treatment and this record has now been analysed as a result of which we are forced to the conclusion that the scheme cannot be claimed a success. Medical treatment was carried out strictly in accordance with the instructions issued by the Civil Surgeon, but our experience has shown that more than 80 per cent. of these addicts who had been treated, are still obtaining the drug, and of the remaining 15 to 20 per cent., some 10 per cent. have taken to *ganja* and a proportion of the remainder has taken to excessive consumption of liquor. As far as tea gardens are concerned, therefore, we have direct evidence that the scheme has failed, not because of the inadequacy of the medical treatment, but because it has been found impossible to stop the illicit supplies. The stoppage of these supplies is, in our view, the essential pre-requisite to the success of any scheme of prohibition and we now realise only too well that this problem is too vast and too enormous to tackle with the funds available. It will be remembered that this Assembly sanctioned a sum of 1 lakh 25 thousands to be spent in the first year ; those competent to judge have stated that with 1 crore of rupees it would still be impossible to stop the illicit supplies. These supplies, as many members are probably aware, are readily available not only from the North and North-East Frontiers but are also available from Gazipur in the United Provinces *via* Calcutta by rail, road and river. I need hardly stress any further the impossibility which this problem presents. If illicit supplies are still available to tea-garden addicts, they are still available to those tens of thousands of addicts outside tea-garden areas. We have direct evidence that more than 80 per cent. of the tea-garden addicts are still obtaining the drug, and we think it fair to assume that a large proportion of the non-tea-garden addicts are also still obtaining the drug. How then in the light of this knowledge can we recommend any further extension of the scheme ? I can speak from personal knowledge of the mental torture and physical suffering which these

unhappy addicts have been called upon to endure during the early part of their medical treatment. Numbers of these addicts have died and a thousand are still suffering impoverishment due to the high price of the illicit supplies which still defy control.

The Hon'ble the SPEAKER: I may tell the hon. member that in connection with the discussion of a Supplementary Grant the question of policy cannot be discussed in the way the hon. member has been doing, and if I allow the hon. member to proceed in the way he has been doing other hon. members also will demand the same concession. I hope, therefore, that the hon. member will make his speech as brief as possible and finish it.

Srijut DEBESWAR SARMAH: May I submit, Sir, that the mischief is already there and that we should be entitled to reply.

Mr. D. B. H. MOORE: Might I say, Sir, that normally we should not have spoken on this Supplementary Demand. But it was due to the fact that it was not possible to speak on the relative cut motion that was raised.

The Hon'ble the SPEAKER: This demand is with reference to an expenditure which has been incurred during the year ending on the 31st March, 1940.

Mr. D. B. H. MOORE: Sir, one hon. member of this House has stated that no civilized Government should accept revenue from a drug which is responsible for the degradation of tens of thousands of opium addicts. With that we can agree. But I would ask—is it any less monstrous that private individuals should obtain profits from the same source? (*Hear, hear.*) Unless and until this inhuman traffic can be stopped completely, we feel that no scheme of prohibition can succeed. We for our part have done our utmost to help the scheme to a successful conclusion, but we are forced to the belief that even in the two subdivisions where this experiment is being carried on, no real success is likely to be achieved: and until that success can be achieved, any further attempt at extension would be completely useless.

Srijut LAKSHESVAR BOROOAH: Sir, now that my hon. friend Mr. Moore has made a statement about the success attained by the prohibition campaign in the Dibrugarh subdivision and also because I do not share his views in the matter, I am compelled to make this statement. Mr. Moore has stated that the prohibition scheme has failed. Sir, in order to arrive at an estimate the amount of success that has been attained, one must have a personal experience of the campaign at all its stages. Sir, in order to make this campaign a success the Government adopted several methods. First of all Government established a large number of treatment centres and treatment continued for a number of weeks, and secondly the service of the non-official element was availed of to preach the evil effects of this drug and in that connection hundreds of meetings were held from the 15th of April last year up to now. For the last ten months, I think, the non-official element has been engaged in preaching about the ruinous effects of the drug. I would have been very glad to hear from Mr. Moore as to how many treatment centres he visited, as to how many meetings he attended, as to how many meetings he addressed and also as to how many villages and how many houses of addicts he visited. Had he been able to give us some idea of the extent of the investigation that he made in these directions, then of course his opinion would have carried some weight. But from my experience, Sir, I beg to submit that I for myself have not seen or heard of him doing anything in that direction. On the contrary, Sir, I have respectfully to state that at the beginning of the campaign, when myself and two

other friends went to Mr. Moore and had requested him to lend the services of his doctor to treat certain addicts—his garden is situated in the midst of thickly populated villages—he wrote to say that he could not afford to lend his doctor. Government therefore had to incur some expenditure to appoint a doctor in order to get the addicts treated. Particularly, Sir, in and about Mr. Moore's garden there are many villages, and I went round the villages very near to Mr. Moore's bungalow to enquire whether Mr. Moore had been to any of them and whether he had taken the trouble to enquire of the villagers. But unfortunately I have got to say that not a single villager could say that he visited their villages. Therefore, I submit, Sir, that his opinion is not based on proper investigations and as such is of very little value.

Mr. D. B. H. MOORE : On a point of personal explanation, Sir, on what Mr. Lakshesvar Borooah has said about coming to me. He did approach me for the help of the Assistant Medical Officer and at that time I pointed out to him that in my garden alone there were nearly 170 opium addicts. This is the largest number of addicts on any one garden, as far as can be determined in the 2 subdivisions, so that it was impossible for me to assist him to the extent he asked ; because my clear duty was first to my own labour. I made this perfectly clear to him, but nevertheless took up the matter with my Medical Officer as to whether we could meet him in any way.

As a result of this, I was able to make an offer to Mr. Lakshesvar Borooah which, however, he subsequently refused.

The Hon'ble the SPEAKER : The question before the House is really whether this sum of Rs.50,000 should be granted to the Minister to carry out the programme of prohibition during the current year. That is the question.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The expenditure has already been incurred.

The Hon'ble the SPEAKER : The question is whether that sum should be granted to Government or not. Hon. members should not discuss whether the programme of the Prohibition scheme should be pursued in the coming year. This would be irregular. I have allowed two speakers and I cannot allow any other member to speak on the question whether that programme should be pursued any further or not. There has been ample discussion of this question in connection with demands for grants for the next year.

(Srijut Haladhar Bhuyan rose to speak).

The Hon'ble the SPEAKER : Will the hon. member oppose the motion ?

Srijut HALADHAR BHUYAN : I shall criticise the motion. They said that the scheme was not successful. I want to say that they did not follow the scheme of the Congress-Coalition Ministry and that the scheme was quite successful and that the statement made by the Hon'ble Premier is not correct.

The Hon'ble the SPEAKER : The hon. member has not followed what I said. I cannot allow any discussion as to the feasibility or otherwise of the scheme in connection with a demand for supplementary grant for the current year necessitated by the expenditure already incurred.

Srijut KRISHNA NATH SARMAH : The remark of Mr. Moore should be expunged. It has not been challenged.

Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir. The members want to reply to Mr. Moore who raised the boggy of opium smuggling as a bar for total prohibition of opium and they should be allowed to speak.

The Hon'ble the SPEAKER: I think much has been said on this. That would not be regular in connection with the Supplementary Demand.

Srijut SARVESWAR BARUA: If we can understand him aright the point is that only a sum of Rs.25,000 has been spent in prohibition. On this point, I think, he is perfectly relevant.

Mr. FAKHRUDDIN ALI AHMED: It is in that connection that the hon. member wants to raise a discussion. Why should not Government spend the amount that has not been spent?

The Hon'ble the SPEAKER: Very well, the hon. member should speak on that point only.

Srijut HALADHAR BHUYAN: I shall try to be relevant.

সভাপতি ডাঙ্গৰীয়া, প্ৰহিবিশন সম্পৰ্কে যদি পঞ্চাশ হেজাৰ কিয় ইয়াতকৈ দহগুণ বেছি টকাৰ ডিমাণ্ড হ'ল হেতেন তেনেহলে গোটেই দেশৰ মানুহ সন্তুষ্ট হ'ল হেতেন। প্ৰধান মন্ত্ৰী মহোদয় বাজেট স্পিচত ৰায় বাহাদুৰ দুৰ্গেশ্বৰ শৰ্মা ডাঙ্গৰীয়াৰ বিৰ্পোৰ্টৰ কোন কোন অংশ তেখেতৰ ছাপোৰ্টৰ নিমিত্তে কোট কৰিছে। কিন্তু পৰ্বহি ৰায় বাহাদুৰ ডাঙ্গৰীয়াৰ লগত দেখা কৰি মই শুধিলো "আপুনি প্ৰহিবিশন স্কিম ছাকছেছ হৈছে বুলি কৈ আকৌ এতিয়া বেয়া বিৰ্পোৰ্ট কিয় দিলে" তেখেতে কলে যে "আপোনালোকৰ সম্পূৰ্ণ ভুল। মোৰ ২৪শে ফেক্ৰাৰী তাং টাইমস্ অন্ড্‌ হাসামত" আৰু ষ্টেটমেন কাকতত যি বিবৃতি দিছে সেইটো পঢ়িলে আপোনালোকে বুজিব যে প্ৰধান মন্ত্ৰী ডাঙ্গৰীয়া তেখেতৰ যিখিনি দৰ্কাৰ কেৱল সেইখিনি হে পঢ়িছে। মোৰ সেই বিৰ্পোৰ্ট এতিয়া গভৰ্ণমেণ্টৰ সম্পৰ্কে গতিকে মই তাক এতিয়া পাব নোৱাৰো। আপোনালোকে "টাইমস্ অন্ড্‌ হাসাম" পঢ়িলেই মোৰ বিৰ্পোৰ্ট কি সেইটো বুজিব পাৰিব।

If I am allowed to read out his statement I shall do so.

The Hon'ble the SPEAKER: The hon. member need not read it. I would appeal to the hon. member not to take advantage of the fact that I am not so proficient in his language. (*laughter*).

Srijut HALADHAR BHUYAN: তেখেতে কৈছে যে শিৱসাগৰ জিলাত প্ৰহিবিশন সম্পূৰ্ণ successful হৈছে আৰু ডিব্ৰুগড়ত শিৱসাগৰৰ সমান হোৱা নাই কাৰণ ডিব্ৰুগড়ত চাহ বাগিছা সৰহ। যদিও মানুহে বহুত সহায় কৰিছে তথাপি ডিগবয় ষ্ট্ৰাইকৰ নিমিত্তে চাহ বাগিছাৰ মেনেজাৰসকলে সহায় কৰিব পৰা নাছিল সেই নিমিত্তে তিমান successful সফল হোৱা নাই। গাঞ্জা আৰু মদ মানুহে বেচি খালেও প্ৰহিবিশন 70 per cent. সফল হৈছে। তেখেতে কৈছে আধা কাম হৈছে আৰু আধা কাম এবছৰৰ ভিতৰত সম্পূৰ্ণ হ'ব। তেখেতে আৰু কৈছে যে কোন কাম চেপ্টাৰ অতীত নহয় গতিকে গভৰ্ণমেণ্ট ইচ্ছা কৰা হেতেন এই প্ৰহিবিশন স্কিম সফল কৰিব পাৰিলে হেতেন তাকে নকৰি গভৰ্ণমেণ্টে অত্যন্ত ভুল কৰিছে। গতিকে ৰায় বাহাদুৰ ডাঙ্গৰীয়াক quote কৰি প্ৰধান মন্ত্ৰী ডাঙ্গৰীয়াৰ যি কৈছে.....

The Hon'ble the SPEAKER: That is criticising the policy of Government. The hon. member will please take his seat.

Srijut DEBESWAR SARMAH: Mr. Speaker, Sir, I want to put a straight question to the hon. leader of the European block. Sir, I have an additional advantage in this case because the hon. leader has got one of *ex-District Magistrates* of British Indian Courts sitting with him. The question is plain and simple and I would like to have a straight answer. He has said that the policy of prohibition was a failure because there was smuggling going on and private persons made profits thereby. In British India, the administration of justice has been carried on fairly efficiently for over 150 years. Nevertheless there are so many theft and burglary cases. I ask, because there are so many burglars, should the administration of justice be suspended in his country—is it a failure because there are so many thefts?

Adjournment

The Assembly adjourned for lunch till 2 p.m.

After lunch

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, I oppose this motion. We sometimes oppose measures when they are bad, and sometimes when they are not better, and I oppose this motion on the latter ground. I oppose this because we find in this supplementary demand, an expenditure on account of prohibition scheme, which is much less than what was provided in the resolution during the last Budget Session of the Assembly. Now, Sir, coming from the same constituency as the Hon'ble Excise Minister, it pains me to oppose this measure, because I find that my Hon. friend the Excise Minister has not been able to satisfy his constituents in the matter of prohibition in our district which was to be taken up from the 15th January this year. The prohibition scheme was drawn up last year, and it was due to be taken up in Nowgong and other subdivisions on the southern bank of the Brahmaputra this year, but unfortunately, though we had our own Excise Minister from Nowgong, this scheme was abandoned. This has added to the shame of the Hon'ble Dr. Saikia, who should have immediately taken up the scheme, knowing the view of his constituency.

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Sir, the hon. member is criticising the policy.

Srijut PURNA CHANDRA SARMA: No, this is a passing reference.

The Hon'ble the SPEAKER: All right, but the hon. member has got only three minutes more.

Srijut PURNA CHANDRA SARMA: Now, Sir, we find that there has been considerably less expenditure than what should have been on this account, which is possibly due to the fact that the scheme was abandoned long before and possibly because our Hon'ble Excise Minister thought that the people of his district should continue the habit of taking opium, till somebody else comes forward and stop it. Sir, it is for this reason that I have come to oppose this motion.

Sir, I may be permitted to say here that when the Hon'ble Dr. Saikia was sworn in as a Minister, there was considerable activity in the district of Nowgong. People thought that he would take up the prohibition scheme immediately, and accordingly the District Congress as well as other social organisations had taken up the matter in right earnest, and had been doing a little propaganda work although it was always opposed in our meeting by the Hon'ble Dr. Saikia.

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Sir, I beg to point out that the hon. member is not relevant. He is simply criticising the prohibition policy of Government that the prohibition of opium has not been extended to other areas.

Srijut PURNA CHANDRA SARMA: My ground for opposition is that the balance of the amount provided for prohibition scheme had not been spent.....

The Hon'ble the SPEAKER: The hon. member is opposing this demand and he should state his grounds why this demand should not be passed.

Srijut PURNA CHANDRA SARMA: I oppose the demand because it is much less than what was provided before.

The Hon'ble the SPEAKER: Then does the hon. member think that it should be refused ?

Srijut PURNA CHANDRA SARMA: I do not say that it should be refused.

The Hon'ble the SPEAKER: But that is the meaning of opposition.

Srijut PURNA CHANDRA SARMA: Criticism is also another purpose of Opposition, Sir. We are opposed to this in the sense that we think this demand is not better, or the expenditure is not greater.

The Hon'ble the SPEAKER: But when a motion is opposed, the plain implication is that the hon. member opposing the motion would vote against it. Is the hon. member going to vote against the motion ?

Srijut PURNA CHANDRA SARMA: I may.

The Hon'ble the SPEAKER: It seems the hon. member is speaking without knowing his mind (*laughter*).

Srijut PURNA CHANDRA SARMA: I am criticising this demand and I expect that the Hon'ble Minister will explain his position later and may give us an assurance.

The Hon'ble the SPEAKER: Then, the hon. member would give the points on which he wants explanation.

Srijut PURNA CHANDRA SARMA: The Hon'ble Minister did not spend the rest of the amount ; that is my point, and this is why I oppose it.

Srijut SARVESWAR BARUA: We may oppose the demand because it is not adequate. By opposing it we ask Government to bring in another supplementary demand for the whole of the amount. We can assure Government that we shall support such a demand.

The Hon'ble the SPEAKER: But where is the time for bringing in another Supplementary Demand for the year which will end on the 31st March ?

Srijut SARVESWAR BARUA: It may come in the form of excess demand.

The Hon'ble the SPEAKER: But the point is that the money is to be spent before the 31st March. In this case, the money has already been spent, and hence the demand has been placed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, in my first speech of this Session, *viz.*, the introductory speech about the Budget, I made everything clear as regards the prohibition policy of this Government, but I am pained to see, Sir, that in spite of a full exposition from the Chair that the questions of policy cannot come in on a supplementary demand like this, speaker after speaker got up to protest not

merely against the policy but also against the demand that my hon. friend the Minister for Excise has placed before the House.

Sir, so far as the Supplementary Demand for the current year is concerned, we have followed exactly the expenditure which was incurred by my predecessors when they initiated this prohibition experiment in the two subdivisions of Dibrugarh and Sibsagar. Since assumption of office, we have not reduced one single pie from the expenditure that was monthly incurred by my hon. friends last year. It has been clearly explained both by me as well as by my Colleague the Excise Minister this morning that the House gave permission to the then Minister of Excise to spend as much as Rs.2,50,000 in two years, *i.e.*, approval to a lump sum expenditure of Rs.2,50,000 was given to the then Government. It was up to that Government to come before the House for a Supplementary Demand on the basis of the scheme of expenditure which they had drawn up. They had a scheme of expenditure which they followed, and which we have continued. They had no time to bring a demand for the expenditure they had already incurred during the current year. It is only to regularise the action of the previous Government that we have brought in this Supplementary Demand. If the total of one and a quarter lakh approved by the House has not been spent during the current year, that is not the fault of this Ministry.

The next point that requires notice in the current year according to the scheme of the previous Ministry, the expenditure on prohibition will be in the neighbourhood of Rs.70,650. Out of this sum on account of the fact that the salary of the Excise Commissioner been henceforth shown under Charged Head, a sum representing about Rs.20,655 will be saved from the establishment charges. We have thus come before the House for the sum of half a lakh only. My hon. friend Mr. Purna Chandra Sarma as well as the veteran hon. Mr. Sarveswar Barua say that they will oppose this motion. I will be very glad if they do so for I will be fortified in the line that I have taken.

Mr. FAKHRUDDIN ALI AHMED : They were protesting.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The back-benchers are being protected in the person of the late Finance Minister. Whereas the back-benchers wanted to oppose, he says that they were only protesting, but I suppose they know the English language sufficiently well to make their meaning clear. As the Hon. the Speaker pointed out, the very term "oppose" means that they are going to vote against the demand. But I am very glad to see that they have changed their mind as they perhaps realise the futility of their action.

The Hon'ble the SPEAKER : The question is :

"That an additional sum of Rs.50,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 8.—Provincial Excise".

The motion was adopted.

(9.—STAMPS)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.1,900 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "9.—Stamps".

The necessity of this demand has been explained in the explanatory note*.

The Hon'ble the SPEAKER: Motion moved:

"That an additional sum of Rs.1,900 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head 9.—Stamps".

(After a pause)

The motion was put and adopted.

(10.—FORESTS)

The Hon'ble Srijut RUPNATH BRAHMA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.3,560 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "10.—Forests".

The Hon'ble the SPEAKER: Motion moved:

"That an additional sum of Rs.3,560 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 10.—Forests".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Before you put the motion, Sir, I would like to say a few words. I rise as Finance Minister to give an explanation. The amount originally mentioned was Rs.11,040. Since then the Forest Department (the Conservator) has informed us that there will be savings under three different heads, specially under construction, and therefore the extra sum required is only Rs.3,560.

The motion was put and adopted.

(11.—REGISTRATION)

The Hon'ble Miss MAVIS DUNN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.3,700 be granted to the Minister-in-charge 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 "11.—Registration".

The explanatory note† is very clear and does not need any elucidation.

The Hon'ble the SPEAKER: Motion moved:

"That an additional sum of Rs.3,700 be granted to the Minister-in-charge 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 11.—Registration".

* EXPLANATORY NOTE

A.—The additional grant is due to a larger sale of non-judicial stamps than was anticipated.

D.—The additional expenditure is due to the recent increase in the manufacturing cost of non-postal stamps.

The Assembly is, therefore, asked to vote a supplementary grant of Rs.1,900 under the head '9 —Stamps'.

† EXPLANATORY NOTE

The increase in expenditure under the head is due partly to the fact that the number of documents registered has increased greatly resulting in the payment of increased commission and partly to the temporary entertainment of a clerk, a muharrir and a peon in the new Joint Sub-Registry office of Chunarughat located at Habiganj and a peon in the in connection with the registration of *Pattas* and *Kabuliyats* of Madan Raja and Md. Natir Estates, and of a peon in the Nalbari Sub-Registry office in the district of Kamrup.

Srijut GAURI KANTA TALUKDAR: May I know from the Hon'ble Minister whether the only officer which is required is a peon or any other officer?

The Hon'ble Miss MAVIS DUNN: Just recently we have appointed an Extra Assistant Commissioner to do the Registration work at Nalbari. In any case the Office is going to be a permanent one.

Srijut PURNA CHANDRA SARMA: Was there no income in excess of expenditure in respect of this?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No.

The motion was then put and adopted.

(13.—OTHER TAXES AND DUTIES)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum of Rs.1,500 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head "13.—Other Taxes and Duties".

This expenditure is for purchasing special stamps embossed with a rhinoceros head by means of which the Entertainment and Betting Tax is proposed to be realised.

The Hon'ble the SPEAKER: Motion moved:

"That a sum of Rs.1,500 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 13.—Other Taxes and Duties".

(After a pause)

The motion was put and adopted.

(25.—GENERAL ADMINISTRATION)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.19,211 be granted to the Minister-in-charge 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 necessity of this Supplementary Demand has been explained in the explanatory note.*

The Hon'ble the SPEAKER: Motion moved:

"That an additional sum of Rs.19,211 be granted to the Minister-in-charge 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."

Srijut KAMESWAR DAS: I rise to oppose this motion. We realise that with the abolition of the Commissionership of the Surma Valley the work in the office of the other Commissioner may have increased, necessitating enlarged establishment or additional hands in his office. While, however, we see that the Government have taken steps to provide for additional

* EXPLANATORY NOTE

The excess under "Pay of Establishment" is due to the necessity for a larger clerical staff for the Office of the Commissioner than was anticipated when the budget was framed and that under "Contingencies" to the removal of records from Silchar to Gauhati and incidental charges for maintaining two offices. The excess under "Allowances and Honorary" is due to transfer of personnel from Silchar to Gauhati.

supply in the office of the Commissioner, they are altogether forgetting nay, neglecting, the demands in the district establishments and in the establishments of the subdivisional officers. In many of the district offices there is shortage of hands. Similar shortage continues in the establishment of the subdivisional offices. It is not known why the Government are neglecting to provide hands in the district establishments. I shall cite one instance. A few years back the district officer of Kamrup represented to the Government that several extra hands were necessary in his office and in the office of the Subdivisional Officer at Barpeta. The proportion of requirements in the office of the Subdivisional Officer at Barpeta was greater than it was in the office of the Deputy Commissioner. After a good deal of correspondence and considerable delay, a certain proportion of the entire demand was met though the entire demand was not conceded to. This number was, however, not distributed in the proportion in which the requirements were shown to be existing in the office of the Deputy Commissioner and of the Subdivisional Officer. The Subdivisional Officer on whose figures the number of extra hands were sanctioned did not get his requirements even proportionately.

I think that Kamrup was not the only instance. There are similar cases in other districts also. On these grounds, I oppose this motion.

Srijut GAURI KANTA TALUKDAR: May I know from the Hon'ble Premier whether there is an office for the Commissioner here at Shillong?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is not a *pucca* office, but the Commissioner has got five clerks or so up here.

Srijut GAURI KANTA TALUKDAR: Is it temporary arrangement or a permanent one?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That question could be better replied by my hon. friend (meaning Mr. Fakhruddin Ali Ahmed) sitting in front of questioner. That arrangement was arrived at last year. But, Sir, I think it would be better that I speak on all matters raised in my reply instead of answering these questions and cross questions.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, it was for the sake of economy that this House wanted to do away with the two Commissioners' offices at Silchar and at Gauhati. But the authorities at the helm would not agree with us and we have been compelled to maintain the Commissioner's office at Gauhati. But still we find that by some means or other they are going to have another office, however small it may be at Shillong. We really do not know what is the necessity for such an office at Shillong. Whatever may be the excuse, we cannot encourage any expenditure being made for an office at Shillong. This is quite against the unanimous opinion of this House and quite against the interest of the province. We, therefore, demand that the Government should take immediate steps to do away with the second office for the Commissioner at Shillong. I do not know who is responsible for this establishment here, but at any rate I hope the Hon'ble Premier will see his way to do away with the anomalous position. We want that not a single rupee is spent for an office here.

Again, Sir, the Commissioner's quarters at Gauhati are not being utilised and I think the Commissioner is very reluctant to leave Shillong.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, my hon. friend who has spoken just now has explained the matter, I think, in a round about way. But I propose to put it in a more simple and straightforward manner. And that is why I am going to speak on it. He was harping on the point that the Commissioner's office at Shillong should be abolished. But my point is this: what was decided by this House two and a half years back is going to be undone in a round about way. We refused

the establishment of the Commissioners' offices in 1937. But after two years what do we find? We find that more than Rs. 19,000 is going to be spent on that very item over and above what was sanctioned by us last year. So, Sir, I appeal to the hon. members of this House to take serious notice of this point. What we decided to abolish two years back is going to be established again and thereby our decision is going to be flouted. So, Sir, my point is this that I do not care whether there is any establishment at Shillong or not but so far as I am concerned, my opinion is that we should not pay anything over and above the amount which we passed on the floor of this House while we passed the budget last year.

Mr. FAKHRUDDIN ALI AHMED : Sir, as my name was referred to by the Hon'ble Premier in this connection, I want to say this much that the question of fixing the headquarters of the Commissioner came before us soon after we had assumed office and as the orders were required to be communicated immediately, we had passed a provisional order fixing the headquarters of the Commissioner at Shillong only temporarily subject to the condition that, after a few months, the whole question would be gone into. And if my memory is not failing, I can say that before we resigned, we had passed definite orders after considering all the facts for and against that his headquarters should be fixed at Gauhati instead of Shillong.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I will presently advert to what my hon. friend Mr. Fakhruddin Ali Ahmed has just now stated. My hon. friend Mr. Mookherjee wanted the House to take serious notice of the point that he has raised. But unfortunately I find all the points that have been raised in this discussion, excepting exhortation of Mr. Ahmed, are beside the point. My complaint.....

Mr. BAIDYANATH MOOKERJEE : It is a matter of opinion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My complaint throughout this session has been that in spite of my best attempt to explain matters as fully as possible, I find that those explanations were either not read or intentionally not referred to. Now what is the explanatory note under this head? "The excess under 'Pay of Establishment' is due to the necessity for a larger clerical staff for the Office of the Commissioner than was anticipated when the Budget was framed and that under 'Contingencies' to the removal of records from Silchar to Gauhati and incidental charges for maintaining two offices. The excess under 'Allowances and Honoraria' is due to transfer of personnel from Silchar to Gauhati". Therefore, the excess has been shown separately under three heads (i) Pay of Establishment, (ii) Contingencies and (iii) Allowances and Honoraria. Nobody could deny that those clerks of Silchar Commissioner's office who have been transferred to Gauhati must be paid their travelling allowances. Similarly at the time of framing the budget of 1939-40 when this Government was not functioning, probably for want of proper data it was not known, what will be the additional hands required in the enlarged Commissioner's office at Gauhati which henceforward will function as the only office and shall have to handle work of two Commissioners that existed before. Therefore there was a justifiable short-budgeting. Now, hon. members may remember that this transfer took place in the middle of financial year and therefore for a period of the financial year 1939-40, there were two offices functioning. That was another reason which did not enable the then Finance Minister to guess correctly the number of staff which would be required for the combined Commissioner's office at Gauhati. Now this office is functioning. It was settled that one office would do the work of former two offices.

The House voted for the pay of the establishment of one office. If on account of short budgeting a few more clerks were necessary then, should the Hon'ble House go against their verdict of the current year and now refuse this Rs. 13,000 which is required for payment of the extra staff that have to be maintained? This is as regards the main demand.

My learned friend Srijut Kameswar Das has taken this opportunity again to refer to a matter which ought to have been raised in the general discussion of the budget for the next year, for it is not the proper time that the alleged shortcomings of the Government are to be criticised. Supplementary demand, as I have already mentioned on an earlier occasion, is only necessary to meet an expenditure which has already been incurred on a policy that was adopted by the House at the Budget Session of the previous year. My learned friend now criticises the present Government, saying that we are very partial to the Commissioner's office, and hence we have given extra hands to the Commissioner's office at Gauhati. But when a similar request came up from the Deputy Commissioner, Kamrup, on account of the paucity of hands in the Subdivisional headquarters at Barpeta, Government turned down that request. Again I reiterate the same thing, Sir, if anybody turned down the representation for extra hands at Barpeta, it was by the previous Government and not by this Government.

But I am not going to take shelter of my hon. friend the Finance Minister of last year. I want to mention here that Finance Department has kept a standard of issues and receipts — the amount of work that is expected to be done by one of the clerical staff. For the information of the House, I can say that each clerk in an office is expected to deal with two thousand issues and receipts in a year or in other words on the calculation of 300 working days in a year, each clerk is supposed to deal with sufficient number of office files a day which will enable final orders to be passed in four cases and also to start about the same number of new files. He will have to handle sufficient number of files in a day which will enable him to deal with say six or seven issues and receipts combined. Whenever a demand is made by any office, the Finance Department scrutinises it on that standard. Let us take for example the office of Barpeta; if it deals with 14000 issues and receipts in a year, the Finance Department will give them only seven hands in spite of recommendation from the district head or the subdivisional officer concerned for more. It was perhaps on account of this, the full demand from the Deputy Commissioner was turned down and he was not given the full quota of hands that he wanted.

My learned friend Mr. Talukdar raised a very pertinent question about the office establishment of the Commissioner at Shillong. Sir, as my hon. friend Mr. Fakhruddin had already told the House that soon after the post of the Commissioner, Surma Valley and Hill Division, was abolished, the sole Commissioner was wanted at the headquarters to discuss devices to lighten his functions so that he might be relieved of much of the work that was done by each Commissioner. With that view he was temporarily brought up to Shillong but he is continuing to remain here ever since and although my hon. friend says that he had passed orders that the headquarters of the Commissioner should be at Gauhati, I should say that I have not seen that order because the order must have been passed by him, being in-charge of Revenue Department. It may be in the Revenue Department, as I have not seen such an order in the Finance Department; but I am glad to say that we are all at one with this because the present Ministry also insisted in spite of the protest from the Commissioner that his headquarters must be at Gauhati. Therefore the question of

Commissioner's official residence at Gauhati solves itself as soon as he goes back. The Surma Valley Commissioner was in-charge of the whole of the valley as well as the Hills, *i.e.*, Lushai Hills and Naga Hills, two totally excluded areas. When the Commissioner first came to Shillong, he brought three clerks with him with the idea of doing the work of these excluded areas at Shillong because the connection of that branch of the Commissioner's establishment is with the Governor's Secretariat and not with the Civil Secretariat. Naturally he brought his own tour clerk and when the Commissioner stayed at Shillong most of his time when he was not on tour, he brought another clerk, *i.e.*, he had five clerks, three for excluded areas work, one as his tour clerk and another for office work. Now the present Ministry has ordered that the Commissioner's headquarters must be at Gauhati. I hope, Sir, I have been able to give all the materials necessary to explain the situation and my hon. friends, particularly two members coming from Gauhati and Barpeta will, I hope, see their way not to oppose the demand.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, the Hon'ble Premier will not find this order in the Revenue Department because this order was passed not by me but by the Hon'ble *Ex*-Premier in consultation with me and therefore I think this order will be found in the Home Department.

Srijut GOPINATH BARDOLOI: The order was that it would take effect from the calendar year and not from the financial year.

Mr. BAIDYANATH MOOKERJEE: On a point of personal explanation, Sir. It is better that you should give me an opportunity.

The Hon'ble the SPEAKER: I am always ready to help.

Mr. BAIDYANATH MOOKERJEE: The Hon'ble Premier remarked that the members who spoke from this side did not read his explanatory note. Similarly I think, Sir, that while I was speaking, most probably he thought that the speech of a member particularly on this side of this House was not worth hearing, and that is why he perhaps did not care to hear me. What I want to point out is this, that what we try to say in one form and the Hon'ble Premier tries to hear it in another form. You are the best Judge in this matter, Sir.

The Hon'ble the SPEAKER: I am not to judge anything.
(*Laughter.*)

Mr. BAIDYANATH MOOKERJEE: Because it is coming through you, Sir.

The Hon'ble the SPEAKER: It is the House to judge.

Mr. BAIDYANATH MOOKERJEE: If there is anything out of the way, it is bound to hit your ears also. His explanation is that because some extra hands were necessary, why the House should not pay for them? If that be the case, the Hon'ble Finance Minister may come forward with anything and everything saying that it is necessary and the House should vote for it.

The Hon'ble the SPEAKER: All this is not personal explanation.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir. I read it very carefully and thoroughly. Sir, it is really very regrettable that after two years the amount has been brought under supplementary grant again.

The Hon'ble the SPEAKER: Yes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I, Sir, reply to that explanation?

The Hon'ble the SPEAKER : I think it is better that the Hon'ble Premier should reply.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : In spite of the careful reading of my hon. friend, I cannot say that he has extricated himself from the charge that I made. If I remember aright, in the budget session of 1938, the post of one of the Commissioners was abolished and thereby the House expected that there will be a saving of the pay of the Commissioner and his establishment at Silchar. Speaking from memory, Sir, the expected saving from this was in the neighbourhood of Rs.75,000. Since then, when the post of the Commissioner of Surma Valley and Hill Division has been abolished, it was found necessary to transfer certain hands from the abolished office at Silchar to Gauhati. It was at this state, Sir, the total work fell upon the single Commissioner. There was shortage in the budgeting at that time, as I said, Sir, the budget was framed sometime in October, 1938 because this refers to the expenditure for 1939-40. How for a shortcoming of that time, the present Ministry can be criticised? The present Ministry is trying to regularise the position and have come before the House for supply of the necessary funds to meet the salaries which have already been paid. Now the question resolves into this that there are two matters that generally come before the House. The one is the question of policy. Before any policy is adopted by the Government, especially when provincial autonomy has come in, it must get the blessings of the House and for that purpose it must come before the House. But once a policy has been accepted, if there is a variation in the number of the establishment—if it is considered that one more or less is considered necessary—Government generally accept that. As the establishment for the Commissioner's office at Gauhati has been voted by the House, they would not mind if there is the entertainment of an additional clerk or so. As I have already mentioned, the Finance Department most jealously scrutinise all proposals for increased establishments.

The Hon'ble the SPEAKER : The question is :

“That an additional sum of Rs.19,211 be granted to the Minister-in-charge 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.

(27.—Administration of Justice)

The Hon'ble Khan Sahib Maulavi MUDDARIR HUSSAIN CHAUDHURY : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.40,848 be granted to the Minister-in-charge to defray the charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head “27.—Administration of Justice.”

Sir, the explanatory note* is there, which I think does not require any elaboration.

The Hon'ble the SPEAKER: Motion moved :

“That an additional sum of Rs.40,848 be granted to the Minister-in-charge to defray the charges which will come in the course of payment during the year ending on the 31st March 1940, for the administration of the head 27.—Administration of Justice.”

(After a pause)

The motion was put and adopted.

(29.—Police)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that an additional sum of Rs.20,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940, for the administration of the head “29.—Police”.

The necessity of this supplementary demand has been explained in the explanatory note†.

The Hon'ble the SPEAKER: Motion moved :

“That an additional sum of Rs.20,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head ‘29—Police’.”

Srijut LAKSHESVAR BOROOAH: Sir, I beg to oppose this motion. As I have already said, Sir, on another occasion, this expenditure has been a sheer waste of public money, and I will substantiate my statement by what I am going to say. It has been stated in the explanatory note as

*EXPLANATORY NOTES

1. In the original budget a provision of Rs.550 only was made for the appointment of a clerk for the Advocate General, Assam, but as he has been given the services of a stenographer and two chaprasis the expenditure for pay of establishment during the year will be Rs.823 and a supplementary grant for Rs.273 is therefore necessary. There was also no provision for law books, type writer and other contingent expenditure for the Advocate General and his office and hence a sum of Rs.1,875 is required to meet the necessary demands under these items. A total additional grant of Rs.2,148 is therefore required under this head.

2. At the instance of the Hon'ble Judges of the Calcutta High Court, Government sanctioned additional posts of temporary Munsifs and Judges to clear up arrears of civil and criminal cases as the existing staff was inadequate to cope with the work.

3. The amount is required to pay the ‘Diet and Road money to witnesses’ due to the rise in prices and the increase in the number of cases. The expenditure under this head is uncertain.

The Assembly is, therefore, requested to vote a supplementary grant of Rs.40,848 to meet the above additional charges.

†EXPLANATORY NOTE

The additional grant is mainly required to meet the unusual expenditure on travelling involved by the recent Labour strike at Digboi and Tinsukia in the Lakhimpur district and travelling allowance due to the transfer of officers in connection with the strike for which no specific budget provision exists in the Police budget for 1939-40.

follows:—

“The additional grant is mainly required to meet the unusual expenditure on travelling involved by the recent Labour strike at Digboi and Tinsukia in the Lakhimpur district and travelling allowance due to the transfer of officers in connection with the strike for which no specific budget provision exists in the Police budget for 1939-40.”

Sir, in order to decide whether the expenditure, *i.e.*, this additional sum of Rs.20,000 was necessary to be spent during strike, we have first to know what actually happened at Digboi. As I have already stated in connection with the Police Budget for 1940-41, thousands of labourers working at Digboi for years and years, finding that their interests were not protected by the Assam Oil Company and in order to see that they were not further exploited by the foreign capitalists, formed a Labour Union. It was a perfectly legal affair. As soon as the labourers found that their interests were exploited, they were entitled to form a Labour Union and they were also legally entitled to go on strike when their legitimate demands and grievances were not satisfied and redressed. After the formation of the Union, the labourers had their Union registered by Government. The Union was registered when Sir Muhammad Saadulla was in office. The Union was registered and submitted their demands to the Assam Oil Company. After its registration they subsequently from time to time used to reply whether they could or could not accede to the demands. The Labour Union officials had to convene general meetings to consider whether the replies of the Company were acceptable or not. This was also perfectly legal and constitutional. After discussing the replies given by the Company, they passed certain resolutions embodying their views. Further, Sir, they had to convene meetings to protest against the unprovoked assaults on the peaceful strikers by the agents of the Assam Oil Company. I already stated in my cut motion the other day that the Company also used the Police and the Military to put down the strike. They provoked violence. We find from the report of Sir Manmatha that one employee of the Company in the person of Mr. Hayman made an unprovoked assault on a striker and also one Mr. Zainsh provoked the Union by his horse charges on some of the volunteers. From time to time during strike the employees of the Company used this sort of violence on the peaceful strikers. Therefore in a public meeting, they protested against this unwarranted actions of the Company's employees. It was only natural, Sir, that they should protest when such acts of violence are committed on the peaceful strikers. Their protests probably were couched in violent language. Taking at its best we find from the report of Sir Manmatha that there were inflammatory speeches. I think, Sir, no special police or additional police was necessary to stop the delivering of inflammatory speeches in meetings held during the strike. That could be done under section 144 of the Criminal Procedure Code.

The Hon'ble the SPEAKER: The hon. member will please finish. He has got only three minutes more.

Srijut LAKSHESVAR BOROAH: Sir, I am finishing. The police have got only to send a report to the District Magistrate, who may serve a notice prohibiting the making of inflammatory speeches, if satisfied that speeches may lead to breach of the peace. I think, Sir, for these purposes no additional police is necessary.

Further, Sir, I beg to submit that, on the contrary, the police at Digboi were employed, not for *bona fide* purposes of keeping peace and order. I am of opinion, Sir, that the police and the military were used simply to

suppress the Union. Therefore, Sir, in all fairness this expenditure should be borne by the Assam Oil Company, because the police and the military were employed by the Government to help the Company. Sir, there is a clear finding from Sir Manmatha on this point.

The Hon'ble the SPEAKER: Why should the hon. member refer to this point again? What is the use of repeating this argument again and again?

Srijut LAKSHESVAR BOROAH: What I mean to say is that the ordinary police was sufficient to deal with this matter of maintaining peace and order and also that as the police and military were used to help the Company, it is not a legitimate expenditure. With these words, I oppose this motion.

(Here the clock struck 3 p. m., and the time allotted for voting on supplementary demands for grants expired.)

The Hon'ble the SPEAKER: Is there any time for the Hon'ble Premier to reply?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If you permit me, I can finish in three minutes, Sir.

Again I have got to remind the House that this is a supplementary demand and the expenditure was already incurred at the instance of the previous Government. The experiment was started from April and that was at the time of the previous Government of which my hon. friend was a follower. So if there be any criticism, it will be a criticism of the previous Government. I hope my friend will not oppose this and rake up old sores.

The Hon'ble the SPEAKER: The question is:

That an additional sum of Rs.20,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending the 31st March, 1940 for the administration of the head "29.—Police".

The motion was adopted

(37.—Education)

The Hon'ble the SPEAKER: We have reached the time limit. Therefore all the demands shall be put to the vote of the House from the Chair.

Srijut GOPINATH BARDOLOI: If I were permitted I might point out that there has been an evident mistake on the part of the Finance Department in putting this amount in items (i) and (iii) in the Explanatory note. I want to draw the attention of the Hon'ble Finance Minister to say that at the top of the explanatory note an amount of Rs.25,000 is put. It should be Rs.50,000.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: This demand explains the misunderstanding between myself and the hon. member that arose on a cut motion on the Education demand the other day. I was told that Rs.25,000 was granted direct to schools, while Rs.25,000 was proposed to be distributed through Local Boards.

The Hon'ble the SPEAKER: I shall put the demands as they are before the House.

The Hon'ble the SPEAKER: The question is:

"That an additional sum of Rs.49,562 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head 37.—Education".

This was adopted.

(42.—Co-operation)

The Hon'ble the SPEAKER: The question is :
 "That an additional sum of Rs.1,323 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head 42.—Co-operation".

This was adopted.

[50.—Civil Works (excluding Tools and Plant and Establishment)]

The Hon'ble the SPEAKER: The question is :
 "That an additional sum of Rs.85,500 be granted to the Minister-in-charge to defray certain charges which will come in course of payment during the year ending on the 31st March, 1940 for the administration of the head 50.—Civil Works (excluding Tools and Plant and Establishment)".

This was adopted.

(55.—Superannuation allowances and Pensions, etc.)

The Hon'ble the SPEAKER: The question is :
 "That an additional sum of Rs.32,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head 55.—Superannuation allowances and Pensions, etc".

This was adopted.

(Loans and Advances bearing interest and not bearing interest under Grant No.31)

The Hon'ble the SPEAKER: The question is :
 "That an additional sum of Rs. 47,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1940 for the administration of the head—Loans and Advances bearing interest and not bearing interest" under Grant No.31.

This was adopted.

DEMANDS FOR GRANTS

GRANT No. 23

(42.—Co-operation)

The Hon'ble Miss MAVIS DUNN: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.1,02,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of head "42.—Co-operation".

The Hon'ble the SPEAKER: Motion moved :
 "That a sum not exceeding Rs.1,02,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941 for the administration of the head 42.—Co-operation".

Srijut RAJENDRA NATH BARUA: I beg, Sir, to move that the provision of Rs.59,678 under Grant No. 23, Major head 42.—Co-operation, Minor head—A—Superintendence, Sub-head 2.—Pay of Establishment (total), at page 170 of the Budget, be reduced by Rs.110, i.e., the amount of the whole grant of Rs.1,02,400 do stand reduced by Rs.110.

Sir, the purpose of this cut motion is to criticise the Government for the inactivity of the Co-operative Department and incidentally to criticise the policy of co-operation in Assam.

Sir, it is almost universally true that the youngest son of the family receives the greatest attention and care from his parents. The co-operative movement in Assam might be called the youngest of the great family of the departments of the Government. It should naturally get that bit of care and attention from Government. But unfortunately it is like that disinherited son of a father who roams about the streets uncared for, unheard of and unseen.

The co-operative movement so far, is a failure in Assam. During the life of 35 years since its inception it has not shown any improvement. The question is: what is the root cause of the failure of this movement? Sir, to get a true picture of the co-operative movement one should go to the villages. We find that the rural societies are heavily indebted; the interests and the liabilities are in most cases double the assets. So also are the Central Banks. The causes, therefore, Sir, are to be inquired into seriously by the Government. It is high time, if this co-operative movement is to do any good to the people, that Government ought to see how best they can improve the co-operative movement in Assam.

Sir, certain ameliorative measures—I mean remedial measures come to my mind which I shall dilate upon shortly. There is a Sanskrit saying “विषस्य विषःशोधः”. That means that poison is the antidote of poison. Or in other words, a bad malady requires drastic measures. If you want to improve the co-operative movement in Assam, you have to check firstly the fraudulent transfers or *benami* transactions and secondly the collusive revenue sales. Lastly I shall show how the principle of “unlimited liability” is also working to the detriment of the interests of the co-operative movement.

To take up the first item, Sir, I should consider this to be a very simple thing, if we could only get the co-operation from Government officials to check this fraudulent transfer. The Registrars and Sub-Registrars of the Court should be provided with a list of debtors so that when a debtor comes to transfer his property, the credit banks should be informed. This bit of co-operation from the Government officials is not very difficult, and I think that this can be done simply by orders from Government. The credit banks can take necessary steps and in the meantime they can take out awards against the debtors.

Secondly, Sir, about collusive revenue sales; that can also be easily checked, if the officers, who conduct sales, are also provided with a list of debtors so that the credit banks may be informed in time that the lands of the debtors are going to be sold. The credit banks then either take steps or purchase them.

Another measure which I propose, may appear to be very drastic but I think it is necessary at the present moment. I think, Sir, power for issuing distress warrants should be given to the credit banks or to the societies—of course under very strict supervision. This procedure is in

vogue under the Assam Municipal Act. If some such provision is made in the Co-operative Manual, I think the credit banks will not lose their money very much.

I would suggest, Sir, that propaganda should be made in order to bring home to the people the principles and benefit of the co-operative movement. In this connection, Sir, I would refer to the Report of the Assam Provincial Banking Enquiry Committee, where they have said that the officials should also give their best attention towards the improvement of the co-operative societies. At page 149 of the Report, it is stated "We agree that it is desirable to free the co-operative movement as far as possible from official control. This is the ideal, but no one will deny that at present, in view of the condition of the various co-operative institutions in Assam, official control and help—we emphasise the last word—are essential. We think that, generally executive officers from District Magistrates down to Sub-Deputy Collectors do not take such interest in the movement."

Sir, we find from our experience that Government officials care more for their tennis rackets than for seeing that the principles of co-operation are better and more widely spread among the village people. We find that the youngsters of the Inspectorate, I mean the Inspectors of Co-operative Societies, care more for play than for imparting the principles of co-operation to the village people. Of course, Sir, there are certain honourable exceptions. So, I say, that in addition to the official control, non-official agencies or co-operators should be given ample opportunity and better scope, so that they also can go out to the villages and teach the principle of co-operative movement to the villagers. Of course, what we find in practice is that the honorary organisers are very helpless in the matter; they are provided with a very paltry sum. I may be wrong, but I think a contribution of only Rs.25 is given to them per year. If propaganda is to be carried on by non-official agencies, a decent sum should be provided. Of course, if the co-operative movement should be like a disinherited son I have nothing to say, but if some improvement in the department is to be achieved, non-official agencies should be greatly encouraged.

Lastly, Sir, I draw the attention of the hon. members to the fact that the principle of unlimited liability is a dead letter now so far as Assam is concerned. People do not appreciate it. I would only quote a passage from a very elucidative article written by Mr. D. T. Shah, B. Com. of Baroda in the current issue of the *Indian Review* :

"Many village societies having an unlimited liability have shown a great lack of business and banking knowledge and their depositors have found it difficult to get their money back when they wanted them badly. It is the good management and the influence of the local leaders that have attracted deposits in village societies. Very few depositors have banked their money solely due to the attraction of unlimited liability. The object of having an unlimited liability with a view that every member would check and supervise the money advanced to other members and the society would not suffer by imprudent advances has not been achieved in actual practice; on the contrary the members have made the society a combination of individuals for getting loans on easy terms. In view of the unlimited liability it was thought that members would take more interest in the affairs of the society, but a deeper investigation of a few village societies will reveal that general meetings are difficult to be held with quorum and even if a few villagers take interest in the affairs of the society, they lack the courage to oppose selfish interests. On the other hand, the unlimited liability has deterred some members from making punctual repayments

who state that there being an unlimited liability they are afraid to risk the payment if others did not pay and the good intentions of having an unlimited liability are frustrated."

So, Sir, this principle of unlimited liability is not working to the benefit of the co-operative movement in Assam or for the matter of that in the whole of India and I hope Government will see that a better system is introduced.

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

The Hon'ble the SPEAKER : Cut motion moved :

"That the provision of Rs.59,678 under Grant No. 23, Major head—42.—Co-operation, Minor head—A—Superintendence, Sub-head—2.—Pay of Establishment (total), at page 170 of the Budget, be reduced by Rs.110, i.e., the amount of the whole grant of Rs.1,02,400 do stand reduced by Rs.110".

We shall go with this demand up to 3-35 p.m. When the discussion has been raised about the policy of the Co-operative Department other hon. members, who have tabled cut motions, may take part in it, and the Hon'ble Minister-in-charge should be given some time to reply, remembering that I shall put this demand to vote at 3-35 p.m.

Srijut KRISHNA NATH SARMAH : Mr. Speaker, Sir, I had a cut motion in my name by which I wanted to draw attention to the failure of the co-operative movement and the necessity of replacing it by a system which will be really helpful to us.

The causes of the failure of this movement, in my opinion, are as follows:—

- (1) Innumerable village societies were started without any capital worth the name and without any training ;
- (2) The office bearers were without any control ;
- (3) Loans were issued for unproductive purposes to people already overhead and ears in debt ;
- (4) Issue of bogus loans and defalcation by office bearers in spite of Audit Inspection :

I may call these societies as pauper societies. The result is that the whole movement has collapsed, as when once the loan is issued the credit societies have no other business than to renew these loans from year to year. The economic depression has deprived the capacity of the debtors to repay their debts ; as a result about 75 per cent. of the debts are now bad debts.

Many village societies are now under liquidation and under the plea of unlimited liability all members are compelled to contribute. This has caused widespread distress, and our people are disgusted with this system. No amount of audit and inspection will be able to revive these dead bodies and restore the loss of confidence of our people to the system. The time is long overdue to close the system and replace the same by one which may be of use. Whatever money can be realised out of these societies which are in moribund condition, should be realised, all interest should be written off, bad debts be given up. I urge the Government to establish banks on the following lines. We are greatly in need of money for starting small industries. Many of our young educated youths are starting small business. The Central Banking Union is simply wasting its capital by helping these pauper societies with loans. The collapse of

the Credit Society will necessarily result in the bankruptcy of the Central Banking Union in no time. The people who are in business either of agriculture or of industry may be very profitably helped by loans. Fruit-growing, sugarcane cultivation, dairy farming, goat keeping, bee keeping, oil pressing, carpentry, tailoring, soap making, umbrella making, paper making, bell-metal works, cane works, *moonj-mat* making, *endi* and *muga* rearing, spinning and weaving, *dheki* husked rice, etc., require small capital to start with. The loans may be issued to individuals or group of individuals who are willing to accept loans at a small interest. The loans will be utilised for productive purposes, and the Government realising the loan or interest by their produce. With each such Central Banking Union there shall have to be opened a co-operative stores of all such local produce. Audit and inspection will be of great use then and then only. Wherever we go we shall find a stock of local produce and our young men will take to earn their livelihood by independent means and will also be able to revive many of our dying cottage industries.

We must have in view to make each village self-supporting in the matter of their articles of everyday use, and also try to create in our villages the love for articles produced in our own homes. The maximum and minimum of loans may be from Rs.500 to Rs.100, and the period may be from 5 years to 10 years, to be paid by equal yearly instalments either in coin or in kind. If we have one such Central Bank in each subdivision aiding at least fifty such small concerns, we will change the whole outlook, in the course of a few decades, of the army of unemployed educated young men and the Government will be greatly relieved of providing employment for them. Our villages will be centres of production and supply of all our requirements, and we will certainly establish and build up a trading concern of great magnitude which will be a glory to any Government.

With these few words, I am placing my concrete suggestions before the House.

Mr. C. GOLDSMITH: Mr. Speaker, Sir, I was glad to hear the suggestions made by the hon. mover of the cut motion. We require co-operation in this House, so that suggestions may be made to the Hon'ble Minister-in-charge and the Minister may take it upon herself to work for the improvement of the Co-operative Department. But, Sir, this criticism now to censure the Government is out of place, because during the time of the Congress-Coalition Ministry they had ample opportunity to improve this department and during the last few months it was impossible for the present Ministry to do as much as the hon. mover of the cut motion wants to do. We must know that in order to bring this about there must be a movement whereby a spirit or desire for honesty is created. I am one of the Directors of a village bank. A few years ago the bank became bankrupt, the reason was that the Secretary was at fault and had to go to jail for dishonesty. Such cases can be found in many parts of the province. I met a man from Japan who came to India two years ago and while touring through India, he said that in Japan co-operative movements are being started in all departments of life and they are very successful, and he said one reason for this success was the characters of the workers who work in the Department. And unless in India, or in the province of Assam there was such a movement whereby the spirit or quality of honesty could be inculcated, it is impossible to improve this Department.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I must congratulate the hon. members who have taken part in this debate. Sir, we are at one with the hon. mover of the cut

motion that to the great detriment of the fair name of Assam, as also to the great loss to our rural population, the co-operative movement is in a moribund condition in the province. We will bear in mind the suggestion made by the three hon. members who have already spoken. Hon. members may remember that in my first Ministry in 1937 I proposed to have a conference to go deeply into the matter of improving our co-operative societies, but before the personnel or the plan of this committee could be settled, we resigned. Since then, the late Government was also of the same opinion that a committee of experts should be called together to devise ways and means of improving our co-operative movement, how to popularise it, and also to instil a spirit of thrift in the minds of the members of the societies. But before they could come to any definite conclusion as regards the personnel, etc., they also resigned. Now we have taken up office again, and I can assure hon. members that we shall pursue our original policy of taking counsel and the confidence of our hon. friends and public during the course of this year. My Hon'ble Colleague, the Minister-in-charge will be convening a conference on which I seek the co-operation of all. As regards the various suggestions made that Government should invest the Sub-Registrars, and especially the officers of the Department, with sufficient powers to go into the past history of the parties to a document presented for registration, to enable them to make a list of creditors, to check *benami* transactions or fraudulent transfers, I am afraid, the matter will not be easy of adoption. It will throw such a burden of enquiry upon our Sub-Registrars that the Registration Department shall have to be increased by at least three-fold to cope with the work.

My learned friend has also laid before the House the opinion of that economist of repute in India, Prof. Shah, on the question of unlimited liability.....

Srijut RAJENDRA NATH BARUA : I meant G. B. Shah of Baroda.
The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Any way, Sir, the question of unlimited liability of the members of rural societies was introduced in India with the best of intentions. It was thought that if the members of the society had unlimited responsibility as regards the loans advanced to its members, they will take care to ascertain about the solvency of the debtors and their ability to repay with interest in time. It was with this idea that each member was enjoined to bear responsibility of the debt of all the members of the society. As many hon. friends have mentioned, that idea of unlimited liability has not been properly understood by our simple members of the rural co-operative societies. The question shall have to be more deeply gone into before any considered pronouncement can be made on it.

He had also suggested that the Central Banks should be clothed with the power of issuing distress warrants. That is a suggestion worth considering. But that will probably require an amendment of the Co-operative Act. From experience, the main difficulty is found to lie in our population, may be want of education, or call it want of circumspection, they have not realised the basic principle. The co-operative movement was inaugurated with the idea of giving cheap credit to our agriculturists who will band themselves into a society so that not only will they be able to borrow money available at a cheap rate but also they will ultimately benefit because part of the interest paid would be returned to the members including the debtors by way of dividend, thereby enabling the member of society to borrow at a cheaper rate of interest and at the same time participating in the profits of the society. But as I have many times mentioned on the floor of the House,

the social customs both of the Hindus and the Muslims, have compelled our simple villagers to divert this money borrowed from the co-operative society from being utilised for productive purposes in the expenditure on social function. This is the root cause of the failure of the co-operative movement. I agree, therefore, with my hon. friends, when they say that intensive propaganda is required to educate our people in the rural areas on the benefits and the principles of the co-operative movement and to make them spend the money borrowed for productive purposes only and not squander away on purposes which are of an essentially religious nature.

My hon. friend Srijut Krishna Nath Sarmah wants to give a decent burial to our credit societies and in its place to start industrial societies. The idea is not new. For, the Government have experimented with Industrial Societies for very many years and here too, unfortunately, all their best endeavours met with no success. Those hon. members who have followed the activities of the Co-operative Department, or have read the annual reports of that Department, must have noticed that Government tried to supply towns with good milk by creation of milk societies. Both in Kamrup as well as in Sylhet, a number of such societies grew up and Government lent the services of an Inspector solely for the purpose of checking and guiding the activities of these milk societies. But these societies collapsed. Those who have weaving as a profession were helped to form Weavers' Societies so that they may benefit by the advance of yarn from those societies and earn thereby a dividend or profit on the yarn purchased by them and also getting a dividend on the sale of the woven products which will be sold through these societies. There are many such societies started by weavers, struggling at least in one part of the country. As I have already said, this question of industrial societies will also be gone into by the Committee when it comes into existence.

Mr. Goldsmith as usual lays great stress upon the honesty of the people. Honesty, Sir, is a virtue which we very piously wish for in every one. But whether we can instil honesty in the minds of a dishonest person, it is beyond me to say. But it must be the endeavour of every worker of the co-operative movement to be imbued with the great virtue of honesty so that by his honest dealings he can infuse the ideals in the minds of the members of the societies, banks and also revive and rehabilitate the Co-operative Department.

Sir, we are moving on the same lines as desired by my hon. friend the mover of the cut motion and I hope that with the assurance that we are shortly going to convene a conference, he will see his way to withdraw his motion.

Srijut RAJENDRA NATH BARUA: On a point of information, Sir. I did not mean that these fraudulent transfers should be enquired into by an elaborate process by the Sub-Registrar. What I mean is that the Sub-Registrar should be supplied with a list of debtors so that when the debtors come for transferring, the Sub-Registrar can inform the authorities of the credit banks so that they may take necessary steps.

The Hon'ble the SPEAKER: What does the hon. member propose to do with his cut motion?

Srijut RAJENDRA NATH BARUA: In view of the assurance given, I beg leave of the House to withdraw my motion.

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

The Hon'ble the SPEAKER : The question is :

“That a sum not exceeding Rs.1,02,400 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of head—42.—Co-operation.”

The motion was adopted.

Grant. No 25

(47.—MISCELLANEOUS DEPARTMENTS)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.95,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head—“47.—Miscellaneous Departments”.

The Hon'ble the SPEAKER : Motion moved :

“That a sum not exceeding Rs.95,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head—47.—Miscellaneous Departments”.

There is only one cut motion standing in the name of Srijut Gauri Kanta Talukdar and we have only 15 minutes. Is the hon. member going to move his motion ?

Srijut GAURI KANTA TALUKDAR: I beg to move, Sir, that the provision of Rs.9,000 under grant No. 25, Major head—47.—Miscellaneous Departments, Minor head—E—Preservation and Translation of Ancient Manuscripts, at page 181 of the Budget, be reduced by Re.1, i.e., the amount of the whole grant of Rs.95,500 do stand reduced by Re.1.

Sir, while speaking about the policy of the Government towards Sanskrit education in connection with a cut motion, I drew the attention of the Government to the necessity of publishing this monumental work, ब्रित्तमंजरी “Britta-manjari”. But unfortunately I did not get an answer to the point raised. Then, Sir, I also put certain unstarred questions to understand the attitude of the Government towards the publication of this book ; but there also I failed to get an answer. So I was led to table this cut motion.

Sir, “Britta-manjari” is a monumental work on Sanskrit Prosody by the late Mahamahopadhyaya Pandit Dhireswar Acharyya of Kamrup and I can boldly say that this is a very charming and unique book. There is no other work of this nature in the entire field of Sanskrit literature excepting the famous “Shruta-bodha” of Mahakabi Kalidasa. The beauty of the book is that while defining a *chhanda* the author gives an illustration of the *chhanda* in the very body of the definition.

Maulavi MUHAMMAD AMJAD ALI: Will the hon. member tell the House when the book was ready for publication ?

Srijut GAURI KANTA TALUKDAR: I am coming to that. Such an important book, Sir, ought to have seen the light of the day long ago. The author died more than 12 years ago, and after his death one of his favourite pupils, Pandit Gauridatta Misra, Vidyabhushan, informed the Government that the book was in the custody of Rai Bahadur Kali Charan Sen of Gauhati and requested Government that the book should be published at the cost of the Government. The Government were also pleased to take the book from the said Rai Bahadur and then they began to discuss the question as to who will edit the book and whether a suitable Pandit would be available for the purpose. The Kamrup Anusandhan Samiti being consulted, informed the Government that Professor Dibakar Goswami, M.A., and Pandit Gauridatta Misra, Vidyabhushan, might be entrusted with

the task of editing. But, Sir, before the question, as to who should edit the book, could be settled, the matter was suddenly dropped by the Government on the ground that there was no fund for undertaking the publication of the book. Now, Sir, when the author was dead and the book was such an important one, were the Government justified in refusing to publish the book? So, Sir, by means of this cut motion, I urge upon the Government that they should take steps to publish the book at the cost of the Government as early as possible.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.9,000 under Grant No.25, Major head—47.—Miscellaneous Departments, Minor head—E—Preservation and Translation of Ancient Manuscripts, at page 181 of the Budget, be reduced by Re.1, i.e., the amount of the whole grant of Rs.95,500, do stand reduced by Re.1".

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I had known personally the great Pandit Mahamahopadhyay Dhireswar Acharyya. Although I am sorry to confess that I am not literate in Sanskrit, I have been told by various scholars of repute that the book Britta-manjari is a unique one in the history of Sanskrit literature not merely in Assam but in India. The late Mahamahopadhyaya was poor and could not publish the book himself. Luckily for the province and posterity, the book along with other movable properties of the late Pandit were kept for safe custody in the hands of Rai Bahadur Kali Charan Sen of Gauhati. I am glad the book is still in good preservation. We will give consideration to the request made by my hon. friend and see whether the Government can publish the book at their cost. If the cost is not prohibitive, I can assure the House that the book will be published.

Srijut GAURI KANTA TALUKDAR: In view of the assurance given by the Hon'ble Premier, I do not want to press my motion.

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

The Hon'ble the SPEAKER: The question:

"That a sum not exceeding Rs.95,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head—47.—Miscellaneous Departments".

The motion was adopted.

GRANT No.31

(57.—MISCELLANEOUS)

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.3,27,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head—"57.—Miscellaneous".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs.3,27,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head—57.—Miscellaneous".

Babu KARUNA SINDHU ROY: I beg to move, Sir, that the provision of Rs.3,000 under Grant No.31, Major head—57.—Miscellaneous,

Minor head—B—Cost of Books and Periodicals, at page 199 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.3,27,100 do stand reduced by Rs.3,000.

Mr. Speaker, Sir, the hon. members of the House will perhaps be surprised to find that I am moving this refusal motion, refusing the cost of books and periodicals; but when they will come to know what is hidden there under the garb of books and periodicals, they will not blame me. In the Budget Memorandum the explanation is given as follows:—"The provision in next year's budget represents the supply of United Press's news to the Hon'ble Ministers". I am at a loss to find out what the explanation means. For the Hon'ble Ministers to get news, Rs.3,000 per annum is to be spent from the provincial exchequer is certainly an absurd thing. This sum should not have been provided in the budget. Hon'ble Ministers always read news from the daily newspapers. But that is certainly not the fact, the real fact is that they are required to keep under control a news agency which so long had independent views. They want news to be sent according to their wish and discretion. So the local representative of the United Press has been bought off with a monthly "subsidy" of Rs.250.

Sir, it is incomprehensible to me what has been the necessity, soon after the assumption of office by the Hon'ble Sir Muhammad Saadulla to grant this financial facilities or "subsidy" to a particular news agency, *i.e.*, the United Press of India. State necessity is the criterion of such "subsidy". The necessity of the service of a news agency is two-fold:—(1) to keep the Government informed about the news of definite urgent importance, (2) to facilitate the publication of the news of public interest.

About the first requirement, it is understood that such service of Indian News Agency was dispensed with by the Congress Coalition Government as a measure of economy, as it was found that such services were no longer necessary in the days of radio, and when Calcutta dailies are arriving in Assam in quick succession. About the second requirement, is there any such necessity when we find that some Calcutta dailies of their own accord, are maintaining well-equipped offices at Shillong for serving the entire Assam? Every day we find columns devoted for Assam news catered by these centres for which the province should be grateful to the authorities of *Ananda Bazar Patrika*, *Hindusthan Standard* and *Statesman*.

If the Ministry want instruments for propaganda, the State cannot be asked to bear the burden of an exacting and unnecessary provision. Are not *Azad*, *Star of India*, *Statesman*, *Prativa* and *Assam Herald* sufficient for the purpose?

Government should consider the question seriously and discontinue this financial facilities to the United Press as early as possible. I must say, Sir, for this purpose, Government should consider seriously and discontinue the financial facilities as early as possible. Concluding I must say, Sir, that the freedom of United Press of India would be gravely menaced by this "subsidy" which I am at a loss to understand as to how the authorities of the United Press "a nationalist agency" could allow. 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.3,000 under Grant No.31, Major head—57.—Miscellaneous, Minor head—B—Cost of Books and Periodicals, at page 199 of the Budget, be refused, *i.e.*, the amount of whole grant of Rs.3,27,100 do stand reduced by Rs.3,000."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, there is no means of satisfying some people and I find that my hon. friend the mover of this cut motion is one of them. (*Laughter.*)

Whatever the present Government will do, he will find a perversity in its action. The Hon'ble Ministers are provided at Government expense Reuter's telegram which contains news of all places excepting India. Every morning and evening we learn what is happening in Germany or Helsinki, but the Ministers shall have to wait for the daily paper to know what is happening in the next province of Bengal. (*Voices from Congress benches: Have Radios.*) If the hon. members provide funds for Radio, we shall welcome it. Sir, the present Ministry considered whether it would not be better that we should patronise some News Agency catering Indian news. There are two Indian News Agencies of repute of which I am cognisant; one is Associated Press of India and the other United Press of India, on the directorate of which I find a stalwart Congress leader of repute Dr. Bidhan Chandra Ray. Sir, I protest against the word 'subsidy' used by my hon. friend. When the Ministry was considering whether to subscribe Associated Press of India or the United Press of India, I remember that Dr. Bidhan Chandra Ray had at one time put in some recommendation for his news service. The Ministry made bargain with the United Press who agreed to supply all the Ministers with separate copies of the same news, on one subscription. This Rs.3,000 represents the annual subscription of the Government of Assam for supplying the Hon'ble Ministers with copies of the United Press news published throughout India. Thus we are kept abreast of all the latest news that is happening in India. Sir, if my hon. friends say that we should stop Reuter's News for we are not so vitally interested in what is happening outside India, then of course I will welcome censure and criticism. I patronise the Sawdeshi News Agency and my hon. friend who happens to belong to the Congress Party wants to censure us and therefore I cannot congratulate him for his cut motion.

The Hon'ble the SPEAKER: The question is:

"That the provision of Rs.3,000 under Grant No.31, Major head—57.—Miscellaneous, Minor head B.—Cost of Books and Periodicals, at page 199 of the Budget be refused, *i.e.*, the amount of the whole grant of Rs.3,27,100 do stand reduced by Rs. 3,000."

The motion was negatived.

Srijut KAMESWAR DAS: Sir, I want to move cut motion No. 3 which stands in my name:

I beg, Sir to move that the provision of Rs.1,77,209 under Grant No.31, Major head—57.—Miscellaneous, Minor head—1.—Contributions, Sub-head—(a)—Contributions to Local Bodies, etc., Detailed head—Grants to Local Boards for general purposes, at page 202 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.3,27,100 do stand reduced by Rs.101.

The purpose of this motion is to urge upon the Government to increase the grant to the Local Boards for general purpose. The necessities of the Local Boards are varied and imperative. They have jurisdiction over 32,000 square miles. They have got to cater the needs of about 80 lacs of people. While there are variations in the provincial income for the better, we see that the contribution by the Provincial Government to these Local Boards in regard to this particular item has not improved during the last five years. In 1935-36 the contribution under this head was Rs.1,77,238. The same was continued in the next year and to-day instead of any increment, the amount has decreased to Rs.1,77,209. Of course, Government these Local Boards; but when we consider these other grants also to that they are also as inadequate as this provision is. The present provision

will calculate on an average to each Local Board less than Rs.10,000. The average area under each Local Board is about two thousand square miles. Therefore the grant is less than Rs 5 per square mile, which is very small indeed. I hope the Government will see their way to increase the grant under this head. With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Cut motion moved:

"That the provision of Rs.1,77,209 under Grant No.31, Major head—57.—Miscellaneous, Minor head—I.—Contributions, Sub-head—(a).—Contributions to Local Bodies, etc., Detailed head—Grants to Local Boards for general purposes, at page 202 of the Budget, be reduced by Rs.101, i.e., the amount of the whole grant of Rs.3,27,100 do stand reduced by Rs.101."

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker. Sir. My hon. friend's motive in moving this cut motion is to plead the cause of the Local Boards for extra grant. He knows very well that we are moving on the same lines, and in our new scheme we propose to give the Local Boards a further sum of Rs.25,000. Our grants for Local Boards are to be found at page 185 of our detailed estimates and demands. There hon. members will find that, instead of there being a diminution of provision there has been an increase. It will be found that we propose to provide a recurring grant of Rs 59,732 to Local Boards for the next financial year. We also have made for next year a provision of Rs.2,92,513 as a non-recurring grant whereas last year it was Rs.2,67,513. So instead of there being a decrease, there has been an increase in the provision in our time. We realise fully well the need for more grants; and the Hon'ble Minister-in-charge, who was, for many years, Chairman of a Local Board himself, knows the difficulties and requirements of Local Bodies. With him at the helm of affairs, my hon. friend the mover of the cut motion may rest assured that he will try to extract the last penny from the Finance Department, as was my experience in the last Cabinet meeting.

Srijut GOPINATH BARDOLOI: Will the Finance Department agree to be exploited?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He will make out such a plea on behalf of the Local Bodies that they will have to give extra grant. If funds are available, the case of the Local Bodies for additional grants will not be lost sight of.

Srijut KAMESWAR DAS: In view of the assurance, I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn

The Hon'ble the SPEAKER: The question is:

"That a sum not exceeding Rs.3,27,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head '57.—Miscellaneous'."

The motion was adopted.

Re arrangement of business to dispose of the Assam Money Lender's (Amendment) Bill, 1937

The Hon'ble the SPEAKER: Now my anticipations with regard to the course of business to-day have not been realised. So, special matters put down for to-day could not be taken up. I am afraid that these matters will not come up again during this session. We may not get time to take them up before the 21st on which the session concludes.

With regard to the Money Lenders' (Amendment) Bill, if the members have no objection I would put it down for day after to-morrow after question time.

Statement made by the Hon'ble Speaker *re* publication of certain starred questions with replies in newspaper which were not answered on the floor of the House

The Hon'ble the SPEAKER: Before we disperse, I crave the indulgence of hon. members to ask them to wait for a few minutes to dispose of a matter which is pending and which, I think, I should dispose of to-day.

On the 4th March last, the Hon'ble the Revenue Minister brought to the notice of the House that certain starred questions, tabled by Babu Lalit Mohan Kar and Srijut Ghanashyam Das, which could not be replied to on account of the absence of the hon. questioners on the date for which they were put down in the Order Paper for answers, were published in the *Amrita Bazar Patrika* as having been put on that date and with answers purported to have been given by Government. The Hon'ble Minister also requested the Chair to enquire into the matter and to take necessary disciplinary action against the parties concerned.

The questions are starred questions Nos. 77 and 78, standing in the name of Babu Lalit Mohan Kar, seeking to obtain some informations from Government about the Resolution adopted at the Provincial Muslim League Conference for the abolition of the Line System in Assam, and starred question No. 79, standing in the name of Srijut Ghanashyam Das, seeking some information also about the eviction of immigrant trespassers from Reserves in the Barpeta Subdivision. These could not be put on account of the absence of the hon. questioners, under Regulation 2 of Appendix C of the Regulations made under the Assembly Rules. But they were published, with their replies, in the *Amrita Bazar Patrika*, dated the 2nd March, 1940 (Dak edition). I had, therefore, had an enquiry made in writing, of the Press Representative concerned on the 5th March as to how it could happen and asking him to state how he could obtain the answers for publication in the newspaper, and also to show cause why action against such unauthorised publication of answers to starred questions should not be taken.

The Press representative has since submitted his explanations and has expressed his sincere regret for what he did, coupled with an undertaking that he would take particular care in future to avoid such situation. He has also expressed his sincere regret to the Hon'ble Minister in writing for his conduct. He has also informed the Secretary that he has written to the authorities of his Newspaper to publish necessary corrections to the news published that the questions under reference were put and answered by Government on the floor of the House. In his explanation he has said that these questions and answers were sent by him for publication under a confused impression that they were unstarred ones and that the mistake on his part occurred owing to the fact that he found on his seat in the Press Gallery a copy of the said starred questions with replies printed thereon mixed up with other papers. Realising perhaps that this would convey the suggestion of inadvertence on the part of the Assembly Staff in the matter of distribution of papers as having been responsible for the questions and answers under reference having found their way to him, he further said that it was beyond him to say whether these questions with replies were kept on his table through the usual process or got mixed up subsequently with other papers through any other agency.

In dealing with this gross violation of a valued privilege of the House I had to enquire in terms of the request of the Hon'ble Revenue Minister how one of the copies of the starred questions with printed answers of the

29th February last, which were only meant for the use of the Hon'ble Ministers, the Chair and of the Secretary in the Chamber, could find its way to this press representative.

Taking the explanation of the press representative into consideration, I fail to see what other agency than the Assembly Staff could have furnished him with the copy in the way he has mentioned. Again having regard to the procedure that is followed in the matter of distributing papers to hon. members and the Press representatives before the commencement of everyday's sitting of the House, I cannot imagine how the copy in question could be placed on the table of this press representative in the Press gallery in the usual process of such distribution. It is therefore, necessary for me that the hon. members should be apprised of the procedure that is followed in the matter of such distribution of papers connected with everyday's sitting of the House. It is as follows:—

Unstarred questions with replies and lists of starred questions without answers and other papers connected with the day's business of the House excepting list of the starred questions with printed answers are distributed by an Assistant of the Assembly Department first in the Chamber and then in the Press gallery. Lists of starred questions with replies printed thereon are distributed by another Assistant specially meant for the purpose, to the Hon'ble Ministers, the Chair and the Secretary for his use in the Chamber, and this Assistant has absolutely nothing to do with the distribution of papers in the Press gallery. As soon as copies of starred questions with replies printed thereon are received from the Press, they are kept under lock and key in the office and they are only brought out to the Chamber by the Assistant whose duty it is to distribute them in the manner aforesaid. So, the distribution of starred questions with their answers printed and unstarred questions is done by quite different agencies, and therefore, these precautions preclude the possibility of any copy of starred questions with replies printed thereon of a particular day finding its way into the seat of a particular press representative in the Press gallery in the way suggested.

I do not like to state to the House anything further in the matter which has called for this statement from the Chair. What has been stated is sufficient for the disposal of the matter. Now having regard to the fact that the Press representative has apologized to the House and to the Hon'ble Revenue Minister by expressing his sincere regret for what he did, I propose to close the matter by only saying that I hope this will serve as a very effective warning to the Press representative, who represent one of the most renowned nationalist daily papers of India. It is legitimate to expect prompt, frank and straightforward conduct from such a representative when anything of the nature of a lapse of duty to this Hon'ble House on his part is brought to its notice. I feel happy that I am closing this matter without taking any disciplinary action. The false news published has, however, not yet been withdrawn. The Press representative has only informed us that he has written to the authorities of the paper in Calcutta for necessary corrections. I hope it will be done without further delay in such a suitable and graceful manner as is necessary in a case of this nature and I shall consider the matter finally closed when that will be done.

Before I finish, I should inform the House that considering the explanation submitted by the Press representative I have ordered that in future no papers should be placed on the tables of the Press Representatives or distributed to them in the Galleries and that instead, the Press Representatives should get their papers personally from office. The present practice is to distribute papers to those Press Representatives in the Press Gallery who are

found present there just before sittings commence. There are some obvious difficulties for the Assembly Assistant in charge of such distribution of papers to wait in the Press Gallery till all the Press representatives take their seats in the Gallery. Again there is also chance of papers missing from the seats of the Press representatives if they are placed there before their arrival. From the point of view of convenience to the Press representatives and to the Assembly Staff a change of the practice as I have ordered, appears to be desirable.

Now, I order the Secretary, that copies of this statement be given to the Press representatives in the Press Gallery and a copy also be sent to the authorities of the *Amrita Bazar Patrika* in Calcutta.

Adjournment

The Assembly was then adjourned till 11 a.m., on Thursday, the 21st March, 1940.

Shillong,
The 25th May 1940.

A. K. BARUA,
Secretary, Legislative Assembly, Assam.

APPENDIX H

SUPPLEMENTARY STATEMENT OF EXPENDITURE CHARGED
ON THE REVENUES OF THE PROVINCE DURING 1939-40,
LAID BEFORE THE ASSEMBLY UNDER SECTION 81 OF
THE GOVERNMENT OF INDIA ACT

(To be discussed by the Assembly on the 19th March, 1940)

CHARGED—NON-EXCLUDED AREAS

No.1

8. Provincial Excise—

	Rs.
Amount originally included in the authenticated Schedule.	2,700
Additional amount now required	15,745

II.—Sub-heads under which the supplementary grant will be accounted for—

	Rs.
II.—Pay of officers—Commissioner of Excise	14,495
III.—Allowances and Honoraria—Travelling allowance of officers.	1,250

Total ... 15,745

EXPLANATORY NOTE

The pay and allowances of the listed officers who worked as Commissioners of Excise have all along been treated as voted expenditure, but it has been decided by the Government of India that such expenditure should, with effect from the 1st June 1939, be classified as *charged*. On account of this change of classification an additional sum of Rs. 15,745 is necessary to meet the pay and allowances of Rai Bahadur Durgeswar Sarma till 17th February 1940, the date on which he retired from service and also of his successor till 29th February. There is a corresponding saving under the voted heads.

No.2

12.—Charges on account of Motor Vehicles Taxation Act—

	Rs.
Amount originally included in the authenticated Schedule.	Nil.
Additional amount now required	3,762

II.—Sub-heads under which the additional amount will be accounted for—

A.—Charges for collection—

Pay of officers	3,600
Travelling allowance of officers	162

Total 3,762

EXPLANATORY NOTE

The above amount is required in connection with the appointment of a Special Officer in the office of the Inspector-General of Police, Assam, to prepare the revised rules under the new Motor Vehicles Act and also for the revision of the Assam Motor Manual. Out of this amount, Government of India have contributed Rs.3,000 for the purpose.

No.3

25.—General Administration—

Amount originally included in the authenticated Schedule.	Rs. 9,60,200
Additional amount now required	42,991
II.—The sub-heads under which the additional appropriation will be accounted for—	
(i) F.—Secretarial staff of Governor—	
Pay of officers	Rs.
(ii) Charges in England—	5,588
Expenditure of the Secretary of State for India (Charged—	
Non-excluded areas)	Rs.
(iii) N. Public Service Commission	6,612
(iv) O. Revenue Tribunal	292
(v) P. Director of Land Records—	2,180
Pay of officers	20,244
Allowances and honoraria	1,925
(vi) S. District Administration—	
General Establishment—Pay of officers	6,150
Total	42,991

EXPLANATORY NOTE

(i) The excess is due to the appointment of a Special Officer (Mr. C. K. Rhodes, C.I.E., I.C.S.) in the Governor's Secretariat.

(ii) A sum of Rs. 15,465 is required for the leave salary of the Governor and his Military Secretary which could not be foreseen at the time of framing the budget. Of this excess Rs. 8,853 will be found by reappropriation from savings in the budget of the High Commissioner. A supplementary appropriation of Rs.6,612 is, therefore, required to meet the demand under the head "Expenditure of the Secretary of State".

(iii) Due mainly to the travelling allowance drawn by Mr. S. C. Sen Gupta on his joining the new post of Member, Public Service Commission.

(iv) Due partly to joining time pay of the present Member, Revenue Tribunal, and partly to increased touring owing to the increase in the number of appeals through the passing of the Assam Commissioners' Powers Distribution Act.

(v) The excess is mainly due to the fact that the pay and allowances of the listed officers, who worked as Directors of Land Records, have hitherto been classified as voted expenditure, but are classified as charged with effect from 1st June 1939. There is a corresponding saving under the voted heads.

(vi) The excess is due to the classification of the pay and allowances of officers permanently promoted to the listed posts as "charged" with effect from the 1st June 1939, under the orders of the Government of India.

No.4

27.—Administration of Justice—

Amount originally included in the authenticated Schedule.	Rs. 2,62,300
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Additional amount now required	57,200
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II.—Sub-heads under which the additional amount will be accounted for—

A.—Share cost for the maintenance of the Calcutta High Court (charged).	Rs. 57,200
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EXPLANATORY NOTE

A.—The Government of Bengal have reported that the demand for 1939-40 is Rs.2,61,000 which includes Rs.90,969 as net arrear for 1938-39. The existing budget provision for 1939-40 is Rs.1,15,000 and a sum of Rs.4,500 is available by re-appropriation from the head "Grants-in-aid, etc.—Contribution for services rendered by Law officers of Bengal (charged)" and another saving has occurred of Rs.23,000 on the salaries of officers owing to the employment of junior Judges. A further saving of Rs.1,300 is available from the pay of the Advocate General owing to the delay in the appointment of the Advocate General. The extra amount required, therefore, is Rs.57,200.

The reason for the increase in 1938-39 has been accounted for by the Bengal Government to be due to the corresponding rise in the percentage of time basis on which the calculations are made and also to the capital expenditure amounting to Rs.3,75,443 incurred in original works on the High Court buildings.

No. 5

29.—Police—

Amount included in the authenticated Schedule ...	Rs. 7,90,400
Additional amount now required	8,587

II.—Sub-head under which this demand will be accounted for—

M.—Charges in England—

(a)—Expenditure of the High Commissioner for India (Charged)	8,587
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EXPLANATORY NOTE

The excess is due to the leave salary of an officer for whom no provision was made in the original budget.

No. 6

38.—Medical—

Amount originally included in the authenticated Schedule	Rs. 1,95,500
Additional amount now required	4,028
II.—Sub-head under which the additional amount will be accounted for—	
A.—Medical Establishment—	
District Medical Officers—	
Pay of Officers	Rs. 4,028

EXPLANATORY NOTE

The outbreak of War has upset the calculation regarding the pay and leave salary of Indian Medical Service Officers. The progress of latest actuals indicate that an additional grant of Rs.4,028 will be necessary for the purpose.

No. 7

39.—Public Health—

Amount originally included in the authenticated Schedule	Rs. 58,100
Additional amount now required	7,695
II.—Sub-heads under which this additional amount will be accounted for—	
A.—Pasteur and Vaccine Institute—	
(a) Pasteur Institute—Pay of officers	Rs. 5,388
B.—Allowances and Honoraria—	
Travelling allowance of officers	1,507
H.—Charges in England	800
Total	7,695

EXPLANATORY NOTE

A. The provision for pay of officers has proved inadequate as the posting of Major J. L. Donnelly, I.M.S., to the Pasteur Institute as supernumerary officer and the promotion of Lt.-Col. L.A.P. Anderson, I.M.S., Director of Pasteur Institute, to the selection grade were not known when the budget was framed.

B. The provision for travelling allowance of officers has also proved inadequate on account of the drawal of transfer travelling allowance by Major M. L. Ahuja, I.M.S., on his relief from the post of officiating Director, Pasteur Institute, Shillong.

H. Arrears of leave salary for Lt.-Col. Anderson, owing to his promotion to the selection grade of Lt.-Colonel with retrospective effect.

No. 8

43.—Industries—

	Rs.
Amount originally included in the authenticated Schedule	28,000
Additional amount now required	14,405
II.—Sub-heads under which the additional amount will be accounted for—	
1. A. Direction charges—	Rs.
(i) Pay of officers	7,414
2. Allowances and Honoraria—	
(i) Cost of passage	3,360
(ii) Travelling allowance... ..	500
3. G. Charges in England	3,062
4. F. Loss or Gain by Exchange	69
Total	14,405

The excess under 1 (i) is due to the transfer of Mr. Khurshid and the re-appointment of Mr. Mehta as Director of Industries.

The amount under 2(i) represents cost of passage of Mr. and Mrs. Mehta.

The excess under 2(ii) is due to inadequacy of the provision.

The amount under 3 represents the leave salary drawn by Mr. Mehta in England.

No. 9

50.—Civil Works (Establishment, Tools and Plant)—

	Rs.
Grant originally passed by Government	1,78,200
Additional amount now required	5,610
II.—Sub-heads under which the supplementary grant will be accounted for by the Public Works Department :—	
A.—Direction Charges—	
(a) Chief Engineer and Secretary, Public Works Department—	
(i) Pay of Officers (Charged)	Rs. 980
(b) Superintending Engineers—	
(ii) Pay of Officers (Charged)... ..	604
(iii) Allowances and Honoraria (Charged)	900
B.—Charges on Construction—	
(iv) Allowances and Honoraria (Charged)	2,433
D.—Charges in England	693
Total	5,610

EXPLANATORY NOTE

(i), (ii) and (iii).—The extra sums are necessary due to earlier increment of the Chief Engineer and earlier return from leave in Europe of one Superintending Engineer.

(iv) To meet the extra demands due to increased touring and also expenses for medical treatment of an I. S. E. Officer.

D.—Owing to a large provision being necessary for leave salaries than was anticipated when the budget was framed.

 No. 10

55.—Superannuation and retired allowances, etc.—

Rs.

Amount originally included in the authenticated Schedule	7,38,100
Additional amount now required	33,000

II.—Sub-heads under which the additional amount will be accounted for—

Rs.

A.—Superannuation and retired allowances...	10,434
I.—Loss by exchange on English Transactions	6,500
83.—Payment of commuted value of pensions—	
J.—Payment of commuted value of pensions	16,066
Total	<u>33,000</u>

EXPLANATORY NOTES

A.—The additional amount is required to meet increased pensionary charges based on the progress of recent actuals.

I.—Owing to the War the exchange rate on English transactions has increased and this accounts for the anticipated excess.

J.—The additional amount is required to meet the commutation paid in England, which could not be foreseen when the original estimate was prepared.

 CHARGE—EXCLUDED AREAS

No. 11

7. Land Revenue—

Appropriation originally included in the authenticated Schedule.	Rs. 25,200
Additional amount now required	1,709

II.—The sub-head under which the additional appropriation will be accounted for—

	Rs.
D.—Charges on account of Land Revenue collections.	1,709

EXPLANATORY NOTE

The additional appropriation is required for commission of land revenue poll, hoe and house tax collections. It was not possible to forecast this excess at the time preparation of the original budget estimates, as the charges under the above head are of a fluctuating nature.

No. 12

8.—Provincial Excise—

	Rs.
Amount originally included in the authenticated Schedule.	15,500

Additional amount now required	140
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II.—Sub-head under which the supplementary grant will be accounted for—

District Executive Establishment—	Rs.
Contingencies (non contract)	140

EXPLANATORY NOTE

The additional appropriation is due to the treatment of opium addicts at the Wakching dispensary in the Naga Hills for which there was no provision in the budget.

No. 13

27.—Administration of Justice—

	Rs.
Appropriation originally included in the authenticated Schedule.	1,200

Additional amount now required	260
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II.—The sub-head under which the additional appropriation will be accounted for—

I.—Criminal Courts—3—Contingencies—

	Rs.
Diet and Road money to witnesses	260

EXPLANATORY NOTE

The additional appropriation is required for payment of diet and road money to witnesses. This is an unforeseen charge, an accurate estimate of which cannot be made at the time of preparation of the budget estimates, since the actual expenditure is dependent on the number of witnesses summoned to attend the Court.

No. 14

43.—Industries—

Amount originally included in the authenticated Schedule.	Rs. 8,000
Additional amount now required	817
II.—Sub-head under which this amount will be accounted for—	
E.—Works—Original Works—	
Development of Rug Industry (Charged)	Rs. 817

EXPLANATORY NOTE

An expenditure of Rs.5,500 was sanctioned last year for the construction of a building for the Lushai Hills Cottage Industries, and funds provided. Of this amount, Rs.817 could not be spent last year owing to non-arrival of Calcutta materials in time and also owing to the fact that the site selected presented difficulties to erecting the building during rains. As no provision was made in the current year's budget for this amount, a supplementary demand for Rs.817 is now made.

Statement showing by major heads the amounts of Supplementary estimates of expenditure charged on the revenues of the province during 1939-40

Heads	Amount included in the authenticated schedule		Additional amount now required		Amount as it will stand finally		Reference number of demand
	Non-excluded areas	Excluded areas	Non-excluded areas	Excluded areas	Non-excluded areas	Excluded areas	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
7.—Land Revenue .. .. .	..	25,200	..	1,709	..	26,909	11
8.—Provincial Excise	2,700	15,500	15,745	140	18,445	15,640	1 & 12
12.—Charges on account of Motor Vehicles Taxation Act.	..	..	3,762	..	3,762	..	2
25.—General Administration	9,60,200	..	42,991	..	10,03,191	..	3
27.—Administration of Justice	2,62,300	1,200	57,200	260	3,19,500	1,460	4 & 13
29.—Police	7,90,400	..	8,587	..	7,98,987	..	5
38.—Medical	1,95,500	..	4,028	..	1,99,528	..	6
39.—Public Health	58,100	..	7,695	..	65,795	..	7
43.—Industries	28,000	8,000	14,405	817	42,405	8,817	8 & 14
50.—Civil Works (Establishment, Tools and Plants).	1,78,200	..	5,610	..	1,83,810	..	9
55.—Superannuation allowances and pensions.	7,38,100	..	33,000	..	7,71,100	..	10
Total	32,13,500	49,900	1,93,023	2,926	34,06,523	52,826	

