



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 Saturday, the 9th March, 1940.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 88 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Number of boys admitted to the Dhubri Government High School in the year 1939

Maulavi GHYASUDDIN AHMED asked :

- *117. Will Government be pleased to state—
- (a) How many boys applied for admission in Class VI½ of the Dhubri Government High School in 1939 ?
 - (b) How many of them are Hindus and how many are Muham-madans ?
 - (c) How many of the said applicants got admission ?
 - (d) Of those who got admission, how many are Hindus and how many are Muslims ?
- *118. Will Government be pleased to state the names, the father's name and home district of each of the boys who got admission in Class VII of the Dhubri Government High School in 1939 ?
- *119.(a) Are Government aware that one Dwijendra Lal Moitra, a student of Class VII of the Dhubri Government High School is neither a domiciled nor a native of Assam ?
- (b) If so, on what ground he was admitted in the school overlooking the claims of local candidates ?
- *120.(a) Is it a fact that the Director of Public Instruction, Assam, made out a special case for this boy and permitted his admission ?
- (b) If so, will Government be pleased to state the reasons why the Director of Public Instruction made out such a case ?
- *121.(a) Are Government aware that a large number of local boys did not get admission in Class VII of the said school ?
- (b) If so, what arrangement did Government make to provide these boys ?
- *122.(a) Is it a fact that Government got a representation from the people on this subject ?
- (b) If so, will Government be pleased to state what steps did Government take on it ?

*123. Will Government be pleased to state who selected the boys for admission in Class VII of the school ?

*124. Are Government aware that the interests of local boys were not looked to by the Headmaster of the school ?

*125. Do Government propose to issue instructions to the school authorities to give preference to the local boys ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

117. (a)—Twenty-five.					
(b)—Hindus	...	...	...	...	13
Muslims	...	...	...	...	12
(c)—Six.					
(d)—Hindus	...	...	...	...	4
Muslims	...	...	...	...	2

118.—

Serial No.	Names of boys	Father's name	Home district
1.	Dwijendra Lal Moitra ...	Babu Makhan Lal Moitra.	Faridpur.
2.	Tripti Kumar Das ...	Babu Susil Kumar Das	Goalpara.
3.	Md. Matiur Rahman ...	Mvi. Majahar Ali Sardar	Ditto.
4.	Md. Mahibbul Haque ...	Dr. Mvi. Md. Abdul Aziz.	Ditto.
5.	Sachindra Chandra Dey	Babu Padma Lochan Dey.	Ditto.
6.	Upendra Chandra Swarnakar.	Sj. Gopal Chandra Swarnakar.	Ditto.

119. (a)—Yes.

(b)—His admission was sanctioned by the Inspector of Schools, Assam Valley Circle, as a special case as the father of the boy Babu Makhan Lal Moitra has been serving in the Education Department for a very long time.

120. (a)—No. The Inspector of Schools gave the permission as stated above.

(b)—Does not arise.

121. (a)—Nineteen boys did not get admission for want of accommodation. Of these, one came from Bengal and others belonged to the Dhubri subdivision.

(b)—The Inspector of Schools, Assam Valley Circle, issued instruction timely to the Secretary of the local Shishu Pathsala for opening Class VII in that school.

122. (a)—Yes.

(b)—The Director of Public Instruction called for a report from the Headmaster which is still under his consideration.

123.—Selections were made by the Inspector of Schools, Assam Valley Circle, on the merits of the applications made by the guardians.

124.—As the Headmaster did not make any selection for admission owing to the full enrolment of the class, he was in no way responsible for non-admission of the boys.

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

Report of the Tea Garden Labour Enquiry Committee of the Province

Babu NIRENDRA NATH DEV asked :

*126. (a) Do Government propose to direct the Tea Garden Labour Enquiry Committee of the Province, to proceed with their enquiry immediately ?

(b) If not, will Government be pleased to state whether they propose to ask the Committee to submit their report on the basis of the enquiry they have already held ?

(c) If the reply to question 126(b) above is in the negative, do Government propose to formally dissolve the said Committee now ?

(d) Do Government propose to have any legislation to improve the relations between the employers and the employed in the Tea Gardens ?

(e) If so, when ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied :

126. (a)—No, Government have decided not to continue the enquiry.

(b)—No. Government have received a full account of the circumstances in which the enquiry was intermitted from the Chairman. It had not proceeded far enough for the Committee to present an adequate report on the terms of reference.

(c)—Yes.

(d)—The whole question of labour legislation has been reviewed recently by a Central Conference, and Government have postponed the consideration of such legislation until the proceedings are available.

(e)—Does not arise.

Babu RABINDRA NATH ADITYA : Is it a Central subject, Sir ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : There was a conference of the Labour Ministers at which Ministers from different provinces and Advisers from provinces which were formerly Congress-governed attended.

Babu NIRENDRA NATH DEV : In view of the peculiar position of tea garden labourers in the province do not Government think it necessary to study the question of legislation for themselves ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : The Government will come to a decision in the light of the proceedings of the Conference of Labour Ministers.

Mr. BAIDYANATH MOOKERJEE : Did Government consult the members of the Committee before they decided to discontinue it ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : No, Sir.

Babu RABINDRA NATH ADITYA: Was it a Conference of Labour Ministers of all the provinces ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Yes, Sir, and the Advisers of Governments where there were Congress Ministries before.

Mr. BAIDYANATH MOOKERJEE: Did not the Government think it necessary to consult the members of the committee before deciding to discontinue the same ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: No, Sir.

Babu RABINDRA NATH ADITYA: Was it in the light of the report of that Conference that the Government decided not to bring in any legislation ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: No, it was decided to await publication of proceedings of the Conference before any legislation is contemplated.

Mr. BAIDYANATH MOOKERJEE: May I know the reason why Government decided not to go on with the Committee ?

The Hon'ble the SPEAKER: The answer is already there: "The whole question of labour legislation has been reviewed recently by a Central Conference, and Government have postponed the consideration of such legislation until the proceedings are available"—This is the answer.

Mr. BAIDYANATH MOOKERJEE: Are we to understand that only on the remarks of the Chairman of the Committee, the Committee has been discontinued.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: The Government considers that the period of the war is not the appropriate time to undertake such an enquiry.

Mr. NABA KUMAR DUTTA: Is it because the European group refused to co-operate with the Committee ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: I have already given the reason. The main reason is that the period of the war is not the proper time to proceed with the enquiry.

Mr. BAIDYANATH MOOKERJEE: Then are we to understand that if the war is soon over the Government will resume the Committee ?

The Hon'ble the SPEAKER: This is a hypothetical question.

Mr. ARUN KUMAR CHANDA: Has the Government of Assam no duties to perform on their own initiative in the matter of labourers' lot within their own jurisdiction ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: The question of industrial relation concerns all the provinces alike and therefore it is more proper for the Labour Ministers' Conference to advise what action to take.

Mr. BAIDYANATH MOOKERJEE: Is the war the only consideration for discontinuing the Committee ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: It is the main consideration.

Mr. BAIDYANATH MOOKERJEE: What are the other considerations ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: The other consideration is that this Committee was suspended for a long time because one of the important parties refused to co-operate.

Mr. NABA KUMAR DUTTA: What has the Labour Enquiry Committee got to do with the war ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : During the war the economic condition of the province is unsettled, and abnormal and it is not the proper time to go on with the enquiry.

Babu NIRENDRA NATH DEV : Is it not all the more a reason that the Government should proceed with the enquiry immediately ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : Government do not hold that view.

Babu RABINDRA NATH ADITYA : Was not this question considered at the Central Conference.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : The Conference discussed the industrial relations between the employer and the employee.

Mr. ARUN KUMAR CHANDA : In so far as it related to the district of Cachar, was not the enquiry concluded, Sir ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : The terms of reference included not only Cachar but the whole province.

Mr. ARUN KUMAR CHANDA : May we know what was the advice tendered by the Chairman of the committee to Government ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : That is a confidential document which I am not prepared to give out.

Mr. BAIDYANATH MOOKERJEE : Will the Hon'ble Minister inform the members of the committee at least ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : That is a confidential document and I cannot disclose it.

Babu RABINDRA NATH ADITYA : Will not the Government sponsor any legislation for the welfare of labour so long as the war continues.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : My reference to war was in relation to Labour Enquiry Committee and not labour legislation.

Babu NIRENDRA NATH DEV : Does not Government think it necessary to see that the labourers get some more relief economically when there is a rise in prices on account of the war ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : Government is having it under observation.

Mr. ARUN KUMAR CHANDA : Since Government have not done the courtesy due to the members of the Committee, would not the members thereof be at liberty to submit their report on their own initiative ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : When the enquiry is dropped that question does not arise.

(Starred question No. 127 standing in the name of Maulavi Mabarak Ali and starred questions Nos. 128-129 standing in the name of Babu Harendra Narayan Chaudhuri were not put and answered as the questioners were absent.)

Principle proposed to be followed for recruitment in Government Service by the present Government

Babu RABINDRA NATH ADITYA asked :

- *130. Will Government be pleased to state—
- (a) The principle proposed to be followed for recruitment in Government service by this Government ?
 - (b) The different communal and local divisions considered as units of representation ?
 - (c) Do Government propose to maintain those units ?
 - (d) How and when these units of recruitment for service were fixed ?
 - (e) What is the ratio of appointments fixed for each of such units ?
 - (f) Whether it is a fact that in order to work up this ratio in the existing cadres of Government service, candidates belonging to particular units have been debarred for years together, from holding new appointments under the various Departments of Government ?
 - (g) If so, whether it is a fact that second class M.As. of ordinary merit have been given preference over first class firsts for the teaching appointments in the Government Colleges in Assam ?
 - (h) Are Government aware of the discontent arising out of the discount put on merit and university results in the selection for services ?
 - (i) Is it a fact that the percentage of recruitment fixed by the Bengal Government for different communities recently, will have no retrospective effect there ?
 - (j) Do Government propose to consider the question of reserving some posts to be filled up on the test of merit and to give recognition to parts ?
 - (k) Do Government propose to frame new rules for appointments, for giving proper representations to the unrepresented communities and also to merit equitably ?
 - (l) Are Government aware that in the over-represented divisions, there are sections and castes, which are backward and unrepresented in service and thus requiring special considerations?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

130. (a), (b), (d) & (e)—The hon. member is probably well aware of the present orders, which have long been widely communicated and have been frequently quoted in the House. A copy of the relevant rule 307 in the Executive Manual and of the Circular No.1-A.P., of the 2nd December 1935 however, have been placed on the Library Table for convenient reference.

(f)—The statement is too sweeping, but it would be true to say that in restoring the balance between the different main communities there has necessarily been a check on the prospects of candidates from those communities which are heavily over-represented in particular services and offices.

(g)—The description of second class M.As., as of ordinary merit cannot be accepted as appropriate: it is a fact that in order to give reasonable opportunities to under-represented communities the minimum qualification for certain teaching posts has been fixed as a second class M.A.

(h)—Government are well aware of the criticism directed against this policy by all those for whom academic merit is the sole criterion of importance, but upon the whole they believe that it has produced a much wider range of satisfaction than of discontent.

(i)—Government have no information on the point.

(c), (j) and (k)—The whole question which is extremely complicated has for a considerable time been under review, and certain proposed changes in the instructions are being examined.

(l)—It is not possible to subdivide communities indefinitely, but while the subject is under consideration Government will welcome advice regarding any specific hardships that may exist and the manner in which they can be cured.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: With regard to (f) may I know if the caste Hindus of the Surma Valley are over-represented in all departments?

The Hon'ble the SPEAKER: That question was already answered and it was discussed almost threadbare in connection with a cut motion.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: With regard to question (i), may I ask whether the Government is ready to follow the example of Bengal by giving fifty-fifty per cent. of the services to both the communities?

The Hon'ble the SPEAKER: I think that question does not arise. The answer is that Government have no information on the point. If there was any answer to the effect that Government are aware of the principle adopted by Bengal, other supplementary questions may arise. As the answer stands, the question does not arise.

Babu RABINDRA NATH ADITYA: When does the Hon'ble Premier intend to consult a conference?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I mentioned, I shall consider the subject after the sessions are over. Because I want to invite some of the Upper House Members also to the Conference when convened.

Investment of Subdivisional Officers with the powers and functions of the Notary Public under the Negotiable Instruments Act

Babu RABINDRA NATH ADITYA asked :

*131. (a) Are Government aware that the Negotiable Instruments Act is now freely used in Commercial and Banking transactions?

(b) Do Government propose to consider the question of investing the Subdivisional Officers with the powers and functions of the Notary Public under the Negotiable Instruments Act?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

131. (a)—Government have no information.

(b)—There is no such demand from banking circles.

Babu RABINDRA NATH ADITYA: Are Government aware that the banking people find much difficulty on account of the absence of a Notary Public ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is no such demand from the banking people.

Babu RABINDRA NATH ADITYA: Will Government consider this question in the light of the question put to-day ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If the Banks that are operating in this province apply, in that case I shall consider.

Teaching of Persian in the Goalpara High School

Maulavi MUHAMMAD AMJAD ALI asked :

*132. Is it a fact that teachers specially proficient in classical languages only are employed to teach subjects in Persian, Arabic and Sanskrit ?

*133. Will Government be pleased to state—

(a) Whether one Syed Abdur Rashid, an Assistant Teacher for general subjects, has been employed by the Headmaster, Goalpara High School, to teach Persian in Classes VII and VIII in spite of his protest and reporting his inability to teach Persian ?

(b) Whether a numerously signed petition was recently made to the Inspector of Schools, Assam Valley Circle, Jorhat, by the Goalpara Public to put a stop to this ?

(c) Whether a petition was submitted to the Inspector of Schools by one Maulavi Ramjan Ali on the 13th May 1939, against the action of the Headmaster, Goalpara High School, for employing Syed Abdur Rashid to teach Persian in Classes VII and VIII ?

(d) Whether the said Maulavi Syed Abdur Rashid ever since the date of his appointment as a classical teacher only whiles away his time and does not teach anything ?

(e) Whether the petition of Maulavi Ramjan Ali has been sent back by the Inspector of Schools to the Headmaster concerned for disposal ?

*134. If the answer to question 133(e) above be in the affirmative, will Government be pleased to state the reason why the said petition has been sent to the Headmaster, Goalpara High School for disposal, against whom the complaint was made ?

*135. Do Government propose to take immediate steps to remedy the evil and facilitate the teaching of Persian to the boys of Classes VII and VIII of the Goalpara High School ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

132.—Yes, generally so.

133. (a)—There is no such teacher as Syed Abdur Rashid in this School. But there is one Maulavi Syed Rashid Ahmed, B.A., B.T., who passed tional Subjects, and he is considered to be competent to teach the Beginners' Persian Courses in Classes VII and VIII.

He was reluctant to teach the subject not for his inability but for a false sense of dignity.

(b)—An application signed by six gentlemen including one whose name as guardian could not be verified, was submitted to the Inspector of Schools, Assam Valley Circle, requesting him to revise the existing routine at an early date in the interest of their boys.

(c)—Yes.

(d)—No. The teacher and the taught are generally found engaged in their work in course of supervision made by the Headmaster and the Assistant Headmaster.

(e)—Yes.

134.—This is a matter for the Headmaster to deal with. The Inspector of Schools sent general instructions to the Headmaster about framing his routine in Persian.

135.—The Headmaster has been given instructions to make the best use of his staff and arrange the teaching of Persian accordingly.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, in questions of this nature it gives rise to a long series of answers. And when we come to the bottom portion of the answers we forget the beginning of it.

The Hon'ble the SPEAKER: Am I to understand that the hon. member has not followed the answers?

Maulavi MUHAMMAD AMJAD ALI: I have followed it. But I was only mentioning that it is difficult to remember all the answers together, before we rise to put supplementaries?

The Hon'ble the SPEAKER: All these questions relate to one subject.

Maulavi MUHAMMAD AMJAD ALI: Of course they do. Now as regards 133 (a) I think so far as I remember that the answer was that it was false dignity.

The Hon'ble the SPEAKER: The answer is "He was reluctant to teach the subject not for his inability but for a false sense of dignity".

Maulavi MUHAMMAD AMJAD ALI: May I know whether he was unable to teach Persian and therefore he reported his inability as such?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is admitted, Sir. He said he was unable to teach Persian.

Maulavi MUHAMMAD AMJAD ALI: How could the Government gather then that it was not his inability but that it was a false sense of dignity for which he was not willing to teach Persian?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Because he was actually found competent to teach.

The Hon'ble the SPEAKER: It was by a process of reasoning. He passed the I.A. and Matriculation Examinations with Persian as one of the optional subjects. Therefore, the inference was that he could teach Persian.

Maulavi MUHAMMAD AMJAD ALI: Do Government consider that a gentleman who has passed the Matriculation Examination with certain subjects is competent to teach classes VII and VIII in that subject?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Some who are very proficient in a subject and who were good students in their time may be expected to teach that subject.

Maulavi MUHAMMAD AMJAD ALI: Was he very proficient in Persian in his school days? Is that sufficient to put him to teach Persian?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already stated that the teacher has actually been found competent to teach.

Maulavi MUHAMMAD AMJAD ALI: There were two sets of complaints. One is that the teacher himself complained that he was unable to teach Persian and then there was a complaint from the guardians also.

The Hon'ble the SPEAKER: But those who are complainants did not give the correct names.

Maulavi MUHAMMAD AMJAD ALI: It is not the fault of the questioner.

The Hon'ble the SPEAKER: The questioner must have gathered some information with regard to that.

Maulavi MUHAMMAD AMJAD ALI: May I know if the school has a Persian teacher?

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

Maulavi MUHAMMAD AMJAD ALI: Does Government mean to say that a school like the Goalpara Government High School is without a Persian teacher?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I want notice of that question. I may add that this teacher was found competent to teach classes VII and VIII. There must be some other Persian teacher to teach the higher classes.

Maulavi MUHAMMAD AMJAD ALI: With regard to (e) may I know how the Inspector of Schools sends the petition of Maulavi Ramjan Ali to the Headmaster of the school against whom a complaint is made?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That is the question of procedure. We want to know from the Headmaster what has actually happened.

Maulavi MUHAMMAD AMJAD ALI: The specific nature of the question is that the Headmaster of the school was asked to dispose of that petition while the complaint was against him. Is that the usual procedure of the Education Department of the Assam Government?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: What complaint does the hon. member refer to?

Maulavi MUHAMMAD AMJAD ALI: Complaint is that the Headmaster of the school had appointed a man to teach the classical subject in which he was not proficient by his own admission?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already answered that he was found proficient.

The Hon'ble the SPEAKER: The petition was forwarded to the Headmaster against whom there is a complaint.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Complaints against that particular teacher are:—it was alleged that he was not efficient in teaching Persian and that he whiled away his time and does not teach anything. Therefore the matter was referred to the Headmaster.

The Hon'ble the SPEAKER: The complaint is that the Headmaster put a man who was not competent to teach.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The real complaint is against the teacher. It was alleged that he is not able to teach and that he whiles away his time.

Maulavi MUHAMMAD AMJAD ALI: No, my question is that a certain teacher when he pleads inability to teach a certain subject has been made to teach that subject. Then again the guardians complain that he is incompetent to teach Persian. Then again the guardians complain that he is master employs a particular gentleman to teach a particular subject in which he is not proficient? Then again the matter has been referred to the Inspector of Schools. But the Inspector of Schools instead of deciding the

matter himself refers it to the Headmaster of the school. How does it happen? A delinquent has been allowed to sit upon his own judgment.

Khan Bahadur Maulavi KERAMAT ALI: May I take it that the complaint has been sent to the Headmaster for an explanation?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The complaint has been sent to the Headmaster and a report of the Headmaster has been received. Having gone through that report Government considers that there is no room to suspect that the teacher is incompetent.

Re Cancellation of "Brothers' half-free studentship" in the Goalpara Government High School

Maulavi MUHAMMAD AMJAD ALI asked :

*136. (a) Is it a fact that Srijut Indreswar Barthakur, Headmaster of the Goalpara Government High School, has cancelled "Brothers' half free-studentship" of some students from March 1939?

(b) If so, will Government be pleased to state the circumstances under which each of the "Brothers' half-free studentships" was cancelled?

*137. (a) Will Government be pleased to state whether the same procedure was ever adopted by any Headmaster of the province?

(b) If so, by whom and in case of whom and under what circumstances?

*138. (a) Is it a fact that one Maulavi Md. Mobarak Ali requested the Headmaster of the Goalpara High School in his letter, dated the 15th March 1939, to quote the rule under which "Brothers' half-free studentship" of his son Md. Monsur Ali was cancelled?

(b) Is it a fact that the Headmaster instead of giving a clear reply, sent an evasive reply for which the said Maulavi Sahib addressed a letter to the Director of Public Instruction, Assam, Shillong, on the 26th March 1939?

(c) Is it a fact that the said Maulavi Md. Mobarak Ali sent a reminder to the Director of Public Instruction, Assam, on the 18th April 1939?

(d) Is it a fact that the said Maulavi Sahib posted a letter on the 19th May 1939 to the Director of Public Instruction, Assam, Shillong, for a reply?

(e) Is it a fact that he has not been favoured with a reply till to-day?

*139. Do Government propose to call for the letter of Maulavi Md. Mobarak Ali addressed to the Director of Public Instruction, Assam, and have the matter decided on its merit?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

136. (a)—Yes.

(b)—These remissions were cancelled under rule 14, Section 22 of the Assam Education Department Rules and Orders for unsatisfactory progress.

Maulavi MUHAMMAD AMJAD ALI: Am I to know that the Headmaster is quite competent to resort to that rule without referring the matter to the Managing Committee?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, that is my opinion.

Maulavi MUHAMMAD AMJAD ALI: Is it the opinion of the Government that the Headmaster without referring to the Managing Committee can cancel the free-studentship of students himself?

The Hon'ble the SPEAKER: It is also again asking for the opinion of the Government and also asking for any information which can be found from the Education Manual. Hon. members know that I have ruled in the past that when informations are available from the authorised publications of the Government, such questions should not be put. How the rule should be interpreted, that is also a question asking for opinion and such questions should not be put.

Maulavi MUHAMMAD AMJAD ALI: The Hon'ble Education Minister has himself quoted certain rules. How those rules have been complied with I want to know.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The rules have been complied with.

Maulavi MUHAMMAD AMJAD ALI: Is it not a fact that in cases of granting free-studentship and cancellation of free-studentship the Managing Committee is always consulted?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I would want notice of that question because that is not the question actually put. What I submit is that in this case the free-studentships have been cancelled under rule 14, section 22 of the Assam Education Department Rules and Orders.

Maulavi BADARUDDIN AHMED: Are the Government aware that the Managing Committee has nothing to do with the "Brothers' half-free studentship"?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

137. (a)—Yes.

(b)—The Headmaster of the North Lakhimpur Government High School had to withdraw a brother's half-free concession for unsatisfactory progress.

Maulavi MUHAMMAD AMJAD ALI: With regard to (b) may I inform the Hon'ble Minister that the same Headmaster Srijut Indreswer Barthakur having been posted to North Lakhimpur, has been doing the same there also?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not know that.

Maulavi MUHAMMAD AMJAD ALI: The peculiarity is this. In question 137 (b), I have asked by whom and in which part of the province that has happened. The first case happened in Goalpara and this gentleman has been transferred to North Lakhimpur and the same case has happened in North Lakhimpur also. So, wherever, he goes he interprets in his own light and why no other Headmaster in the province does it?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not say that the same Headmaster passed this order.

The Hon'ble the SPEAKER : Assuming that to be true, the Hon'ble Minister can say that.

Maulavi MUHAMMAD AMJAD ALI : The information is there.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

138. (a)—Yes.

(b)—No. The Headmaster's reply was that all free concessions were meant for encouraging progress in study and formation of good character. A petition, dated 26th March 1939, was received from Maulavi Mobarak Ali by the Director of Public Instruction.

(c)—Yes.

(d)—Yes.

(e)—No. Director of Public Instruction's order on Maulavi Mobarak Ali's petition was communicated to him on 9th June 1939.

139.—As the matter has been disposed of by Director of Public Instruction, Government do not propose to take any further action

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir. Before we enter into the next question, may we have an idea from the Hon'ble Speaker whether the valuable time of the House should be wasted by putting all these sorts of questions as my hon. friend Maulavi Amjad Ali is doing? Are not the Managing authority competent to decide all these things? These things can be referred either to the Managing authority or to the Director of Public Instruction and I think this Hon. House is not meant for all these small things.

The Hon'ble the SPEAKER : Yes, I shall be very glad if the hon. members of the House follow the principle which has prompted the present statement from the hon. member. The question relates to a very small matter no doubt but all the same these questions were tabled for the purpose of getting information from the Government and if the hon. members are all actuated by the desire of utilising the time of the House profitably and refrain from putting such questions, then of course it would be of greater advantage to the whole House making it possible to proceed on with some other more important questions.

Maulavi MUHAMMAD AMJAD ALI : Mr. Speaker, Sir. I take strong exception to the conduct of my hon. friend sitting to my right. We put questions not for a child's play but for a definite purpose in view.

The Hon'ble the SPEAKER : The hon. member did not use the expression 'child's play'.

Maulavi ABDUR RAHMAN : I take serious objection to the words "childs' play".

Maulavi MUHAMMAD AMJAD ALI : Sir, all these questions which were submitted have been admitted by the Hon'ble Speaker.

The Hon'ble the SPEAKER : Yes, I have said that these questions were for the purpose of eliciting information from the Government. I do not say that these questions are not necessary.

Maulavi MUHAMMAD AMJAD ALI : Sir, is it proper to use the word 'waste of time' with regard to these questions? If that view be taken by the Chair then I have nothing to say but I consider that this is highly objectionable and improper and I would ask the Hon'ble Speaker to ask that particular gentleman to withdraw his remarks (*laughter*).

The Hon'ble the SPEAKER : Yes, it would be more courteous not to use the expression 'waste of time'. When the hon. member has taken exception to that expression, Maulavi Abdur Rahman may withdraw it.

Maulavi ABDUR RAHMAN : All right, Sir. I said 'valuable time of the House'.

Re abolition of Toll-bar on the Burnihat Iron Bridge on the Pandu-Gauhati-Shillong Road

Maulavi MUHAMMAD AMJAD ALI asked :

*140. Will Government be pleased to state—

- (a) The time when the Burnihat iron bridge on the Pandu-Gauhati-Shillong road was constructed ?
- (b) The cost of construction of the present Burnihat bridge ?
- (c) The amount that has been realised as toll since the construction of the present bridge ?
- (d) Whether Government propose to abolish the Toll-bar ?
- (e) If so, from what date ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied :

140. (a)—In April 1928.
 (b)—Rupees 91,210.
 (c)—Rupees 79,601 up to the end of the calendar year 1939. The collection of tolls on this bridge is leased out by calendar not financial years.
 (d)—No.
 (e)—Does not arise.

Teaching of Persian in the Goalpara Government High School

Maulavi MUHAMMAD AMJAD ALI asked :

*141. Will Government be pleased to state—

- (a) Whether under Memorandum No. 224/1-M/48/39, dated the 2nd August 1939, the Assistant Director of Public Instruction for Muhammadan Education requested the Inspector of Schools, Assam Valley Circle, Jorhat, that the teaching of Persian in Classes VII and VIII of the Goalpara Government High School should be entrusted to Maulavi Azimuddin Ahmed ?
- (b) If so, what step, if any, has been taken by the Inspector of Schools, Assam Valley, to give effect to that suggestion ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

141. (a)—Yes.
 (b)—The Inspector has given instructions to the Head Master accordingly.

Maulavi MUHAMMAD AMJAD ALI : Does it not appear from this answer that one Maulavi Azimuddin Ahmed is a Persian Teacher of the Goalpara High School ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The hon. member did not ask me about that then.

Maulavi MUHAMMAD AMJAD ALI : The Hon'ble Minister ought to have got that information for this question ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I claimed notice of this question, Sir, in another question where this information was not specifically asked for.

Modification of the Revised Leave Rules

Maulavi MUHAMMAD AMJAD ALI asked :

*142. Will Government be pleased to state—

- (a) Whether it is a fact that the "Revised Leave Rules" made by the Government of Assam will apply only in case of officers appointed from the year 1934 ?
- (b) If so, does it apply in case of medical leave ?
- (c) Do Government propose to consider the desirability of modifying the "Revised Leave Rules" and allow the benefit of old Leave Rules to all officers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

142. (a) The Revised Leave Rules which were issued on 26th February 1934 apply to all those persons who entered Government service whether in a permanent or other capacity on or after the 1st March 1934 or to those who were in continuous Government service before that date and elected to come under the rules.

(b)—The question is not understood. The rules provide for the grant of medical leave also.

(c)—No. It was considered that the Fundamental Rules had gone too far in liberalizing leave conditions and the Revised Leave Rules, which follow generally the rules laid down in the Civil Service Regulations, were adequate for officers serving in their own country.

Clerks of the Subdivisional Office at Barpeta

Srijut GHANASHYAM DAS asked :

*143. Are Government aware that the clerks in the Subdivisional Office at Barpeta cannot enjoy holidays and are to work daily till late hours at night ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

143.—Yes, as in other offices throughout the province, some clerks occasionally have to attend office on Sundays and remain in office till late hours, if and when required to do so for any arrear or urgent piece of work.

Srijut GHANASHYAM DAS : Is it a fact that due to the paucity of clerical hands, the office work at the Barpeta Subdivision [suffers very much ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That is not our information.

Srijut GHANASHYAM DAS : Will Government enquire about that ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, it is up to the Subdivisional Officer to come up to the Government through the proper channel if he feels that he cannot carry on with the present staff.

Srijut GHANASHYAM DAS : Sir, is it not a fact that the Subdivisional Officer informed the Government about it ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I do not know about that.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Islamic Teacher in the Kanaighat Government Middle English School**Maulavi Md. ABDUS SALAM** asked :

137. (a) Are Government aware that there is a post of an Islamic Teacher in the Kanaighat Government Middle English School in the district of Sylhet ?

(b) Are Government aware that the said post from the beginning of its creation has been temporary and the teacher against the said post has been working on a temporary basis, for the last 12 years ?

(c) Are Government aware that the post is a pressing need for Islamic Education of a large number of Muslim boys reading in the said School ?

(d) Is it a fact that the said teacher has submitted representations more than once for making him permanent in the post ?

(e) If the answer to question (d) above is in the affirmative, will Government be pleased to state the reasons why the said teacher after so many years' service has not been made permanent ?

(f) Do Government propose to consider the desirability of making the post of the said Islamic teacher permanent for the interest of the Muslim boys ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

137. (a)—Yes.

(b)—Yes.

(c)—Yes.

(d)—Yes, to the Director of Public Instruction.

(e)—The Director of Public Instruction recommended the creation of a permanent post but decision was held over pending recommendations of the Retrenchment Committee.

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

Distribution of a sum of Rs. 25,000 for taking over Venture Lower Primary Schools**Srijut BISHNU RAM MEDHI** asked :

138. (a) Is it a fact that the last Congress-Coalition Ministry distributed a sum of Rs. 25,000 provided in the budget for 1939-40 to different Local Boards for taking over Venture Lower Primary schools within their respective jurisdiction ?

(b) If so, will Government be pleased to state why no payment order has yet been made to enable the different Local Boards, to take over the Venture Lower Primary schools selected by them, before the financial year runs out ?

139. Will Government be pleased to state whether they propose to pass necessary orders for payment enabling the different Local Boards to take up the Venture Lower Primary schools within the financial year ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

138. (a)—No.

(b)—Does not arise.

139.—Yes.

Srijut BISHNU RAM MEDHI : Will the Hon'ble Minister please state if the last Government allotted more sum for the purpose to different Local Boards ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : No. The answer is already there.

Srijut GOPINATH BARDOLOI : May I know, Sir, how the Local Boards have come to know about the proposal and how the questioner has been in a position to put the question, if the last Government did not allot funds for the purpose ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Final orders about actual distribution were not passed until recently.

Srijut GOPINATH BARDOLOI : Is it not a fact that a sum of Rs.25,000 was provided in the budget for taking over the Venture Schools and the names of the schools were called for from different Local Boards ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Yes, that is true.

Mr. FAKHRUDDIN ALI AHMED : What is meant by "final order" ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I mean that the schools are not finally selected.

Srijut PURNA CHANDRA SARMA : Is it a fact that the file is awaiting order from the Hon'ble Minister ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I do not know, Sir, how the hon. member got the information that the file is awaiting orders.

Srijut GOPINATH BARDOLOI : It is clear from reply to question No.139. The answer is 'yes', and the questioner is perfectly right in making the inference.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I may inform the hon. member that the orders have been already passed.

Recommendations of the All-Assam Partially Excluded Areas Conference held at Barpathar on 26th December 1939

Srijut RAJENDRA NATH BARUA asked :

140. (a) Has the attention of the Government been drawn to the following resolutions Nos. 1, 2, 4 and 5 of the All-Assam Partially Excluded Areas Conference held at Barpathar on the 26th December 1939, under the Presidency of Srijut K. Chaliha, B. L., M. L. A., (Central) and published in the *Times of Assam* of 13th January 1940 ?

(1) That this meeting urges on the Government to bring in the Partially Excluded Areas, *viz.*, Garo Hills, Khasi and Jaintia Hills, Mikir Hills and the Barpathar and Sarupathar Mauzas within the Mikir Hill Tracts under the ordinary Civil and Criminal Law and Procedure of the Hon'ble High Court.

(2) That the Manipur Road Station area and the Dimapur Bazar which are inhabited by the plains people should be cut off from the Naga Hills Area within the district of Sibsagar, and should be administered as settled areas.

(4) That an Experimental Agricultural Farm be started at Barpathar in view of the growing demand for the Barpathar pineapples which are considered to be the best in the Indian markets and for other reasons.

(5) That in view of the growing menace of *Kala azar* a centre at Naojan be opened immediately and a complete survey of *Kala azar* patients in the Golaghat subdivision be made in this cold weather.

(b) Has any action been taken on these resolutions ?

(c) If so, what are they ?

(d) If not why not ?

141. (a) Has any action been taken on the recommendations of the Partially Excluded Areas Conference held in May and July 1939 at Shillong convened at the instance of the Government of Assam ?

(b) If so, what are they ?

(c) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

140. (a)—Government have seen the Press Report.

(b) & (c)—The suggestions have been brought to the notice of the Departments concerned.

(d)—Does not arise.

141. (a) & (b)—The recommendations have been examined in the Secretariat and will be considered by Government after this session.

(c)—Does not arise.

Amount of tax realised in 1938-39 under the Assam Motor Vehicles Taxation Act, 1936 and the amount paid to each local body

Srijut DEBESWAR SARMAH asked :

142. Will Government be pleased to state separately the amounts collected from each of the subdivisions of the province as tax on motor vehicles and also the amounts paid by Government to each local bodies in each subdivision, on this account for the year 1938-39 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

142.—The following statement gives the information asked for :—

Name of subdivision.	Amount of tax realised in 1938-39 under the Assam Motor Vehicles Taxation Act, 1936	Amount paid to each local body	
		Name	Amount
	Rs.		Rs.
Silchar ...	19,413	Silchar Local Board ...	8,436
		Silchar Municipal Board ...	2,922
Hailakandi...	1,454	Hailakandi Local Board ...	1,901
		Hailakandi Town Committee...	235
Sylhet ...	23,681	North Sylhet Local Board ...	3,750
		Sylhet Municipal Board ...	3,750
Karimganj ...	4,642	Karimganj Local Board ...	2,230
		Karimganj Municipal Board ...	422
Habiganj ...	4,425	Habiganj Local Board ...	1,198
		Habiganj Municipal Board ...	40
South Sylhet	6,406	South Sylhet Local Board ...	5,554
		Maulvibazar Municipal Board	678
Sunamganj	23	.....	...
Shillong ...	34,836	Shillong Cantonment Board ...	2,823
		Shillong Municipal Board ...	11,949
Dhubri ...	2,271	Dhubri Local Board ...	167
		Dhubri Municipal Board ...	218
Goalpara ...	1,774	Gauripur Town Committee ...	83
		Goalpara Local Board ...	630
Gauhati ...	18,489	Goalpara Municipal Board ...	377
		Gauhati Local Board ...	191
		Gauhati Municipal Board ...	3,292
Barpeta ...	1,949	Palasbari Town Committee ...	157
		Barpeta Local Board ...	273
Tezpur ...	24,234	Barpeta Municipal Board ...	60
		Tezpur Local Board ...	8,948
		Tezpur Municipal Board ...	1,947
Mangaldai ...	4,705	Mangaldai Local Board ...	6,277
		Mangaldai Town Committee ...	303
Nowgong ...	8,988	Nowgong Local Board ...	1,740
		Nowgong Municipal Board ...	839
Sibsagar ...	11,924	Sibsagar Local Board ...	4,144
		Sibsagar Municipal Board ...	799
Jorhat ...	32,951	Nazira Town Committee ...	1,008
		Jorhat Local Board...	6,904
		Jorhat Municipal Board ...	6,082
Golaghat ...	9,200	Golaghat Local Board ...	6,068
		Golaghat Municipal Board ...	2,594
Dibrugarh ...	71,390	Dibrugarh Local Board ...	26,728
		Dibrugarh Municipal Board ...	7,202
		Doom Dooma Town Committee	1,800
North Lakhimpur.	6,310	Tinsukia Municipal Board ...	1,623
		North Lakhimpur Local Board	2,125
		North Lakhimpur Town Committee.	794

Babu BIPIN BEHARI DAS : Will the Hon'ble Premier please state the basis of distribution to each of the local bodies ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Under the provisions of the Act that was passed in 1936.

Babu BIPIN BEHARI DAS ; But from the figures given here, it is seen that the amount to some Local Bodies is very low and in some Local Bodies it is very big.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : If my hon. friend had looked into the section that I have quoted, he would find that the amounts paid to the different Local Boards were according to the sum of realisations by them for the year 1936.

Maulavi ABDUR RAHMAN : May I know whether the Local Boards are compensated according to the losses they are now sustaining by deduction from their actual income ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Under the section quoted, Government is bound to give a compensatory grant up to the extent of what they have themselves collected in 1936, and the surplus is then divided in the proportion of 25 per cent. for the provincial roads and 75 per cent. for the Local Board roads. So they get an extra sum.

Babu NIRENDRA NATH DEV : Will that 75 per cent. be allowed according to the tax realised ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir.

Re Gangapukhuri High English School in the district of Kamrup

Srijut GAURI KANTA TALUKDAR asked :

143. (a) Is the Hon'ble Minister in charge of Education aware that the Gangapukhuri High English School in the district of Kamrup is a full-fledged institution which the villagers of the locality have built at great sacrifice ?

(b) Do Government propose to consider the desirability of helping such an institution ?

(c) If so, do Government propose to make an adequate recurring grant to the said school from the next financial year ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

143. (a)—Gangapukhuri High School was originally started as a rival school to some other schools in the locality. Later on, there were two factions in the same village and the Government understand that two schools are now working within half a mile of each other. Government are not aware to which of these two schools the question relates.

(b) and (c)—Unless these two schools come to a mutual understanding and amalgamate, Government will find it difficult to help either of them.

Srijut GAURI KANTA TALUKDAR : Does the Hon'ble Education Minister propose to make an endeavour to bring about mutual understanding between the two schools and try to amalgamate them as has been done by the past Education Minister in the case of the Barbbag and Barkhola High Schools ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The Inspector of the Assam Valley Division who belongs to this locality has been trying his best to bring about an amicable settlement.

Srijut GAURI KANTA TALUKDAR: I have myself tried my best and have failed in the endeavour. So, will the Hon'ble Minister also try to bring about this desirable settlement?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If the hon. member who belongs to this locality has failed to bring about a settlement, it will be useless for me to make an endeavour.

Srijut GAURI KANTA TALUKDAR: These schools are really in need of Government aid and I find that the Government are.....

The Hon'ble the SPEAKER: The hon. member is starting a discussion. If he wants to do that, there is a rule in the Assembly Rules that such discussions can be started after 4 p.m.

Srijut GAURI KANTA TALUKDAR: I wanted to draw the attention of Government to this important fact that, instead of leaving this matter to me, the Government themselves should come forward and bring about a settlement. I want to know whether the Hon'ble Minister is prepared to do so or not.

The Hon'ble the SPEAKER: The Hon'ble Minister has already said that it is for the hon. member who has put the question to try his best, and if he fails, it will not be possible for Government to do anything.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I would request the hon. member, Sir, to try again and more earnestly.

Re establishment of a Criminal Court at Nalbari

Srijut GAURI KANTA TALUKDAR asked:

144. Will the Hon'ble Minister in charge be pleased to state—
- (a) When was the Criminal Court opened at Nalbari and what were the objects and reasons for doing so?
 - (b) What are the reasons which led the Government to discontinue the court since the 15th of December last?
145. Are Government aware that a large section of people is resenting this action of the Government and that strong protests have been raised from many quarters?
146. Will Government be pleased to state—
- (a) The nature and volume of protests raised and representations made for the re-establishment of the said court permanently?
 - (b) If they have received any representation demanding the abolition of the said court?
 - (c) If so, how many and from whom?
 - (d) Do Government propose to re-consider the case and re-establish the said court?

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

144. (a)—On the 7th December 1937. It was expected that the move would prove a considerable convenience to litigants in the neighbourhood of Nalbari, would enable the same officer to register to carry out other, *e. g.*, revenue work on the spot with similar advantage to the local public, and might even save a good deal of money which would otherwise be spent on diet and road expenses of witnesses.

(b)—The reasons were numerous, but can be shortly stated to the effect that the advantages expected, proved in fact to be illusory, and the experiment had led to undesirable detention of witnesses, on which the High Court made severe comments. The Magistrate had no proper cjlash, no lock-up and no court office staff : and the provision of those would be very expensive : the Court Staff had to be deputed from Gauhati, and in the outcome many cases had to be tried at Gauhati from this neighbourhood (though in some the accused were admitted to bail in circumstances which ordinarily would not be deemed to warrant such a step) simply because the accused could not be kept at Nalbari nor sent in and out daily. The saving in expenses did not eventuate. Work at Gauhati suffered from the absence of the Court Office staff so deputed, and also from the fact that the Magistrate was not able to take his ordinary share of miscellaneous work there.

145.—Government are aware that the withdrawal has caused much disappointment to the local people, and they received numerous protests.

146. (a)—There were two vernacular representations signed by local residents, two resolutions purporting to have been passed by meetings in the villages, and one representation from a mukhtear who signed as the Secretary of the Lawyers' Association, Nalbari, covering resolutions passed by the lawyers practising at Nalbari.

(b)—Yes.

(c)—A representation from the Lawyers' Association, Gauhati, and a reminder from the same.

(d)—Not at present. Government have under consideration the question what it would involve to establish a separate subdivision, which appears to be the only real solution for the claims of outlying and important areas such as the Nalbari area, and whether, since the creation of a subdivision would be very expensive and does not appear likely to come into the sphere of practical politics in the near future for that reason, any other means of providing greater official attention to the area can be found.

Srijut GAURI KANTA TALUKDAR : With reference to answer to (d) may we know when the Government propose to give their consideration to all the facts and circumstances regarding the necessity of establishing a subdivision at Nalbari ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Sir, it is under the consideration of Government. I think very shortly the Government will take into their consideration all these facts.

Srijut GAURI KANTA TALUKDAR : I desire to know, Sir, whether Government will make efforts to ascertain the financial liability involved in the establishment of a subdivision at Nalbari ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : All these facts will be examined later on.

Srijut GAURI KANTA TALUKDAR : May we have an idea as to the approximate time when it will be finished ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : The whole question will be taken up probably after the Budget Session.

Srijut GAURI KANTA TALUKDAR : Within the course of this year, Sir ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: So I hope, Sir, that the matter will be taken into consideration within the financial year.

Number of motor buses run by different local motor services in the Habiganj Subdivision

Maulavi ABDUR RAHMAN asked :

147. Will Government be pleased to state—
- (a) The number of motor buses run by different local motor services in the Habiganj Subdivision ?
 - (b) The number of Muslim and Non-Muslim owners of those buses ?
 - (c) The number of Muslim applicants who have been refused grants of licenses for those services ?
 - (d) Whether it is a fact that the Subdivisional Police Officer is the local authority for issuing the said licenses ?
 - (e) Whether it is a fact that there is a Motor Association at Habiganj ?
 - (f) Whether Government is aware of the fact that the President of the said Association can refuse granting affiliation to any bus ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

147. (a)—44.
 (b)—Muslim 6, Non-Muslim 38.
 (c)—Two.
 (d)—Yes. But the issue of permits by him is subject to the confirmation of the Superintendent of Police, Sylhet.
 (e)—Yes.
 (f)—Yes, presumably. But this does not concern Government as the Association is a private concern and holds no monopoly of the roads.

Maulavi ABDUR RAHMAN: With reference to (c), Sir, in view of the fact that the number of Muslim applicants was very small, may I know why these two applications were rejected ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The report from the local officers is that these two Muhammadans applied at a very late stage.

Maulavi ABDUR RAHMAN: Will the Hon'ble Minister kindly look into the matter by asking the police officer to reconsider it ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The power of grant of permits to ply motor transport in the province has, under the Government of India Act of 1935, been delegated to what are known as Original Transport Authorities and it will be up to these people to apply to them.

Babu NIRENDRA NATH DEV: Is it the intention of Government to extend communal representation from the services to bus licenses also ?

The Hon'ble the SPEAKER: That relates to a question of policy.

GRANT NO. 3

(8. Provincial Excise—*contd.*)

The Hon'ble the SPEAKER: Order, order. We were dealing with cut motion No. 2* standing in the name of Srijut Sankar Chandra Barua under Grant No. 3 "8. Provincial Excise", yesterday.

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Sir, I rise to oppose this motion. This cut motion is meant to censure Government for not closing the liquor shops on Sundays and other holidays. But I understood from the speech of the hon. mover that he confined himself to the imposition of restriction in the tea garden areas alone. As the wording of the resolution goes, this is a restriction which the hon. mover wants to impose on liquor shops in the whole province. And further, I have not understood from his speech whether he means that the liquor shops should be closed on all holidays for festivals of the different religions as well as on Sundays.

Now, Sir, so far as the merits of the case are concerned, the mover will find from paragraph 10 of the Excise Administration Report for 1935-36, 1937-38 and 1938-39 that of the total consumption of liquor, the tea garden people are responsible for two-thirds. These people are well-known for their drinking habit and the only holiday they get is Sunday and a few other holidays. If shops are to be closed on those days which they require most, they will be deprived of the day's enjoyment, resulting in illicit distillation and excessive brewing of *pachwai*. Occasional raids for detection of cases of illicit distillation and brewing of *pachwai* will arise more and more, and it will lead to strikes and other troubles amongst the labour force. In view of the present opium prohibition scheme in operation and to make it a success, Government have issued instructions to the Excise Staff to consider the detection of illicit distillation of liquor and *pachwai* in the prohibition area to be a matter of secondary concern for their duty. These are the factors which must be seriously considered and should not be passed over lightly. In view of the difficulties that I have already stated, which will arise out of the stoppage of the supply of liquor on holidays, the hon. mover will, I hope, see his way to withdraw his motion.

The Hon'ble the SPEAKER: What does the hon. mover propose to do ?

Srijut SANKAR CHANDRA BARUA: I want to press the motion.

The Hon'ble the SPEAKER: The question is :

"That the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 44 of the Budget be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100.

The motion was negatived.

Srijut MAHADEV SARMA: Sir, I beg to move that the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 44 of the Budget be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100.

* That the provision of Rs. 23,734 under Grant No. 3, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 44 of the Budget be reduced by Rs. 100, *i.e.*, the amount of the whole grant of Rs, 2,95,900 do stand reduced by Rs. 100. (To censure Government for not closing the liquor shops on Sundays and other holidays.)

মাননীয় সভাপতি শ্ৰীশ্ৰীমান, এটা বৰ লাগতীয়াল বিষয়ত আমাৰ গৱৰ্ণমেণ্টৰ কাৰ্য্য-পদ্ধতি সমালোচনা কৰিবলৈ আৰু সিবিলাকৰ এই কাৰ্য্যৰ বাবে সিবিলাকক নিন্দা কৰিবলৈ মই এই motion উপস্থিত কৰিছোঁ।

Maulavi ABDUR RAHMAN: Sir, the hon. member can speak well in English. He is quite well-versed in English. If he speaks in English we can then follow him.

Srijut MAHADEV SARMA: গৱৰ্ণমেণ্টৰ আৰকাৰী বিভাগৰ নিয়মতে এনে এটা বিধান আছে যি বিধানমতে সিবিলাকে প্ৰত্যেক বছৰ চেপ্তেম্বৰ মাহত প্ৰত্যেক আৰকাৰী দোকান বিভিন্ন লোকেলবৰ্ডৰ ভিতৰত কোন কোন ঠাইত হব লাগে, বা কোনো ঠাই পৰিবৰ্ত্তন হব লাগেনেকি বা কোনো ঠাইত বন্ধ হব লাগেনেকি ইত্যাদি মতামত লোকেলবৰ্ডৰ পৰা সংগ্ৰহ কৰে। কিন্তু আমি জনাত গৱৰ্ণমেণ্টে সেই মতামত সংগ্ৰহ কৰে কিন্তু সেইমতে কাৰ্য্য নকৰে। কাজেই স্বায়ত্তশাসন বিভাগৰ প্ৰধান অঙ্গস্বৰূপ সেই লোকেলবৰ্ডৰ মতামত এইদৰে ফটাকাক হৰ টোণোলাত পেলাই দিয়া কিমান গৰ্হিত কাৰ্য্য, সেইটোৰ আলোচনাৰ নিমিত্তেই মই এই প্ৰস্তাৱ উত্থাপন কৰিছোঁ। মই নিজে জনাৰ ভিতৰত তেজপুৰ লোকেলবৰ্ডে একমতই তেজপুৰ চহৰৰ ওচৰৰ ছাপাৰ দোকান আন ঠাইলৈ উঠি যাবৰ কাৰণে দুবছৰ ধৰি যি চেষ্টা কৰি আহিছে, গৱৰ্ণমেণ্টৰ নিস্ক্ৰীয় ভাবত সেই চেষ্টা এতিয়াও ফলবৰ্ত্তী হোৱা নাই। এনে দুৰ্বলতাৰ কাৰণেই মই জনাৰ ভিতৰত কেবছৰমানৰ পৰা গোশাটী লোকেলবৰ্ডে প্ৰতিবাদস্বৰূপ এনে মতামত দিবলৈ এৰিছে। কাৰণ, তেওঁবিলাকে অভিজ্ঞতাৰ পৰা দেখিছে যে সিবিলাকে মতামত দিলেও কোনো মদৰ দোকানৰ ঠাই পৰিবৰ্ত্তন নহয় বা কোনো ঠাইত মদৰ দোকান বন্ধা নহয়। এনে ধৰণৰ উদাহৰণ যোৰহাট লোকেলবৰ্ডতো আছে বুলি মই বিশ্বস্তহুৱে জানিব পাৰিছোঁ। সিবিলাকেও বহু ঠাইৰ পৰা মদৰ দোকান আঁতৰ কৰিব লাগে বুলি কৈছিল। বোধ কৰোঁ যি যি ঠাইত মদৰ দোকান আছে গাৰ পৰা আঁতৰ কৰিগে গৱৰ্ণমেণ্টৰ আয়ৰ হানি হব বুলি ভয় কৰিয়েই গৱৰ্ণমেণ্টে তেনে নকৰে। মই ভাবোঁ গৱৰ্ণমেণ্টে তেওঁ-বিলাকৰ আয়ৰ ফালে চোৰাতকৈ গৱৰ্ণমেণ্টে পাতি দিয়া অনুষ্ঠানৰ মতামত গ্ৰাহ্য কৰি ৰাইজৰ ভাললৈ চাই চলাই বিশেষ প্ৰয়োজন। যি সময়ত বিশেষকৈ আমি আত্মনিয়ন্ত্ৰণৰ ক্ষমতা পাবৰ কাৰণে চেষ্টা কৰিছোঁ সেই সময়ত গৱৰ্ণমেণ্টে তেওঁবিলাকৰ অনুমোদিত অনুষ্ঠানৰ পৰ্য্যন্ত মতামত গ্ৰাহ্য নকৰা কিমান নিন্দনীয় কাৰ্য্য তাক বহলাই নকলেও হব। সেই কাৰণেই মই প্ৰস্তাৱ উত্থাপন কৰিছোঁ।

The Hon'ble the SPEAKER: Cut motion moved :

“That the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A.—Superintendence (total), at page 44 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100.”

Srijut GAURIKANTA TALUKDAR: Mr. Speaker, Sir, we have found frequently that Government are balking the opinion of the Local Boards as to where their excise shops should be located. The Gauhati Local Board has altogether ceased giving its opinion because it has found that its opinion carries no weight with the Government. So in supporting this motion I would suggest that the Government should either give up inviting opinions, or if they invite at all they must give due consideration to such opinions, for we do not like to see that responsible and well-considered opinions of Local Bodies should be slighted in this manner.

Srijut KRISHNANATH SARMAH: I know of several instances at Jorhat. There is one liquor shop at Meleng which was removed to a village area where there was no consumption by the village people. There was a great protest from the Local Board and the local people; but the Excise Department did not pay any heed to these protests. There is another shop at Rangajan. There was a huge protest from the people. The shop had to be put in one place; but there was objection and it was removed to another site. The Local Board requested for the removal of this shop, but Government did not hear. Then, as regards the liquor shop at Kokilamukh. There are innumerable Satras near the Brahmaputra river and a lot of people come to visit the Gosain and the ground of opening this shop there is to provide facility to people to drink while on their way to visit the Satras!

The Hon'ble Dr. MAHENDRA NATH SAIKIA: May I know from the hon. member when the shop was opened there?

Srijut KRISHNANATH SARMAH: It was about 6 or 7 years ago when the shop was opened against great protests from the people as well as from the Local Board. So the Jorhat Local Board think that it is useless to give opinion. They think it an insult when their opinion is not given due weight.

With these words, I support the motion.

Srijut SARVESWAR BARUA: Sir, the opinion of the Local Bodies has been constantly flouted for some years, and once the North Lakhimpur Town Committee had actually to non-co-operate with the Department in this matter. Now, Sir, even from the last Annual Report of the Excise Administration, we find that the opinions of the Local Bodies consulted during the year 1938-39 have been uniformly disregarded.

I will just read a paragraph from the Report on the Administration of the Excise Department for the year 1938-39:

"The Municipal and the Local Boards were as usual consulted in respect of number, location, opening and closure of excise and opium shops. Most of the Boards had no objection or suggestion to offer, but where objections or suggestions were made, the wishes of the Boards were carefully considered and accepted so far as found reasonable."

But, Sir, we find that in 99.9 per cent of the cases these opinions have been flouted. The Report goes on:

"The Silchar Municipal Board objected to the location of excise shops within the municipal limit. The Board was asked to indicate why a ganja one within the municipal limit would be less objectionable than Board could not suggest any site and the reason they put forward in support elsewhere in the province. Government therefore could not accept the recommendation of the Board. The North Lakhimpur Local Board recommended removal of the Hichingolia country spirit and opium shops to a new site but in view of the prohibition campaign the shifting of the site was

not considered imperative. The desire of the North Lakhimpur Town Committee and the Local Board to have the town liquor shop shifted a mile or so further away from the limit of the town could not be accepted as it was contrary to the Government policy of securing an effective watch over such shops.....”

Further, the Report mentions the opinions received from the Dibrugarh Municipal Board, the Tezpur Local Board, the Mangaldoi Local Board, the Jorhat Local Board and the Sibsagar Local Board. But in all these cases the opinions of the local bodies have been disregarded on some plea or other. Formerly the Government used to say that these Boards did not give any reasons in support of their opinions, but nowadays I find from the Report itself that all the Boards gave reasons for their opinions. Even then not in a single case their opinion has been accepted.

With these few words, Sir, I support the motion.

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Mr. Speaker, Sir, I rise to oppose the motion. Under the rules, Government have to take opinions of different Boards regarding change of sites of certain excise shops, or opening or closing down of certain shops. Now, so far as I remember the opinions received from certain Boards and the reasons adduced in support of them involve complicated questions of policy regarding prohibition of liquor altogether. From certain Boards we have received resolutions to the effect that all the liquor shops in the subdivision should be closed down. Sir, this naturally raises a question of policy. As we have not been as yet able to decide anything about prohibition of liquor, these recommendations of the Boards cannot be given effect to.

As regards change of sites of certain shops, Government will always, as far as practicable, try to accede to the request of the Local Bodies. In certain cases in which we received certain recommendations from the Local Bodies, due enquiry was made and it was found that their objections were not satisfactory. Therefore Government could not accede to their request. But, Sir, I can assure the hon. mover that whenever any reasonable and satisfactory objection is adduced by any Local Board, Government will try to give effect to their recommendation. In view of this assurance, Sir, I request the hon. mover to withdraw his motion.

Srijut MAHADEV SARMA: The reply is not in the least satisfactory Sir.

The Hon'ble the SPEAKER: The question is:

“That the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A—Superintendence (total), at page 44 of the Budget be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900, do stand reduced by Rs.100.”

The motion was negatived.

Babu BIPIN BEHARI DAS: Mr. Speaker, Sir, I beg to move that the provision of Rs.23,734 under Grant No. 3, Major head—8.—Provincial Excise, Minor head—A—Superintendence (total), at page 44 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs. 100.

Sir, the intention of moving this motion is to censure Government for not giving settlement of Excise Shops to members of the Scheduled Caste people in the district of Sylhet. During the time of the Congress Coalition Government, a circular was issued to the effect that in the areas where excise shops exist and the number of the Scheduled Caste people predominate, those shops should be settled with the members of the Scheduled Castes.

Sir, in the subdivision of Habiganj, so far as I remember, settlement was given in the month of January (*A voice*: No). However, Sir, it might be in the month of February. But though the circular has not been withdrawn, it has not been given effect to. Sir, last year some five excise shops were settled with the Scheduled Caste people, but this year only one has been settled with them. So, this shows that the Government is not acting up to the instructions of that circular.

Again, Sir, the Committee that was formed, consisted of two members which was, I think, illegal. Moreover, no member from the Scheduled Caste was taken in to represent the interest of the Scheduled Caste people. In this way the rights of the Scheduled Caste people have been ignored. The settlement of the excise shops may serve two useful purposes, firstly, it may help to improve the economic condition and secondly to solve the unemployment problem to some extent among the Scheduled Caste people. So, a great injustice has been done to these poor people by not giving effect to the Government circular by the local authority. In the subdivisions of Sunamganj and Maulvibazar also the same thing has been done. I would therefore urge upon the Government to make immediate enquiry into the matter and take necessary steps :

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

The Hon'ble the SPEAKER : Cut motion moved :

“ That the provision of Rs.23,734 under Grant No.3, Major head—8.—Provincial Excise, Minor head—A—Superintendence (total), at page 44 of the Budget, be reduced by Rs. 100, *i.e.*, the amount of the whole grant of Rs 2,95,900 do stand reduced by Rs.100.”

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir, I rise to oppose this motion. My friend the mover has made certain statements which are not based on facts. Probably his idea was to speak about the settlement of excise shops in Habiganj though the motion speaks of the whole district of Sylhet. Now, Sir, so far as I remember, settlement of excise shops at Habiganj took place about the 12th or 14th of February last and two gentlemen were called upon by the Subdivisional Officer to assist him in the matter of settlement. Two respectable gentlemen—one pleader and one lawyer dealing with Government Forest Cases were summoned by the Subdivisional Officer, and these two gentlemen assisted him...

Babu BEPIN BEHARI DAS : What are their names ?

Maulavi ABDUR RAHMAN : Babu Promode Chandra Nag and Maulavi Nurul Hussain Khan. These two gentlemen assisted him, and the Excise Superintendent was also there. As for the circular which my hon. friend the mover has referred to, it was issued by the Congress Coalition Government to the effect that nobody should be allowed to hold settlement of a shop for more than 3 years. I enquired into the matter and learnt that recently another circular had been issued in which it was laid down that suitable and desirable persons only be allowed to have settlement of Excise shops. On the strength of Coalition Government circular, settlement was made with new persons. But it has been seen that most of the persons had at one time or other been convicted of offences against the existing law. Therefore these persons only have been refused settlement.

So far as Scheduled Castes are concerned, I think that two shops have been settled with them, and three have been refused on the ground that they were found guilty of offences against the Excise law. On the report of the Excise Department they were convicted, and so their cases were ignored.

Now, as regards the policy that the Scheduled Castes should get some preferential treatment in the matter, I think the cases of those people who are capable of running the shops should be given preference, otherwise the Government will sustain a loss.

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Mr. Speaker, Sir, I rise to oppose the motion. I understand that it is the idea of the hon. mover that settlement was completed in the month of January last. We issued orders to complete settlement between 10th and 25th February, and therefore I can say definitely that settlement could never have been given in the month of January. As regards Sylhet, I have received a report from the Deputy Commissioner to the effect that the settlement has not yet been completed in the district of Sylhet. Therefore I think the motion is out of order.

As regards giving due share to the Scheduled Castes, we are giving due consideration to the matter in our policy for the settlement of excise shops in the province of Assam. We have laid down that the settlement of excise shops shall have to be made with due regard to communal representation. The matter is receiving due consideration at our hands.

In view of what I have said, I think the hon. mover will withdraw his motion.

Babu BIPIN BEHARI DAS: Sir, I have heard the Hon'ble Minister in charge of Excise. The settlement might have been done in the month of February but only one shop was settled with a member of the Scheduled Caste.

The Hon'ble the SPEAKER: The hon. member has no right of reply. He should say whether he wishes to withdraw the motion or not.

Babu BIPIN BEHARI DAS: In that case, I ask for leave to withdraw my motion.

Srijut GOPINATH BARDOLOI: On a point of information, Sir. May I know if the policy of the last Government that the shops which are located in the quarters which are predominantly inhabited by members of the Scheduled Caste should be offered to members of the Scheduled Caste is being followed by the present Government?

The Hon'ble Dr. MAHENDRA NATH SAIKIA: If that policy is followed, no shop will be allotted to members of the Scheduled Caste, because to my knowledge, in the Assam Valley, no excise shops are at present located in places predominantly inhabited by them.

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

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I beg to move that the provision of Rs.2,27,060 under grant No 3, Major head—8—Provincial Excise, Minor head—B.—District Executive Establishment (total), at page 45 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.101.

Sir, the object of the motion is initiated here, *i.e.*, to raise a discussion about giving more appointments to under-represented communities in the Department, which are still under-represented in services. Sir, to my knowledge, so far most of the appointments in this Department are being given to certain sections of the people who are proverbially efficient in service and proverbially occupying high positions in the province. My point is that this being one of the important Departments of Government which brings forth a large amount of revenue to the provincial exchequer, I

would urge upon the Government that proportionate reservation should be made to this Department from the different communities. So far as the Muslim community is concerned, posts are not properly distributed to them in this Department. Sir, while I speak of the Muslim community, I am not forgetting the other communities which are still unrepresented or under-represented in this particular Department. I think the Muslims are holding only two posts of Excise Superintendent. Then, Sir, my hon. friend Babu Bipin Behari Das in moving his motion said a little before that his community has not been given a due share of the excise shops. In this connection, I will also urge upon the Government that the Muslims who are willing to take settlement of these shops must also be given due consideration.....

The Hon'ble the SPEAKER: That is not the point here.

Maulavi ABDUR RAHMAN: Sir, according to the recent Government circular these are more than appointments.

The Hon'ble the SPEAKER: It may be so, but this is a different matter.

Maulavi ABDUR RAHMAN: My point is, preference not only in the service but also in settlement of Excise shops, must be given to Muslim community.

The Hon'ble the SPEAKER: The hon. member must discuss the cut motion and must not bring in other matters which do not pertain to the question under discussion.

Maulavi ABDUR RAHMAN: My point is appointment, of course, not in services only but also in settlement of shops which is almost an appointment according to the present circular.

The Hon'ble the SPEAKER: In regard to that a separate cut motion was discussed.

Maulavi ABDUR RAHMAN: Very well, Sir. I will only urge upon the Government that in giving appointments in this particular Department they should consider the fate of the Muslims and other under-represented communities of the province.

The Hon'ble the SPEAKER: Cut motion moved:

“That the provision of Rs.2,27,060 under grant No. 3, Major head—8.—Provincial Excise, Minor head—B.—District Executive Establishment (total), at page 45 of the Budget, be reduced by 101, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.101.”

(After a pause)

I do not see that any other hon. member is rising to speak. I think, the Hon'ble Minister may reply.

The Hon'ble Dr. MAHENDRA NATH SAIKIA: Sir, it is the policy of Government to recruit men from the under-represented communities for employment in services (*Hear, hear*). One thing I have not been quite clear about and that is what the hon. mover actually meant when he asked Government to give 'more' appointments. Does he mean more than what is due to them? I think he is surely restricting himself to the due share. It will be clear from a Circular that was issued during the previous term of Government of the present Prime Minister that the present Government takes keen interest in the matter of appointments being given to the under-represented communities. I shall read out the circular letter No. Apptt.-708/2929-42-H., dated the 21st April 1938 from the Chief Secretary to the Government of Assam, to all Heads of Departments, etc.

“Subject:—Communal representation in public services.

It has been brought to the notice of Government that the policy in the matter of communal representation in the public services is not always carried

out. I am, therefore, directed to say that provided candidates from such communities possessing the minimum qualification are available, preference should be given to candidates from under-represented communities over candidates from over-represented communities even though the latter may possess qualifications higher than the minimum qualifications prescribed for a particular post”.

The circular is quite clear to show that the Government is taking keen interest to make appointments from the under-represented communities in accordance with the policy laid down in this circular. I will only add that if there be found any departure from these instructions and if the matter be brought to the notice of Government, Government will take steps to rectify it.

Maulavi ABDUR RAHMAN : I have been assured that due consideration will be given to the cases of the under-represented communities at the time of appointments, etc. I beg leave of the House to withdraw the motion.

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

Maulavi ABDUL BARI CHAUDHURI : I beg to move—
“ That the provision of Rs.6,000 under Grant No.3, Major head—8.—Provincial Excise, Minor head—B.—District Executive Establishment, Sub-head—3.—Allowances and Honoraria, Detailed head—Rewards to Government servants in Excise and Opium cases, at page 45 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100.”

My object in moving this motion is to raise a discussion about the advisability of increasing the salary of Excise Officers instead of rewards paid to them.

We all know how Excise Officers, specially Inspectors and Sub-Inspectors are awarded cash prizes for detection of offences under the Excise Act. Often a good percentage and sometimes the whole amount of fine imposed upon the culprits is awarded to these officers. This principle of awarding cash prizes was introduced for infusing extra zeal and enthusiasm in the officers for fighting smuggling efficiently and this served its purpose to some extent. But in course of time, this enthusiasm has in many cases exceeded all limits and some officers are suspected of taking recourse to unfair means for getting the accused persons convicted.

We all know how difficult it is to get out of an excise case. So the Government must be very careful that people are not harassed for nothing.

It is time that this principle of awarding cash prizes to officers is altogether abolished. If the Government are of the opinion that these officers are entitled to some extra remuneration for the efficient discharge of their duty, this may be done by increasing their pay.

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.6,000 under Grant No.3, Major head—8.—Provincial Excise, Minor head—B.—District Executive Establishment, Sub-head—3.—Allowances and Honoraria, Detailed head—Rewards to Government servants in Excise and Opium cases, at page 45 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.100.”

(After a pause)

I think, the Hon'ble Minister can reply now.

The Hon'ble Dr. MAHENDRA NATH SAIKIA : This is a question of policy so far as the rewards to the officers and also to the public are concerned for detecting excise offences. So far as I remember, this matter has been considered by the last Retrenchment Committee and I think, it is one

of their recommendations that has come in the report. These recommendations will come for consideration of Government shortly and along with them this question of abolition of cash prizes or the increase in their salary will also be considered. But at first sight, I can say that unless there will be some such prize system these men will not have sufficient incentive for the exercise of energy in detection of cases. Sir, if we now abolish the system of rewards and add this amount to their pay, I think, they will not exert their energy for detection of Excise cases as they will be sure that without extra effort they can earn their pay all right. So I am inclined at the moment to think that the present reward system gives them a greater impetus to deal with offences and bring the offenders to book. Anyway the whole matter will be considered by Government along with Retrenchment Committee's other recommendations.

As regards the complaint that certain officers get rewards by resorting to unfair means in detection of Excise cases, if any such case is brought to the notice of Government, it will be dealt with on its merits. When Government come to discuss this matter they will give every consideration to the valuable advice given by the hon. mover of the motion. In view of this assurance, I hope the hon. mover will see his way to withdraw the motion.

Maulavi ABDUL BARI CHAUDHURI: After the assurance given, I beg leave of the House to withdraw the motion.

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

The Hon'ble the SPEAKER: The next few motions stand in the names of the members of the Congress Party. May I know which motion is going to be moved? This demand will be closed at 12 minutes to 1 o'clock.

Srijut SARVESWAR BARUA: We will discuss motions Nos. 7 and 9.

The Hon'ble the SPEAKER: I understand from the note appended to these cut motions that they will raise discussions of a very important nature. It may take time, I am afraid, and we shall have to finish this grant within the time allotted. It may not be possible to discuss two cut motions.

Srijut SARVESWAR BARUA: Then Sir, we shall discuss only motion No. 9.

Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to move that the provision of Rs. 21,600 under Grant No. 3, Major head—8.—Provincial Excise, Minor head—E.—Cost of opium supplied to the Excise Provincial Department, at page 43 of the budget, be refused, *i.e.*, the amount of the whole grant of Rs 2,95,900 do stand reduced by Rs. 21,600.

The reason why I move this motion is this. The previous Ministry adopted a policy of prohibition of opium and closed the opium shops in the two subdivisions of Dibrugarh and Sibsagar, and they decided to extend the prohibition campaign to the other districts of the Assam Valley. But the present Ministry, coming into power, have discontinued that policy and they have decided to keep open the shops in other districts besides the two subdivisions of Dibrugarh and Sibsagar. And they have come with a proposal for purchasing opium for sale in these places. The Hon'ble Premier, while presenting his Budget, remarked that the campaign of opium prohibition opened the door to smugglers and he doubted whether an opium addict can be successfully weaned. As a prohibition worker since April last and with the experience that I have in the temperance work for the last twenty years, I shall be failing in my duty if I do not refute these suggestions. Sir, if the prohibition campaign opened the door to the smugglers, then we would not have found in the months of May, June and July last the smugglers conducting a propaganda that the opium shops would be opened again. They

also carried on a propaganda that His Excellency the Governor in his discretion would throw out the decision of the Ministry and would open the shops again. While we were meeting for the Joint Session in August last, these smugglers were conducting a propaganda that with the throwing of the Agricultural Income-tax Bill, Sir Saadulla would again come to power and as the saviour of the opium addict would relieve them from the "excruciating pangs" by opening the shops again. They invoked the name of Sir Saadulla and in December last when the present Ministry came to power, we found these smugglers again busy conducting this propaganda that the opium shops should be opened in the subdivisions of Sibsagar and Dibrugarh, and I made a note of this fact in a letter to the Excise Commissioner. Sir, if these smugglers were able to carry on their trade well they would not have conducted this propaganda.

The Hon'ble the SPEAKER: Are these smugglers all well-known people?

Srijut OMEMO KUMAR DAS: Yes, Sir, they are and they are in the list of Government. As a matter of fact I found in my experience that the opium shops were shelters for carrying on this illicit trade. The Hon'ble Premier has placed much reliance on the system of rationing and he says that with the policy of accelerated reduction, Assam would be free of opium within two years. Sir, if the system of rationing, unaided by vigorous social propaganda, would have been successful we would not have found in the month of April last when we commenced the campaign an equal number of unregistered addicts as those registered. It had been our experience that the opium addicts, who were registered, were more amenable to reason and we were successful in weaning them away from this evil habit. But the unregistered addicts were more obstinate. They were more or less like habitual convicts whom no deterrent sentence can prohibit from committing crimes. Sir, if we place much stress on the system of rationing alone, in the course of two years we may find a large number of unregistered addicts and I am afraid that the Hon'ble Premier may come up for opening the shops again on the plea of illicit consumers of opium.

Regarding social propaganda, I should say that in the year 1925 when the Assam Provincial Congress Committee conducted an opium enquiry and of which I was a member and in which committee a great Englishman like Rev. C. F. Andrews co-operated, that Committee recommended that social propaganda was more necessary for the removal of this evil habit, and this opinion was endorsed in the year 1933 by the Opium Enquiry Committee which the Assam Government appointed. Sir, my Hon'ble friend Mr. Rohini Kumar Chaudhuri was also a member of this Committee and he also emphasised the need of propaganda and the Committee recommended that a portion of the excise revenue must be allotted for propaganda work. But it is most regrettable to find that my Hon'ble friend Mr. Chaudhuri to-day is not allotting any amount for that propaganda work.

Then again there is the question whether an opium addict can be successfully weaned or not. Sir, with the experience that I have, I can boldly say that an opium addict can be successfully weaned. It is the society which degrades a man and what are we if we do not live with an ideal to reform society, I cannot understand?

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

Srijut OMEMO KUMAR DAS: Yes, Sir, I will not take much time. I cannot understand the argument that because there are smugglers therefore, we must keep the shops open. It comes to this. Because we cannot evolve an ideal society, because there is propensity in men to do vice and commi.

crime, there is no necessity for penal laws, there is no necessity for prisons. The problem of smuggling is not new. It existed since the days when the British Government in Assam made a monopoly of the trade. The policy of minimum revenue and minimum consumption and the subsequent raising of the price of opium established the illicit traffickers who were able to create a market for their trade. It is amongst these illicit consumers that smuggling is confined, and I am certain that with increased vigilance and social propaganda, these violators of law will be driven away from the field.

Lastly, Sir, if the Hon'ble Premier wants to make an income of 2 lakhs 26 thousands of rupees from the sale of opium and if he bases his Budget on a trade on the moral depravity of the people then, I have to warn him that he has placed himself in a leaky boat which will not land him on the shore he desires. 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. 21,600 under Grant No. 3, Major head—8.—Provincial Excise, Minor head—E.—Cost of opium supplied to the Excise Provincial Department, at page 43 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs. 2,95,900 do stand reduced by Rs. 21,600”.

Srijut KRISHNA NATH SARMAH : Mr. Speaker, Sir. Grounds against extension of prohibition as given are as follows :—(1) Risk of extermination of the addicts on the withdrawal of opium, (2) Increased smuggling due to prohibition, (3) The craving that still exists in the minds of the addicts, (4) A costly prohibition scheme is not necessary when the present Ministry is giving effect to the accelerated reduction scheme

I will show that all the above arguments are futile. On the 15th of April last year, 61 opium shops were closed down. Ten thousand one hundred and fifty opium passes were cancelled. By one day the consumption of 35 maunds of opium in Dibrugarh and about 26 maunds in Sibsagar per annum is stopped. As soon as the opium shops were closed, the unregistered addict of about 6000 in number were found out. Altogether about 14,000 addicts were treated medically in course of a few weeks at a cost less than Rs. 3 per head. Not a single addict died for want of opium. Medical science discovered a sovereign remedy. Instead of “extermination” of the inveterate addicts out of this world on the withdrawal of opium as expected by Hon'ble Premier, we find a complete transformation of the addicts. The medical report says as follows :—

“The condition of the addicts was so decidedly changed for the better that one could not but notice it. The sallow-jaundiced appearance characteristic of the addiction, the dull lack lustre eyes, the dry harsh skin, gave place to bright looks; clear healthy skin and a general improvement in health, general listlessness gave place to a light springly gait and increased interest in things around.”

These beneficial changes took place with remarkable rapidity and the change in some cases was so remarkable as to amount to a transformation. What is good for addicts in Sibsagar and Dibrugarh will be good elsewhere. The Hon'ble Prime Minister must not think that medical science has not yet discovered a remedy nor the withdrawal of opium is likely to follow the extermination of the addicts in other districts of the province. The main ground of objection for not extending the scheme is falsified.

Second argument of increased smuggling due to prohibition is also baseless. Smuggling was as widespread as the habit due to original policy of the Government inasmuch as there are as many unregistered addicts as those of registered who were supplied with illicit opium. Now

because of total prohibition, these addicts surrendered themselves. The fact is that due to total prohibition, the detection of smuggling has become comparatively easier as the catching of fish becomes easier when water is being drained out. Even taking for granted that a small number of addicts are being supplied with illicit opium that is no ground to stop prohibition. Regarding this, the Commissioner of Excise says as follows :—

“The small number of addicts who still indulge in their habit with illicit opium must have realised that the smuggled opium will not be easily available any more, they must give up the habit in no time”. In spite of this report, if the Government is afraid of the smugglers, they shall have to suspend the Penal Code and disband the police and Magistracy for fear of thieves and robbers.

The third argument is a novel one. Even if the addicts may not have illicit opium, they have got their craving to indulge in the habit and this is gathered from a discussion in the Bar Library at Dibrugarh and the Hon'ble Minister of Excise was bewildered. If the addicts have got a craving to indulge in the habit and they have got as much a craving to be free from the habit as it is seen that about 14,000 addicts submitted to medical treatment. Are Government going to re-open the opium shops to assist them to have the drug or assist them to be free from the habit by extending prohibition elsewhere and by punishing the smugglers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Will the Government get a chance to reply ?

The Hon'ble the SPEAKER : Yes, the Hon'ble Minister should get sometime to reply.

Srijut KRISHNA NATH SARMAH : I will finish Sir. Regarding the last argument, Sir, we have got a painful experience of the Excise Department in the past. They will try to make out a case for restoration of reductions, sometimes for stopping the reductions and sometimes they will recommend to issue new passes to new addicts on ground of medical certificates as they have actually issued about 20,000 new passes during the last ten years. Again the accelerated reduction without arrangement of medical treatment, vigilance and propaganda will lead to corruption and to great hardship to addicts. I urge the Government to take up prohibition as a sure method of eradication of the evil without delay.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir. The protagonists of prohibition if they lend their support to this motion, will stultify themselves. It has been admitted by the two hon. speakers coming from the Congress benches that there must be propaganda and social pressure, and provision for medical treatment to win the addicts from their habit. Now in the present Budget there is no such provision. Therefore, the opium addicts will be thrown to the mercy of the smugglers when there will be no money in the Budget, for buying opium to issue to licensor vendors.....

Srijut SARVESWAR BARUA : Why not bring a supplementary Budget ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : If my hon. friends had brought a motion of censuring the Government for not extending the prohibition scheme to other subdivisions, I would have respected them and listened to their remarks with the attention that it deserved but a futile movement like this clearly shows that they do not know where they stand. Sir, I have detailed the reasons which led the present Government not to extend the area of prohibition to other subdivisions. My hon. friends, opposite, when they were in office, themselves

said that they are carrying on an experiment. One cannot judge an experiment by the result of a year. In every reforms the initial advantage is with the reformer. People are carried away by enthusiasm and by the novelty of idea and also they think that there is no difficulty that will face them. Therefore, if we have halted or tarried a little to judge the experiment by the result, I think, Sir, we are perfectly on safe grounds. If we wanted to do away with the prohibition experiment we could at once stop it by a stroke of pen. My hon. friend says that traffickers in opium and some opium addicts were invoking blessings for my coming back so that I can open opium shops for them. I have done nothing of the kind; on the other hand, I am carrying on the experiment as was started by my hon. friends now in the Opposition. Similarly, I have extended the operation of accelerated reduction of opium ration which we hope will enable the province to be free from the opium addicts in about two years' time. Sir, the other day, in a Madras paper called the 'Madras Mail' I was reading about the report of the Madras Government on the results of the provision of liquor in Salem district. Sir, I am fully borne out by the observations made therein. It has been seen from the results of investigation that the original enthusiasm of the people has gone and they are not following the prohibition rules as they originally did. We ought to learn by experience. I cannot understand the policy which my hon. friends follow here. If the Congress Government policy, Sir, is the test, I think we have gone many steps further than in Madras. I find, Sir, in Madras, regarding opium, the rule is this:—"In the case of opium, the supply was confined to issues from the *taluk* offices to addicts in possession of permits and the quantity to be issued to each addict was restricted and the issue of permits to persons under 22 years of age was prohibited." Sir, this is the policy in Madras—till lately an enlightened Congress Administration. Compared to this, our steps towards prohibition is far in advance of what is followed in Madras.

Sir, it was misquoting my argument when one hon. member said that I have stopped prohibition out of fear of smugglers. I have given facts and figures called from the reports of the Excise Commissioner. I have shown from them that opium addicts have taken to other baneful habits of drinking liquor and *ganja* smoking. It is up to the medical profession to say whether taking of a small measured quantity of opium is more deleterious to the health, physically, mentally or economically than drinking liquor or smoking *ganja*. I hope, Sir, I have given sufficient materials to the House to give their considered verdict on the question.

Srijut KRISHNA NATH SARMAH: Sir, the Hon'ble Minister has said that the reduction will take two years. By the end of this year half the ration goes and according to the scheme there will be four more reductions in the next year. And so I think, the remaining half will be cancelled by the end of the next year.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
By 1941.

Srijut KRISHNA NATH SARMAH: So, it will not be two years, but one year.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
All right, Sir, I will be all the more strengthened in my policy.

The Hon'ble the SPEAKER: The question is:
"That the provision of Rs.21,600 under Grant No.3, Major head—8.—Provincial Excise, Minor head—E.—Cost of opium supplied to the Excise Provincial Department, at page 43 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.2,95,900 do stand reduced by Rs.21,600".

The Assembly divided.

AYES—38

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| 1. Babu Akshay Kumar Das. | 20. Babu Lalit Mohon Kar. |
| 2. Mr. Arun Kumar Chanda. | 21. Srijut Mahadev Sarma. |
| 3. Mr. Baidyanath Mookerjee. | 22. Srijut Mahi Chandra Bora. |
| 4. Babu Bipin Behari Das. | 23. Mr. Naba Kumar Dutta. |
| 5. Srijut Bishnu Ram Medhi. | 24. Srijut Omeo Kumar Das. |
| 6. Babu Dakshinaranjan Gupta
Chaudhuri. | 25. Srijut Paramananda Das. |
| 7. Srijut Ghanashyam Das. | 26. Babu Nirendra Nath Deb. |
| 8. Srijut Gauri Kanta Talukdar. | 27. Srijut Purna Chandra Sarma. |
| 9. Srijut Gopinath Bardoloi. | 28. Babu Rabindra Nath Aditya. |
| 10. Srijut Haladhar Bhuyan. | 29. Srijut Rajani Kanta Barooah. |
| 11. Srijut Jadav Prasad Chaliha. | 30. Srijut Rajendra Nath Barua. |
| 12. Srijut Jogendra Chandra Nath. | 31. Srijut Sankar Chandra Barua. |
| 13. Srijut Jogeschandra Gohain. | 32. Srijut Sarveswar Barua. |
| 14. Srijut Kameswar Das. | 33. Babu Shibendra Chandra
Biswas. |
| 15. Babu Kamini Kumar Sen. | 34. Srijut Siddhi Nath Sarma. |
| 16. Babu Karuna Sindhu Roy. | 35. Mr. Fakhruddin Ali Ahmed. |
| 17. Mr. Kedarmal Brahmin. | 36. Srijut Bideshi Pan Tanti. |
| 18. Srijut Krishna Nath Sarmah. | 37. Srijut Dhirsingh Deuri. |
| 19. Srijut Lakshesvar Borooah. | 38. Srijut Karka Dalay Miri. |

NOES—52.

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| 1. The Hon'ble Maulavi Saiyid
Sir Muhammad Saadulla. | 15. Maulavi Abdur Rahman. |
| 2. The Hon'ble Srijut Rohini
Kumar Chaudhuri. | 16. Maulavi Md. Abdus Salam. |
| 3. The Hon'ble Maulavi Munaw-
war Ali. | 17. Maulavi Dewan Muhammad
Ahabab Chaudhury. |
| 4. The Hon'ble Babu Hirendra
Chandra Chakravarty. | 18. Maulavi Dewan Ali Raja. |
| 5. The Hon'ble Khan Sahib
Maulavi Mudabbir Hussain
Chaudhuri. | 19. Maulavi Muhammad Amirud-
din. |
| 6. The Hon'ble Dr. Mahendra
Nath Saikia. | 20. Maulavi Muhammad Amjad
Ali. |
| 7. The Hon'ble Maulavi Abdul
Matin Chaudhuri. | 21. Maulavi Ashrafuddin Md.
Chaudhury. |
| 8. The Hon'ble Khan Bahadur
Maulavi Sayidur Rahman. | 22. Maulavi Badaruddin Ahmed. |
| 9. The Hon'ble Miss Mavis
Dunn. | 23. Khan Bahadur Dewan Eklimur
Roza Chaudhury. |
| 10. The Hon'ble Srijut Rupnath
Brahma. | 24. Maulavi Ghyasuddin Ahmed. |
| 11. Maulavi Abdul Aziz. | 25. Maulavi Jahanuddin Ahmed. |
| 12. Maulavi Abdul Bari Chau-
dhury. | 26. Khan Bahadur Maulavi Kera-
mat Ali. |
| 13. Maulana Abdul Hamid Khan. | 27. Maulavi Muhammad Maqbul
Hussain Chaudhury. |
| 14. Khan Bahadur Hazi Abdul
Majid Chaudhury. | 28. Maulavi Matior Rahman Mia. |
| | 29. Maulavi Mabarak Ali. |
| | 30. Khan Bahadur Maulavi
Mufizur Rahman. |
| | 31. Maulavi Muzarrof Ali Laskar. |
| | 32. Maulavi Namwar Ali Bar-
bhuiya. |

NOES—52—concl'd.

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| 33. Maulavi Naziruddin Ahmed. | 43. Mr. R. A. Palmer. |
| 34. Maulavi Sheikh Osman Ali Sadagar. | 44. Mr. A. Whittaker. |
| 35. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed. | 45. Mr. Benjamin Ch. Momin. |
| 36. Mr. A. H. Ball. | 46. Srijut Bhairab Chandra Das. |
| 37. Mr. A. F. Bendall. | 47. Srijut Binode Kumar J. Sarwan. |
| 38. Mr. F. W. Blennerhassett. | 48. Rev. L. Gatphoh. |
| 39. Mr. N. Dawson. | 49. Mr. C. Goldsmith. |
| 40. Mr. W. R. Faull. | 50. Mr. Jobang D. Marak. |
| 41. Mr. D. B. H. Moore. | 51. Srijut Khorsing Terang. |
| 42. Mr. C. W. Morely. | 52. Srijut Rabi Chandra Kachari. |

The motion was negatived.

The Hon'ble the SPEAKER: The question is:

"That a sum not exceeding Rs. 2,95,900 be granted to defray certain charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head—8.—Provincial Excise."

The motion was adopted.

Adjournment

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

After lunch

GRANT No. 4

(9.—STAMPS)

The Hon'ble Maulavi Saiyid Sir MUHAHMAD SAADULLA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.39,400 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 "9.—Stamps".

The Hon'ble the SPEAKER: As there are no cut motions to this grant I shall at once put the question. The question is:

"That a sum not exceeding Rs 39,400 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 "9.—Stamps".

The motion was adopted.

GRANT No.10

(18B.—NAVIGATION, ETC.)

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.93,200 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 "18B.—Navigation, Embankment and Drainage Works".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs.93,200 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 "18B.—Navigation, Embankment and Drainage Works".

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move :

That the provision of Rs.51,200 under Grant No. 10, Major head—18B.—Navigation, Embankments and Drainage Works, Minor head—2.—Extensions and Improvements, at page 61 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.93,200 do stand reduced by Rs.101.

Sir, the devastating effects of the *dhalas* in the subdivision of Sunamganj have been described on the floor of this House on more than one occasion. From the inauguration of Provincial Autonomy, the Sunamganj members have been crying hoarse over the situation arising out of the havoc created year after year by these *dhalas*. But up till now, Government have done practically nothing to give relief in the affected areas.

The people of Sunamganj are passing their days in great distress. Year after year crops spread over thousands of acres of land are destroyed by these *dhalas*. The inevitable result is that people are faced with famine and starvation.

The effects of the *dhalas* at Kalnirchar, Wahed-khali, Fечи, and Bagmaina under police station Jagannathpur are too well-known to the hon. members of this House to be repeated again. At the advent of rains, these *dhalas* assume huge proportion and override the whole area.

Due to these *dhalas*, the natural river-courses in the subdivision has also been silted up entailing much hardship on the cultivators. Things have come to such a pass, that if the Government is really anxious to save this distressed population from ruin, they must come up with constructive schemes and money to give immediate relief to them.

Sir, I am aware that the Government is going to establish a Waterways Division from the next financial year. But the sum provided for the purpose will almost entirely be exhausted to maintain the staff alone, and nothing will be left to make a good beginning towards actual relief measures. And the situation is such that it demands immediate attention.

Myself as well as my hon. friend Maulavi Abdur Rahman gave notices of a Bill known as the Assam Embankment and Drainage Bill. If time permitted, these would have come up for consideration before the House. Government has published almost an identical Bill in the *Assam Gazette*. These measures, if passed, would have afforded much relief against the devastation of these *dhalas*. But these are yet to be introduced.

In conclusion, I beg to submit that the situation is grave and precarious. It brooks no more delay. The Government should come up at once with adequate measures for protecting this harassed subdivision from the devastation of these *dhalas*.

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

The Hon'ble the SPEAKER: Cut motion moved :

“That the provision of Rs.51,200 under Grant No. 10, Major head—18B.—Navigation, Embankments and Drainage Works, Minor head—2.—Extensions and Improvements, at page 61 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.93,200 do stand reduced by Rs.101.”

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I rise to support this motion. This is not the first time that this matter has been brought to the notice of Government; not once or twice but on many occasions I brought this matter to the notice of Government, even in the shape of resolutions moved on the floor of this House. We got assurances, but those assurances have not materialised as yet.

We find from the list of business, Sir, that Government is going to introduce a Bill named the Assam Embankment and Drainage Bill. From our experience I can say that these legislations cannot be passed except in a Joint Session, *i.e.*, the Bill will go to the Upper House and come back to us, we shall send it again and then it will again come back to us, until there is a Joint Session. So, it will take not less than 2 years to have this Bill passed finally. So, Sir, my submission is that Government should take note of the facts brought forward by my hon. friend and make adequate provision to protect the crops of these low-lying localities where these *dhalas* bring disaster to the crop.

Sir, the Hon'ble Maulavi Abdul Matin Chaudhuri, who has moved for this grant, went as Minister to visit some localities of Sunamganj. So far as I remember, people in thousands from Sachna, Shanbari, Madhyanagar and other places approached him and asked him to make provision for saving them from the devastating effect of some *dhalas* there. Almost every year, Sir, by the end of March or by the beginning of April, when the first flood comes, the *Buro* crops of some *haors* get damaged. The people look to the angels of Shillong, but with very little result. I am very much grateful to my hon. friend Maulavi Abdul Bari Chaudhuri for bringing forward this matter on the floor of this House again to-day, and I hope Government will do their best to save the cultivators from the damage that is every year caused to their crops.

With these few words, Sir, I support the motion.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mr. Speaker, Sir, the hon. member has brought this cut motion to draw the attention of the Government to the devastation caused by the *dhalas* of Habiganj and Sunamganj. This problem is not peculiar to Sunamganj alone. Government is fully aware that there are innumerable places throughout the province where large tracts of land are lying fallow and waste which can be improved by irrigation or by construction of embankments. As my hon. friend Maulavi Maqbul Hussain Chaudhuri has referred to my visit to Sunamganj, I would say that I have seen with my own eyes the devastation caused in that area by these *dhalas*, but my hon. friend Maulavi Abdul Bari Chaudhuri is not quite correct in saying that Government has not done anything in the matter. Government is fully conscious of the problem. While touring in the interior we have been inundated with applications asking us for the excavation of a *khal* here or to make an embankment there. Even on the floor of this House hon. members from all sections of the House have pressed on the Government the need for the improvement of agricultural lands by these methods, and so far as the Government is concerned it has not been unresponsive to the demands of the public. In 1938 when Sir Muhammad Saadulla was the Premier, the Government, through the Agriculture Department, conducted a survey of all the areas in the province where land can be improved by these methods, and as many as 150 proposals were received from different parts of the province. But before the Government can undertake to execute these measures—to initiate these schemes—two things are necessary. Firstly, the creation of a Waterways Division to carry out these schemes; and secondly, the enactment of a

Drainage and Embankment Bill, which will give power to the Government to make survey, to enter land, and to take all steps necessary for the execution of the scheme. So far as the Waterways Division is concerned, in spite of a deficit budget we have made provision this year for starting a Waterways Division in the province, and as hon. members are aware, notice has been given of a Bill to be introduced in this session of the House about drainage and embankment. My hon. friend Maulavi Maqbul Hussain Chaudhury has expressed a fear that probably the passing of the Bill will be delayed and we will have to hold a Joint Session in order that the Bill is passed. I do not anticipate that difficulty. We have eliminated the controversial portions of the Bill, and I can assure the hon. members that so far as the Government is concerned there will be no lack of effort and no lack of initiative to carry through these schemes. But I must warn them that they must not expect phenomenal results immediately. Problems of decades cannot be solved in a year, but hon. members can take it from me that so far as my Department is concerned there will be no lack of energy and vigour to carry through these measures.

In view of this assurance, I hope, the hon. member will see his way to withdraw the motion.

Maulavi ABDUL BARI CHAUDHURY: Sir, in view of the assurance given by the Hon'ble Minister, 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.93,200 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 "18B.—Navigation, Embankment and Drainage Works".

The motion was adopted.

GRANT No.7

(12.—Charges on Account of Motor Vehicles Taxation Act)

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.3,94,500 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 "12.—Charges on Account of Motor Vehicles Taxation Act."

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs.3,94,500 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 "12.—Charges on Account of Motor Vehicles Taxation Act."

Mr. A. WHITTAKER: Mr. Speaker, Sir, I beg to move that the provision of Rs.47,704 under Grant No.7, Major head.—12.—Charges on Account of Motor Vehicles Taxation Act, Minor head.—A.—Charges for Collection (total), at page 56 of the Budget, be reduced by Re.1, *i. e.*, the amount of the whole grant of Rs.3,94,500 do stand reduced by Re.1.

Sir, I am the unfortunate owner of a car which arrived in Assam exactly one month ago. I, therefore, speak with special knowledge of the procedure referred to in my cut motion. To buy the privilege of motoring over the roads of Assam, I had to do two things ; first to register the car and pay Rs.16 for this ; second to pay Rs.6 as tax to the end of March. To do these two simple things I had to fill in so many forms of different colours that were the paper pasted over the windows of my car—and it is a very big car—all the five passengers and the driver would be *purdah* ! They would find themselves in darkness as profound as that in which the Finance Department live. I must have filled in more forms than there are pages to my daily paper.

To pay Rs.6 to the Motor Vehicles Department, I had to fill in *chalan* in triplicate. It took one man the whole of one working day to pay this money and to deliver these forms to the subordinate who deals with them in the Motor Vehicles Department. It took that subordinate 3 days to prepare the form and tax disk, and it took my man another half day to collect the disk and the registration form.

Sir, no other country in the world inflicts such harassment on the citizen, who merely wants to pay his taxes. I have no other ambition than to pay my taxes painlessly and quickly, and with the minimum amount of writing. Instead of helping me to gratify this ambition, an unbusinesslike Government take my money with the maximum pain, consumes a ridiculous amount of paper and makes me waste time and temper all for the glory of the god of red tape.

There are three easy ways of paying money—Court-fee stamps, cheques or postal orders. In England where there are over 40 lakhs of motor vehicles, licenses and registration fees are paid over the counter, and licenses are delivered within 10 minutes whilst one waits. In Assam, where there are between 6,000 to 7,000 motor vehicles, the payment of fees is 10 hours of tribulation, and of the making of forms there is no end. If we must be fleeced, will the Hon'ble Finance Minister kindly fleece us quickly and as painlessly as possible.

May I anticipate one reply which I expect to get ? Some *pundit* in the Finance Department will ask the Hon'ble Finance Minister to refer me to the Treasury Manual rule so and so, to be read with an Appendix in the Audit Code as revised by a correction slip issued years ago (*Laughter.*) To borrow a phrase, learned in this Assembly, I ask, on behalf of the dumb and suffering masses who have to pay taxes in triplicate challan, whether the Hon'ble Prime Minister will instruct the Finance Department to find a better way ?

The Hon'ble the SPEAKER : Cut motion moved :

“That the provision of Rs.47,704 under Grant No.7, Major head—12.—Charges on Account of Motor Vehicles Taxation Act, Minor head—A.—Charges for Collection (total), at page 56 of the Budget, be reduced by Re.1, *i.e.*, the amount of the whole grant of Rs.3,94,500 do stand reduced by Re.1”.

Hon. members will notice that for this grant and some others, the time allotted is half an hour. But fortunately we have got 15 minutes under stamps as there was no cut motion under that grant. So we shall discuss these grants upto 3 p. m.

Srijut PURNA CHANDRA SARMA: On a point of information, Sir, may I know from the hon. member Mr. Whittaker whether he has got to pay Rs.6 for a quarter ?

Mr. A. WHITTAKER: One month, Sir.

The Hon'ble Maulavi Sayid Sir MUHAMMAD SAADULLA: It will be no exaggeration if I say that I include myself amongst the dumb and suffering mass for whom my hon. friend Mr. Whittaker has spoken. All the *pundits* of the Police Department as well as of the Finance Department have been racking their brains for the last two and half years to find out a better method of receiving this money, with a view to shear the lamb without scratching the skin. But the difficulties have been manifold. In the first instance the Police Department has taken over the administration of the Motor Vehicles Department, the realisation of the taxes and everything without a big staff. There is no clerical establishment attached to the Motor Vehicles Department in the Police Superintendent's office. There is only one man, probably a Sub-Inspector, who is doing this work, but the Government especially the heads of the Police Department think that subordinate officials should not be asked to handle big sums of money, especially when money is paid in a big rush at the end of a quarter.

The methods that have been suggested by the hon. mover of this cut motion, namely, that of payment by means of court-fees, or by means of cheques or by postal orders, are all fraught with same difficulties. Our Police Department has got, as I have stated, a very small staff at the disposal of this Motor Vehicles Department. If it is meagre to handle sums of money it would be very difficult to expect the same to deal with court-fees, postal orders or cheque. That is the need for all these forms and the triplicate *chalan* for treasury verification.

This matter has already been engaging the attention of Government and I find there is a note on the subject from a special Officer who was put on special duty in March 1938, I refer to the note from Mr. Godfrey. Even now we are thinking how best to minimise the difficulties of the taxpayer in this respect. Had their been sufficient number of branches of the Imperial Bank in every station, probably the matter would be easy of solution. But with our poor banking facilities in the province it is not possible to receive money in cheques.

I assure both the hon. mover as well as other hon. members of the House that our attention has already been drawn to these difficulties and the loss of time to the payers of these taxes engendered on account of their having to fill up triplicate *chalans* and also filling in other forms. Government will give its best consideration with a view to see how best to simplify the procedure consistent at the same time with the need for safety of public money. I hope that with this assurance my hon. friend Mr. Whittaker who has moved this motion will be pleased to withdraw his motion.

Mr. A. WHITTAKER: Sir, after having heard the Hon'ble Finance Minister, I hope he will record my regret in triplicate as he records my money in triplicate and speed up the methods which will result in a more business like procedure. I beg leave of the House to withdraw my motion.

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

Srijut KAMESWAR DAS: I beg to move, Sir, that the provision of Rs.1,42,261 under Grant No.7, Major head—12. —Charges on Account of Motor Vehicles Taxation Act, Minor head—C,—Compensation to Local Bodies, etc., at page 55 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.3,94,500 do stand reduced by Rs.100."

There are two objects underlying this cut motion. The first one is that the Provincial Government should not have taken for expenditure by themselves any part of the Motor Vehicles taxes realised, but should have distributed the whole amount to the Local Bodies. The second object is that they have reduced the compensation to the Local Bodies this year. Of course, I see that there is an explanation given in the memorandum at page 28 which says that it has been decided to distribute the surplus of receipts over compensation when the actuals are available, *i.e.*, a year after. I clearly understand why the Government want to decide to distribute the amount only when the actuals are available. But my objection is this, that by adopting this procedure they have practically reduced the contribution very materially and have stolen a year already. From 1941-42 if the decision is strictly adhered to, the Local Boards would not of course suffer. But in the year 1940-41 the Local Boards would suffer greatly. That is my second objection. The compensation payable to the Local Bodies for the loss of their income has been provided under this head with effect from 1937-38. The surplus of the receipts over compensation, etc, is to be partly distributed among the Local Bodies and partly devoted to the improvement of provincial roads.

I do not deny, Sir, that the Government are also entitled to a portion of the tax so realised under this head. But at the same time we find that the Provincial Government have so many sources of income at their command and previously the whole amount of this tax used to go to the Local Bodies. Now when the Government have taken the duty of collection, they should not have taken the option to appropriate a portion of this tax for their own purpose. The Local Boards have got to execute the most vital and important works for the public under their jurisdictions, they have got to deal with public health, sanitation, rural communications, primary education, etc. All these entitle the Local Boards to get the entire amount of this motor vehicles tax. It is with these two objects that I have moved this motion and I hope the House will accept it.

The Hon'ble the SPEAKER : Cut motion moved :

“That the provision of Rs.1,42,261 under Grant No. 7, Major head—12.—Charges on Account of Motor Vehicles Taxation Act, Minor head—C.—Compensation to Local Bodies, etc., at page 55 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.3,94,500 do stand reduced by Rs.100.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir. My learned friend has come with the charge again after two years. I find that in the Budget Session of the year 1938 my learned friend had given notice of a cut motion to raise the same point. But as a cut motion on the same subject was moved by my Hon'ble colleague Khan Sahib Maulavi Mudabbir Hussain Chaudhuri and discussed at length, my hon. friend did not move his motion. I think, to meet the charges I need only refer to what I said in that year. It is very curious to learn from my hon. friend that he comes now to charge Government for not giving the Local Boards what they would have otherwise got. Sir, the whole point is that payment to the Local Boards was regulated by an Act of the Legislature—the predecessor of this august Assembly. It was laid down in section 21(1) of that Act—Assam Act IX of 1936—that the proceeds of the tax shall be applied by the Local Government to the following objects only and in the following order:—“Firstly, the payment of expenses incurred on account of the imposition and collection of the tax. Secondly, the payment of contributions by way of compensation, to such local authorities as may, by reason of the passing of this Act, suffer a loss of revenue. The said

compensation shall be approximately the nett amount which each local authority derived from the taxation of motor vehicles in respect of the year ending on the 31st March, 1936, subject to revision after a period of five years. Thirdly, the surplus as to two-thirds for distribution to local bodies in such manner and proportion as the Local Government may decide, after consulting the Assam Communications Board, solely for the development and improvement of roads and as to the other one-third for the development and improvement of provincial roads maintained by the Local Government subject to review after a period of five years." Sir, since the passing of this Act, it was found that the Local Bodies collected only a sum of Rs.1,33,368 as taxes. Now, if my hon. friend will turn to that page which he just now referred to, he will find that the collections have risen by more than 100 per cent. The collections now amount to very nearly 4 lakhs, *i.e.*, Rs.3,94,000. Out of this, the compensation which was envisaged by that Act is being paid. A sum of Rs 1,42,261 will be found as being paid under that head. The surplus of over 2 lakhs is proposed to be distributed not on the two-thirds and one-third basis, as provided by the Act, but only 41 thousand goes for provincial roads and Trs.1.60 for Local Board roads. Although the Act has since been abrogated by the adaptation order, Government has stuck to the spirit in which the Act was passed and I am glad to say that the whole amount that was collected by the Local Bodies before the passing of the Act has been given to them. Therefore, I do not know how my hon. friend can charge the Government for not paying to the Local Bodies what is due to them.

Srijut KAMESWAR DAS : What about the second part, *i.e.*, distribution of the surplus ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already explained in the Budget Memorandum why it has been necessary to follow that procedure. Without knowing the actuals of a particular year it is difficult to distribute the surplus. Although for the current year there may be delay by about 10 months in receipt of this surplus money, from next year the Local Bodies will receive their share in proper time.

The Hon'ble the SPEAKER : The question is :

"That the provision of Rs.1,42,261 under Grant No. 7, Major head—12.—Charges on Account of Motor Vehicles Taxation Act, Minor head—C.—Compensation to Local Bodies, etc., at page 55 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.3,94,500 do stand reduced by Rs.100."

The motion was negatived.

Maulavi ABDUR RAHMAN : I beg to move, Sir, that the total provision of Rs.3,94,500 under Grant No. 7, Major head—12.—Charges on Account of Motor Vehicles Taxation Act, at page 55 of the Budget be reduced by Rs.10, *i.e.*, the amount of the whole grant of Rs.3,94,500 do stand reduced by Rs.10.

Sir, the object of my moving this cut motion is to raise a discussion to give Local Boards facilities to have control over the motor services. I may submit before the House that since the enactment of the Act to which the Hon'ble Premier just now referred, the Local Boards have lost their control over the motor services. It is not unknown to the hon. members of the House that motor services are mostly run over Local Board roads. In the interior most of the roads are maintained by the Local Boards, but as I said, these Local Boards have very little control over these services. Now, Sir, there may be occasions that certain portions of the

road should be closed for certain purpose but even in that case the Chairmen of the Local Boards are handicapped because they are not in a position to do so. Powers from the hands of the Chairmen of the Local Boards have been taken away by the enactment of the recent Acts. Previously we were accustomed to see that the Local Authorities had the full control over their roads which they maintained. Now my point is to urge upon the Government that they should see that the Local Authorities are given the full power over the roads which they themselves maintain. If they are not given such powers it is really lamentable that they should sit like so many pillars and even they will have no say over the bus service. Sir, we have seen that even if any *katcha* road becomes useless, the Chairmen of the Local Boards cannot close the road from traffic for a considerable time. If the Chairman has to do anything he has to refer to the Motor Association or to the Police Superintendent or to the Police Officer who is the authority of that particular area. With these few words, Sir, I urge upon the Government that they should see that the Local Authorities are not deprived of this small power which they formerly enjoyed. I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER :

Cut motion moved :—

“That the total provision of Rs. 3,94,500 under Grant No. 7, Major head.—12—Charges on Account of Motor Vehicles Taxation Act, at page 55 of the Budget be reduced by Rs.10, *i. e.*, the amount of the whole grant of Rs. 3,94,500 do stand reduced by Rs.10.”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

Mr. Speaker, Sir, I could not gather from the speech of the hon. mover what control or power he wants the Local Authorities to be clothed with. My hon. friend ought to know that section 102 of the Government of India Act, sub-section (2) says that whenever any law has been passed by the Federal Assembly and so long as the Federal Assembly is not constituted, by the present Central Assembly on a subject which is in the Concurrent List we cannot legislate repugnant to the Federal law. Mechanically propelled vehicles is item No.20 of Concurrent Legislative List. I have already mentioned in another connection that only last year, *i. e.*, 1939, the Central Assembly passed the Act 4 of 1939, the amended Indian Motor Vehicles Act and under that Act, all the power to regulate traffic and to issue permits for motor vehicles have been given to a new body which is to be created called Regional Transport Authority. In view of this Act, and provision of the law of the Federal Legislature, I do not see how the Local Government can be censured when they have no power to arrogate to them, far less, clothe the Local Board with power he advocates. In view of these legal difficulties I hope my hon. friend will see his way to withdraw his cut motion which has been moved to censure Government.

Maulavi ABDUR RAHMAN After hearing the Hon'ble Premier, I beg to withdraw the motion. (*laughter*)

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

The Hon'ble the SPEAKER :

The question is :

“That a sum not exceeding Rs.3,94,500 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 “12.—Charges on account of Motor Vehicles Taxation Act.”

The motion was adopted.

GRANT No. 1

(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 not exceeding Rs.30,000 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 "4.—Taxes on Income other than Corporation Tax".

The Hon'ble the SPEAKER: There is no cut motion on this demand. So, I shall put the question. The question is:

"That a sum not exceeding Rs.30,000 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 "4.—Taxes on Income other than Corporation Tax".

The motion was adopted.

GRANT No. 9

(Railways)

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.25 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 "Railways."

The Hon'ble the SPEAKER: Motion moved: "That a sum not exceeding Rs.25 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 "Railways".

I find that there are some cut motions. Maulavi Amjad Ali may move his cut motions.

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir. In deference to your wish that we should settle this matter in the party meeting, I do not like to move this motion.

The Hon'ble the SPEAKER: Thank you, I think the hon. member does not like to move all the motions that stand in his name.

Maulavi MUHAMMAD AMJAD ALI: No, Sir, I do not like to move motions Nos. 1* and 2† standing in my name.

The Hon'ble the SPEAKER: Motion No. 3 stands in the name of Srijut Krishna Nath Sarmah.

*1 That the provision of Rs. 25 under Grant No. 9, Major head—15A.—State Railways and 15D.—Miscellaneous Railway Expenditure, Minor head—15D.—Miscellaneous Railway Expenditure, at page 59 of the Budget, be reduced by Rs. 10, *i. e.*, the amount of the whole grant of Rs. 25 do stand reduced by Rs. 10.

(To bring to the notice of Government for pressing the Railway authorities to provide better waiting room accommodation to the 3rd and Inter-class passengers at Bongaigaon and also increase the duration of train stoppage at the said station.)

†2. That the provision of Rs. 25 under Grant No. 9, Major head—15A.—State Railways and 15D.—Miscellaneous Railway Expenditure, Minor head—15D.—Miscellaneous Railway Expenditure, at page 59 of the Budget, be reduced by Rs. 10, *i. e.*, the amount of the whole grant of Rs. 25 do stand reduced by Rs. 10.

(To raise a discussion on guaranteeing loss of a Railway and the resultant expenditure of Rs. 75,000 annually on that score.)

Srijut KRISHNA NATH SARMAH : I beg, Sir, to move that the provision of Rs. 25 under Grant No. 9, Major head—15A.—State Railways and 15D.—Miscellaneous Railway Expenditure, Minor head—15D.—Miscellaneous Railway Expenditure, at page 59 of the Budget, be reduced by Rs.2, *i. e.*, the amount of the whole grant of Rs.25 do stand reduced by Rs.2.

The object of this motion is to raise a discussion on the subject of closing passenger traffic of the Jorhat Provincial Railway from the 1st of April 1940.

Sir, this Railway has been in existence for about 50 or 60 years and now it has been proposed to stop the passenger traffic from the first of April, 1940. Sir, there has been a great resentment of the people and I have got a representation from the public headed by Khan Bahadur Maulavi Abul Fazal Ahmed and many others that this will cause much inconvenience to the passengers who have been enjoying this privilege for the last 50 or 60 years. So, I draw the attention of the Hon'ble Minister to see that this passenger traffic is being kept in-tact as it is now. With this object in view I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER : Cut motion moved :

“That the provision of Rs.25 under Grant No. 9, Major head—15A.—State Railways and 15D.—Miscellaneous Railway Expenditure, Minor head—15D.—Miscellaneous Railway Expenditure, at page 59 of the Budget, be reduced by Rs.2, *i. e.*, the amount of the whole grant of Rs.25 do stand reduced by Rs.2.”

Khan Bahadur Maulavi KERAMAT ALI : Mr. Speaker, Sir. I have just received a letter from Khan Bahadur Rahim Uddin Ahmed son-in-law of Khan Bahadur Maulavi Abul Fazal Ahmed, whose name has just now been mentioned by the previous speaker complaining that this line should not have been stopped in the way it is proposed to be withdrawn. Sir, this line has been in existence, as has already been said, for the last 50 or 60 years and if it is proposed to stop the line they should have given sufficient notice to the residents of the locality. Sir, Titabar is a place which is growing into a town and there are numerous important villages around the place and a large number of people use this train and therefore it will be a great difficulty for them if the line is stopped. What I want to suggest is that the people may be given at least one year's time and in the meantime one of the roads connecting the town from Titabar may be taken up for improvement. There are two roads—one is called No-ali and the other Garhali. In the last meeting of the Communications Board there was a proposal made by Mr. Hockenull for improving the No-ali road. If that proposal had been accepted, I would surely not have objected to this line being stopped. But before improving either of these two roads if the line is stopped, people would be put to great difficulty and trouble. Therefore, I, hope Government will move the authorities concerned so that the line continues until one of these two roads is improved.

Babu RABINDRA NATH ADITYA : On a point of information, Sir. In the course of this discussion on the Railway, I find that Rs.1,00,000 has been provided for contribution to the Tangla-Belsiri-Rangapara Railway. I think it had better be shown under this grant. Secondly, this item is shown as charged—I do not know why. And thirdly, action should have been taken by the Provincial Government to transfer this line to the Central Government with all its financial implication since the Railways are a Central subject with the necessary machinery for their control and guidance.

Mr. C. GOLDSMITH: Sir, I thank the hon. mover for bringing this up to the notice of the Hon'ble Minister-in-charge. This Jorhat Provincial Railway has two branches, one going to Mariani and the other to Titabar. They have got a fine metalled road, to Mariani but a very *kutch* road to Titabar, and the tea gardens may not be or need not be served by the railway. But there are many village people who use these roads, and they are handicapped because of the *kutch* road, the upkeep of which is bad. The railways serve them well, and if these people are deprived of this railway, then they will be under great hardship. They have not only to go to Titabar and other places, but there are three big *hats* and these villagers have to take goods by these railways which serve them well. If this railway is abolished, they will be at the mercy of the buses and we all know what happens if these buses are to take people to and from on market days. I also learn that goods traffic will continue and that only passenger traffic will be stopped. Therefore, it will not be of any hardship if this passenger traffic on this line to Titabar is continued, though not to Mariani. I hope the Hon'ble Minister will bring this up to the notice of the railway authorities.

Mr. BAIDYANATH MOOKERJEE: May I know, Sir, from the Hon'ble Minister whether any money has been provided for metalling the said road, by the Government?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, with regard to this Jorhat Provincial Railway, from the 1st of April 1937 it has become federal and all the arrangements in connection with that Railway are now done by the Railway Board. When in the year 1937, the Railway Board proposed to the Government of Assam that they wanted to discontinue the passenger traffic, the Government of Assam protested against it. A good deal of correspondence and negotiations followed and then the Railway Board proposed that, if the passenger service was to be continued, the Assam Government must pay a sum of Rs. 26,000 to recoup the loss they would incur by allowing passenger traffic. According to the calculation of the Railway Board, the earning from the coaching traffic has decreased from Rs. 82,000 in 1928 to Rs. 27,000 in 1936 and that in the first half of 1937 there has been a decrease of 22 per cent. as compared with the income of the corresponding period in previous year. This decrease they attribute to competition with motor traffic. Everywhere in different parts of India where there is competition between railways and the motor, for short distances the Railways suffer, and the Railway Board calculated that the decrease will further continue and that in the course of a few years the earning from the coaching traffic may be reduced to the amount of Rs. 10,000. Therefore they proposed that, if the Government of Assam insisted on continuing this passenger traffic, they must bear this loss, and this loss is calculated in this way. They said that the saving from closing of the passenger traffic in the railway would amount to Rs. 36,000, and that they anticipated the income of Rs. 10,000 if the passenger traffic continued and the difference between the two, that is Rs. 26,000, they demanded from the Assam Government as a subsidy for continuing the passenger traffic.

As regards the proposal made by Khan Bahadur Maulavi Keramat Ali, Government have such idea in their mind and they had placed a proposal before the Communications Board. But the Communications Board was of opinion that there was no need of paying any subsidy and that the roads were good enough for present purposes.

Mr. NABA KUMAR DUTTA: No.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That was the opinion of the hon. member himself. Anyhow the decision of the Communications Board was that no subsidy should be paid to the Railway Board. In view of this recommendation of the Communications Board and the financial position of the province, Government declined to pay the subsidy and so the passenger traffic was closed.

My hon. friend Mr. Aditya's point refers to another railway, *viz.*, Tangla-Belsiri-Balipara Railway. As regards that railway, Sir, a resolution was passed in the Assam Council in 1928 authorising Government to compensate the Tangla-Belsiri-Balipara Railway to the extent of Rs. 1,75,000 annually for the loss they would suffer, in view of the fact that the northern bank was an undeveloped area and Government wanted to open a railway in that part of the country. In that agreement it has been further provided that, if the profit goes beyond 5 per cent. the balance will be paid to the Government of Assam to recoup the amount that has been paid out of this guarantee. This is an obligatory amount and therefore it has been included in the charged item.

Babu RABINDRA NATH ADITYA: Will the Government take steps to transfer it to the Central Government? If the Government moves, the Central Government may take it up.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The Railway Authorities agreed to build the railway in that part of the country knowing that there will be loss. So long as the loss continues, the Assam Government is bound to pay.

Khan Bahadur Maulavi KERAMAT ALI: Does the Hon'ble Minister say that there are *pucca* roads?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I never said, Sir, that it is a *pucca* road. I said that the opinion of the Communications Board was that the condition of the roads there was such that no subsidy should be given to the Railway Board for continuing passenger traffic in the Jorhat Provincial Railway.

Khan Bahadur Maulavi KERAMAT ALI: Neither of these roads are good.

The Hon'ble the SPEAKER: What does the hon. mover mean to do?

Srijut KRISHNA NATH SARMAH: I am not satisfied, Sir. I want to press my motion.

The Hon'ble the SPEAKER: The question is:

"That the provision of Rs.25 under Grant No. 9, Major head—15A.—State Railways and 15D.—Miscellaneous Railway Expenditure, Minor head—15D.—Miscellaneous Railway Expenditure, at page 59 of the Budget, be reduced by Rs. 2, *i.e.*, the amount of the whole Grant of Rs. 25 do stand reduced by Rs.2."

The motion was negatived.

The Hon'ble the SPEAKER: The question now is that a sum not exceeding Rs. 25 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 "Railways".

The motion was adopted.

The Hon'ble the SPEAKER: The time is reached and I shall put the remaining motions before the House.

GRANT No. 8

(13.—Other Taxes and Duties)

The Hon'ble the SPEAKER: The question is :

“That a sum not exceeding Rs. 4,000 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 13.—Other Taxes and Duties”.

The motion was adopted.

GRANT No. 15

(30.—Ports and Pilotage)

The Hon'ble the SPEAKER: The question is :

“That a sum not exceeding Rs.2,000 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 30.—Ports and Pilotage”.

The motion was adopted.

GRANT No. 17

(37.—Education—European)

The Hon'ble the SPEAKER: The question is :

“That a sum not exceeding Rs. 75,800 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 37.—Education (European)”.

Babu RABINDRA NATH ADITYA: May I rise to a point of order, Sir ? The Hon'ble Minister has not asked for grant of this amount at all. Unless the supply is demanded from the House, how can there be the scope for the guillotine ?

The Hon'ble the SPEAKER: I would refer the hon. member to Governor's Rules in this connection. When the time-limit is reached it is not necessary that the Minister should move. The question will be put from the Chair. This is what is called guillotine.

The motion was adopted.

GRANT No. 27

(Tools and Plant and Establishment charges of the Public Works Department)

The Hon'ble the SPEAKER: The question is :

“That a sum not exceeding Rs.8,12,400 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 Public Works Department (Establishment and Tools and Plant)”.

The motion was adopted.

GRANT No. 29

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

The Hon'ble the SPEAKER: The question is:

“That a sum not exceeding Rs.17,25,800 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 55.—Superannuation Allowances and Pensions including payment of commuted value of pensions”.

The motion was adopted.

GRANT No. 30

(56.—Stationery and Printing)

The Hon'ble the SPEAKER: The question is :

That a sum.....

Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, I am going to rise to a point of order. From the beginning of the Assembly Session I have seen that we have not been able to discuss cut motions, especially, on Stationery and Printing. From 1937 up till now.....

The Hon'ble the SPEAKER: How does this point of order arise ?

Maulavi JAHANUDDIN AHMED: I find that time is too short that has been allotted for so many different grants. I specially request you to allot more time on this grant.

The Hon'ble the SPEAKER: This is not a point of order at all. This is a special request for granting more time. That can be done afterwards.

The Hon'ble the SPEAKER: The question is:

“That a sum not exceeding Rs.3,24,400 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 56.—Stationery and Printing”.

The motion was adopted.

GRANT No. 28

(54-A.—Famine Relief)

The Hon'ble the SPEAKER: The question is:

“That a sum not exceeding Rs.50,000 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 54-A.—Famine Relief”.

The motion was adopted.

GRANT No. 16

(36.—Scientific Departments)

The Hon'ble the SPEAKER: The question is:

“That a sum not exceeding Rs.10,700 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 36.—Scientific Departments”.

The motion was adopted.

The Hon'ble the SPEAKER: I have told hon. members several times that this time table was prepared in consultation with the leaders of the parties, and having regard to the number of days that was allotted by His

Excellency the Governor, no more time could be allotted to this grant. In order to accommodate all the grants within the time allotted, a short period of time was allotted to this grant. That may not be sufficient for discussion of cut motions. In future we shall take this into consideration. Next year, hon. members may rest assured, I shall try my best to get more time for this grant.

Maulavi JAHANUDDIN AHMED: What I meant was that there were so many grants to be disposed of within the time. It will do if fifteen or twenty minutes' time can be given under each demand.

The Hon'ble the SPEAKER: The hon. member knows that from the very beginning of this Assembly, I have been telling hon. members that time as allotted for Demands for grants has been always very short, and, therefore, it would be necessary to request His Excellency the Governor to allot more than seven days for demands for grants. If really a thorough discussion is necessary, more time is necessary. If the hon. member wants that more time should be allotted, the Hon'ble the Premier may urge upon His Excellency the desirability of fixing more days for demands for grants.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I may make the position clear. What my friend is referring to is that lumping of 10 grants within half an hour is inconvenient to hon. members for moving cut motions. If these were separated, he would have been able to move his motion.

The Hon'ble the SPEAKER: To allot half an hour is too much.

GRANT No. 5

(10.—Forests)

The Hon'ble Srijut RUPNATH BRAHMA: On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.9,26,200 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 "10.—Forests".

The Hon'ble the SPEAKER: Motion moved:

"That a sum not exceeding Rs. 9,26,200 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 10.—Forests".

Maulavi ABDUR RAHMAN: Sir, I beg to move.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Does that motion * arise, Sir ?

The Hon'ble the SPEAKER: That is discussion about the relation between the Government and a foreign state. That does not arise.

Mr. NABA KUMAR DUTTA: Mr. Speaker, Sir, I beg to move that the provision of Rs.1,42,425 under Grant No.5, Major head—10.—Forests, Minor head—A.—Conservancy and Works, Sub-head—VII.—Communications and Buildings (total), at page 50 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.9,26,200 do stand reduced by Rs.101.

*That the provision of Rs.3,50,450 under Grant No.5, Major head—10.—Forests, Minor head—A.—Conservancy and Works (total), at page 50 of the Budget, be reduced by Rs.200, *i.e.*, the amount of the whole grant of Rs.9,26,200 do stand reduced by Rs.200.

(To discuss about the relation between our Government with that of the Tip, erah State where there is common boundary as regards general administration of both the Governments.)

Sir, I have brought this cut motion to get remedies for a grave injustice that has been perpetuated by exaction of tolls from the public for the use of a very old public thoroughfare, the Namsik road. Sir, this road which runs from Jaipur to Namsik in the district of Lakhimpur is a very old road which was originally constructed at the instance of some Native Prince and was used by the public from time immemorial. The Digboi Oil Company improved a portion of this road as they were contemplating to remove some of their machineries to Namsik where they wanted to establish a factory, and ultimately in April 1935 they got a lease from the Government for that portion of the road. Since then, the authorities of this Company have exercised their so-called proprietary right over that portion of the public road and occasionally obstruct public traffic and realise fees for lorries. The other portion of the road which is in dispute passes through forest reserve blocks.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: On a point of information. Is this road not in the Excluded Area, *i.e.*, in the Lakhimpur Frontier Tract?

Mr. NABA KUMAR DUTTA: No, Sir, so far my information goes a portion of it only falls in the Excluded Area. The other portion of the road which is in dispute runs through forest reserve blocks right up to a tea estate of Budlabata Tea Company known as Pengree Tea Estate. Sir, the authorities of this garden have obstructed the public by putting up a gate just at the boundary of the forest reserve land and realising exorbitant charges from all vehicular traffic. The charges are as high as Rs. 2 for each trip of lorry, annas 8 for a car which was Rs. 2 formerly, and the bullock carts have got to pay annas 2 for each trip. Now, Sir, a small tea garden owned by an Indian tea planter, known as Khatangpani Tea Estate, lies opposite to the Pengree Tea Estate and the former garden had always been enjoying the free use of this road. But now this garden has to pay charges like others and great hardship has been imposed on the proprietor of this garden. All pleadings and pledgings by the proprietor of Khatangpani Tea Estate as well as by the raiyats of several villages proved abortive. A petition signed by the inhabitants of several villages, submitted to the Deputy Commissioner of Lakhimpur on the 21st May 1938, brought no relief. Sir, it is a pity that Government should shut their eyes to such a problem for which they deserve censure.

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

The Hon'ble the SPEAKER: Cut motion moved:

“That the provision of Rs. 1,42,425 under Grant No.5, Major head—10.—Forests, Minor head—A.—Conservancy and Works, Sub-head—VII.—Communications and Buildings (total), at page 50 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.9,26,200 do stand reduced by Rs.101.”

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I listened with great interest to the claims and clamours made by some hon. members of this House, who were asking for cakes, toffees, sweets and many other things, over and above *dal bhat* which is indispensably necessary for living. But we in Garo Hills claim only for *dal bhat* and nothing else. This motion touches our Garo Hills communication also.

Mr. NABA KUMAR DUTTA: I am afraid the road under discussion does not touch Garo Hills at all.

The Hon'ble the SPEAKER: Tho hon. member has to confine himself to the discussion of matters relating to this particular road, which is the object of this cut motion. Other roads cannot come in.

Mr. JOBANG D. MARAK: Another particular road in the Garo Hills.....

The Hon'ble the SPEAKER: I cannot allow the hon. member to speak anything on any other road. He can draw the attention of Government to that particular road in some other way.

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I may tell the hon. mover that no such road by the name of Namsik appears Pangriali road, then I can say that only the right of realising toll has been given to the Company but not the right to any land.

Mr. NABA KUMAR DUTTA: This road has been named by the Pengree Tea Estate as Pangriali road.

The Hon'ble Srijut RUPNATH BRAHMA: Sir, formerly we had to keep one guard there for the purpose of realising toll, but now after handing over this right to the Company we need not keep any guard there. Therefore, Sir, Government is not going to lose in any way.

Mr. NABA KUMAR DUTTA: May I know whether these charges are levied by Government or by the Tea Estate?

The Hon'ble Srijut RUPNATH BRAHMA: Anyhow this road passes through the Excluded Area.

Mr. NABA KUMAR DUTTA: The whole length of it?

The Hon'ble Srijut RUPNATH BRAHMA: I have got information that the entire length of the road passes through the Excluded Area, and so this subject is dealt with in the Governor's Secretariat.

The Hon'ble the SPEAKER: Does the Hon'ble Minister mean to say that the entire length of the road passes through Excluded Area?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, Sir.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: May I inform the House, Sir, that I had occasion to deal with this particular question as Minister-in-charge of Forests. A petition was filed before me about this very grievance which has been brought before the House to-day by my hon. friend Mr. Dutta. In the course of dealing with that file it came to my knowledge that this road passed through Excluded Area, and subsequently the file was taken over by the Governor's Secretariat. So, it could not be dealt with by the Government at all.

The Hon'ble the SPEAKER: This fact ought to have been brought to my notice before. The hon. mover said that only a portion of the road passed through Excluded Area, but now it appears that the entire road lies in the Excluded Area. However, I will not put this question to vote.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, I beg to move that the provision of Rs.1,200 under Grant No.5, Major head—10.—Forests, Minor head—A.—Conservancy and Works, Sub-head—I.—Timber and other produce removed from the Forests by Government agency, Detailed head—(a).—Timber, at page 50 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.9,26,200 do stand reduced by Rs.100.

Sir, my object in moving this cut motion is to discuss the general policy of the Forest Department. From the time in this Assembly, we have been agitating for the grievances of the public with respect to the administration of this Department. I think, Sir, all sections of the House will agree with me that the public feeling is very sore on account of the harassment caused by the Forest Department to the public, and for that purpose we also suggested that the rules may be amended so that the Forest Officers did not get a large handle to deal with the public in any way they liked, and particularly the difficulties of the people who are living near the reserved forests

may be removed. I remember that I specially drew the attention of the Hon'ble Minister for Forests, whose portfolio remains unchanged to the difficulties of some people near the Patharia Reserved Forest. Sir, several cases were started there as the result of a misunderstanding that was going on between the public and the Forest employees. When the Department takes recourse to litigation, it is extremely difficult for the public to extricate themselves from the cases because the Forest laws, peculiarly enough, throw all the onus of proof on the accused. Even then in some of the cases the accused were able to get acquittal orders, and all these things were also reported to the Department concerned, but I am sorry to tell the House that in spite of all this, the harassment is still continuing there. Unless the inhabitants of all villages living within a radius of say 5 miles from the limits of reserved forest be allowed a certain latitude in extracting their timber and other necessary forest produce for their own use their troubles will have no end and on the slightest and flimsiest ground the Forest Officers will harass these people if they are not able to keep them in good humour at a prohibitive cost, as is well known to the hon. members of the House. So some relaxation of the rules with regard to the people living near the forest reserves must be made.

Secondly, with regard to *jhum* cultivation, there are some tribal people of the hills who have been hard hit by the prohibitory order on this kind of cultivation to which method alone they are used. I quite see that forest lands should not be allowed to be utilised in a reckless manner; still some areas may be made available for the purpose of *jhum* cultivation by these people who are not accustomed to any other method of cultivation. So, something must be done for these tribal people to encourage them to carry on their hereditary occupation of *jhum* cultivation.

I also referred to the Government on a previous occasion the question of permit fees for fuel and other forest produce. The rate of permit fees for fuel and for other forest produce was increased a few years back, and it should be reduced on account of the economic depression prevailing in the province.

The troubles of the people living in forest villages is also a matter of great concern, particularly the grievances of the forest villagers in the Longai Forest Reserve was the subject-matter of my discussion with the Department, and I had to exchange correspondence with the Department—with the Forest officer of Sylhet, and also with the higher authorities at Shillong—about their conditions. I think, the conditions under which these people are allowed to live in forest villages should be regulated by more humane laws and they should not be allowed to be solely dependent on the whims and caprices of the Forest Officers concerned, on incurring whose displeasure they are made to vacate their houses and leave the forest precincts, lock, stock and barrel.

Then, opening up of the forest reserves. That is also one of the items of our public agitation for some time past. It has been found that there are many reserves which have no timber of any value at all, and if they be opened for settlement by the public it will be beneficial to the public and will also add to the income of the Forest Department. I think only the other day the Hon'ble Mr. Brahma, and subsequently the present Hon'ble Minister for Agriculture, visited a Forest Reserve in the Karimganj Subdivision. I think by a visit to these places they were convinced that a great part of the forest land has been lying waste and is not being utilised by the Forest Department for any useful purpose. If these lands are transferred to the Revenue authorities for settlement with the public, it

benefits both the public and the Government. So I think a proper action should at once be made with a view to setting at rest the agitation that is going on, otherwise people are hanging their hopes on the sky for years together not knowing the final decision of the Government in the matter. I hope the Government will soon arrive at a final decision in this matter.

The Hon'ble the SPEAKER : Cut motion moved :

"That the provision of Rs.1,200 under grant No.5, Major head—10.—Forests. Minor head—A.—Conservancy and Works, Sub-head—I.—Timber and other produce removed from the Forests, by Government Agency, Detailed head—(a)—Timber, at page 50 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant by Rs. 9,26,200 do stand reduced by Rs.100."

Srijut GAURI KANTA TALUKDAR : Mr. Speaker, Sir, in connection with the discussion regarding general administration of the Forest Department I wish to make a few observations.

In an inland province like Assam, Sir, we must depend upon its natural resources, like the Forests and the Mines, for our national wealth. Therefore it is the primary duty of our Government to improve the forests to expand them, and also to add to its wealth by introducing cultivation of valuable trees not found in the province but which can be grown with success. Unfortunately we are not aware of our Government taking any well-planned and big step in this direction. They have not yet introduced in Assam the cultivation of the much-needed Cinchona for which we are all making incessant demands. Valuable trees like teak, *simolu*, pine, etc., observations, not in a spirit of fault-finding, but with the object of urging upon the Government to divert their immediate attention in this direction and developing the forest wealth of the province.

With these few words, I resume my seat.

Srijut SARVESWAR BARUA : Mr. Speaker Sir, I rise to support the motion. As another motion stands in my name, I think, I shall discuss that matter under this motion.

Sir, those that have been to the riverain areas after a high flood would have experienced great difficulty in finding dugouts and boats in those areas for carrying on relief work. The number of dugouts and boats has been dwindling on account of the stringent restrictions imposed on the extraction of timber for making dugouts and boats. These restrictions have been responsible for the dearth in dugouts and boats in those areas. Only third class timber, timber which does not last even for a year are allowed to be extracted from the forest by the poor raiyats for making their dugouts. Timbers such as *ajar*, *poma*, *uriam* and many other valuable timbers are not allowed to be extracted for the purpose. Therefore, people do not make dugouts and boats for their use as it is not worth even the labour spent on it.

There have been representations in this behalf from the raiyats of those flood-affected areas but to no effect. Once in the old Council days an assurance was given that that in the riverain areas these restrictions will be relaxed and people would be allowed to extract fit timber from the forest for making boats and dugouts for the use of the settlement holders there. But this was not given effect to in our parts of the province; and in my subdivision and even in the Majuli the people did not get any benefit from it. After the high floods of 1937-38 this matter was again brought to the notice of the then Government and the then Hon'ble Minister-in-charge, the Hon'ble Srijut Rohini Kumar Chaudhuri issued orders to certain Deputy Commissioners for allowing the villagers to take dugouts of reserve timber. But there also in the hands of some of the Deputy Commissioners

the order was almost nullified and as such while in some parts the benefit was reaped by the people and in other parts they could not have any advantage out of this order. As for instance, while in the Majuli in Sibsagar district such timber was freely allowed to each family for making dugouts, in my subdivision it was not done. In the riverain areas of my subdivision which suffered equally if not more than the people of Majuli, this order did not bring any benefit. The matter was then brought to the notice of the Government and the then Hon'ble Minister Srijut Rupnath Brahma kept it in his hands pending for months and months together without the concession being available to the people. Now, Sir, as he is now in charge of the portfolio again, I draw his attention again to this matter and I think, at least in fairness to the people of other parts of the province where floods come, this concession should be extended as it was extended in the time of the Hon'ble Srijut Rohini Kumar Chaudhuri to the Majuli subdivision.

With these words, I support the motion.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: I rise to draw the pointed attention of the Government to some of the existing defects of the present forest laws. Sir, the amendment of the forest laws is a pressing need of the rural people who live in constant dread of floods. We are inundated with complaints from different villages regarding the harassment of the forest officers. People are put to undue hardship on account of the defects in the present Forest Regulations. Sir, I do not like to expose the names of the Forest Officers lest they should be put to trouble. Sir, my appeal to the Government is that the Forest Rules and Regulations stand in need of immediate revision and amendments, so as to make them free from all reasonable objections. Sir, we are so glad to know that the Hon'ble Minister-in-charge of Forests is going to bring forward a Bill to make some amendments to the existing forest laws. The Government will earn the blessings of the whole rural Assam if they come forward with a Bill as quickly as possible to save the people from great hardship.

Mr. JOBANG D. MARAK: Sir, in the mandatory order of March, 1908 of the Central Government we find that (I am not quoting the entire order but I am giving only a summary of it), "areas and number of Forest Reserves were not to be increased but to reduce and relinquish such waste lands and to open up for the cultivation of the raiyats". But Assam Government so far I find is working contrary-wise. In 1938 in one session I have made a mention to the fact that there are some areas within forest reserves in Garo Hills where no valuable timber is contained. And I prayed to the Hon'ble Minister to come and look in to the matter. But up till now nothing has been done. Another fact is that there are in the villages of Rongjeng, Darugiri and Dambo and many other villages people who are making their cultivation in their areas with long grass only and they are compelled to remain as *raiya*ts within the Forest Department. They are anxious to become ordinary *raiya*ts of the Government and I request to the Hon'ble Minister-in-charge to see to this point as well.

Another point is that the Forest Department repeatedly makes attempt and also encroaches on the lands of Nokmas and this fact also has been pointed out to the Hon'ble Minister-in-charge in 1938. I again pray and press this point and I hope the Hon'ble Minister-in-charge will see to this also. This motion of course is not one for censuring Government or reprimanding them and I hope the Hon'ble Minister will take care of it and as this is only for discussion, I hope the hon. mover after discussion will withdraw it.

Srijut KAMESWAR DAS : In this connection I want to draw the attention of the Government to one other aspect of the Department namely its financial aspect, as a revenue yielding Department. I admit that the Finance Department is an important Department. So far as the financial yield of the Department is concerned, it is next to revenue, excise and taxes on income other than corporation tax. It gives the Provincial Government a big amount as revenue. But if we analyse the income and expenditure from year to year at least for a few years past, we realise that Government is not giving to the Department as much attention as is necessary to realise from it as much revenue as is possible. Taking the figures from the Memorandum, at page 23 we see that the total income of the Department in the year 1936-37 was Rs.16,85,000 and the total expenditure was Rs.11,73,000, leaving a surplus income of Rs.5,12,000. In 1937-38 the total income was Rs.17,51,000 and the expenditure was Rs.11,72,000 leaving a surplus revenue of Rs.5,79,000. The expenditure in these two years were nearly the same. Yet we see there was an improvement and a surplus revenue to the extent of about Rs.67,000. Next year however that is in 1938-39 the income was Rs.16,69,000 and the expenditure Rs.11,61,000 leaving a surplus of only Rs.5,08,000. Comparing the expenditure of 1937-38 with that of 1938-39 we find that the expenditure was Rs.11,000 less, whereas in the surplus revenue, however, we find that there was a heavy fall of about Rs.71,000 in the year. Taking the revised figures of 1939-40 the income is shown as Rs.17 lakhs and the expenditure as Rs.11,79,000 leaving a surplus of Rs.5,21,000. As we compare the figures of 1938-39 and 1939-40, we see that there is a rise of about Rs.18,000 in expenditure, but there is no rise in the surplus revenue to even the same extent. The surplus revenue during the period has increased only by Rs.13,000 when the expenditure increased by Rs.18,000. So I urge upon the Government that they should pursue a policy in the future by which the surplus revenue may be increased and the expenditure by which the Government may be curtailed. Comparing the figures for 1940-41 we see that a surplus revenue of Rs.5,79,000 is anticipated. The expenditure is however estimated at Rs.12,21,000, *i.e.*, by about Rs.40,000 more. We do not see how the expenditure of the Department should go up by Rs.40,000 over the expenditure of the current year. Sir, if the appointment of the Second Conservator is the reason for it, we at the same time expected that there should be a corresponding increase in the surplus revenue also. Again I should like to draw the attention of the Government that the expenditure in the Department is correspondingly very high compared to the total revenue of the Department. In no other revenue yielding Departments the percentages of expenses are so high. The expenditure in this Department in any particular year is always in the neighbourhood of 66 per cent., *i.e.*, 2/3rd of the total income of the Department. So, Sir, I urge upon the Government that they should try to see that the expenditure in the Department is reduced to a reasonable degree of percentage.

The prices of timber are said to have gone up and the purchasing capacity of the consumers is also said to be brightening. Under all these circumstances, when the expenses are so high, the Government should not lose sight of the view that the income should have been much higher than what it is shown to be. With these observations I support the motion.

Mr. F. W. BLENNERHASSETT : Mr. Speaker, Sir, as there is a motion standing in my name concerning the administration of the Forest Department, perhaps I may be permitted here to say what I would have said had there been time for my motion to come up. Before proceeding I

desire to assure the House that what I have to say has behind it an earnest desire to help : to suggest ways, whereby the finances of the Province may be enhanced. (*Hear, hear.*)

We, from these Benches, have steadily advocated the desirability of greater publicity—more advertising if you like—in the Forest Department. There has recently been an improvement in this direction and the Report on the Working of the Forest Department for the year 1938-39 is an excellent publication on which I would like to congratulate the Officer responsible. It is clear that in its preparation, a very successful attempt has been made to avoid the usual dried up statement of fact ; and the introduction of a rather more intimate style should make it a much more interesting and welcome publication, thus bringing it a wider circle of readers. It is still however an official publication and as such, because of its very appearance alone, may scare away some who might read a pamphlet having a kinder face. However, that is a suggestion as to a particular method of spreading knowledge. Giving wider publicity to the commercial side of the Forest Department and wider popularity to it is what we feel is needed.

There is only one Forest Products Utilization Officer to form a link between the produce of the Forests and its users, and what is more, the “needers” of the produce.

There is such a thing as spoiling the ship for a ha’porth of tar, and we think that the appointment of not more than one Utilization Officer is a case in point. The magnitude of the task before him might easily appal him, and in fact, render him largely ineffective for inability to decide where on earth to start.

The war has caused the price of steel and iron to rise to such extents as to make their use for building purposes almost impossible. The prices of medicines too have risen and we suggest the field of pharmacology as a profitable subject of research to the Department. In fact the war has opened up another excellent opportunity for the profitable exploitation of the resources of this Province, and we hope the Government will not be slow to take advantage of the occasion by doing all in their power to bring about closer contact between the Forest Department and those who desire to buy, and use the products and fruits of the earth which this Department should have to offer.

Mr. JOBANG D. MARAK : Mr. Speaker, Sir. On a point of information.

The Hon’ble the SPEAKER : The hon. member has spoken.

Mr. JOBANG D. MARAK : Sir, I only want to know whether the Government know that the people in some places are still rendering 10 days’ labour for *san bon*, etc., which had been reduced to 5 days.

The Hon’ble Srijut RUPNATH BRAHMA : This matter has not come to my notice. I only hear it from Mr. Marak. The matter will be enquired if any representation is received.

The Hon’ble the SPEAKER : The hon. members know that we are to close at 4 p.m., and we have got only 8 minutes more and the Hon’ble Minister has got to reply to many points that have been raised.

The Hon’ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I am obliged to the various hon. members who have given the benefit of their personal experience and valuable suggestions for the consideration of the Government. I have got seven minutes only to reply to all I have digested the points that have been raised. Sir, some hon. members have spoken on this cut motion and have drawn our attention to

the stringent nature of our Forest Regulations and they want a modification. As hon. members have already been told by one hon. speaker probably Dewan Md. Ahabab Chaudhuri that Government has already drafted a Bill to amend our Forest Regulations and as soon as it is put into legal shape, it will be introduced before the House. Therefore, we are moving already in the direction suggested by our critics. The hon. mover of this motion has complained that the rate of permit has been increased and it should be reduced. Sir, on behalf of the Ministry I can only assure him that the question will be scrutinised. The question of forest villagers' right has been raised. In the first place, unless the existing villages are converted into timber reserves, these forest villagers can have no legitimate ground for complain because in order to utilise the concession that the Forest Department give, these villagers come and like to settle in forest villages. Then Sir, as we know, the number of days of forest labour has been reduced from 10 to 5. If there be any evasion of the new orders in any forest area, that will surely draw the attention of the Government and necessary remedial measures will be undertaken forthwith.

The second question that has been raised by the hon. mover is that there are forest reserves which contain no timber of any value and these should be thrown open to the public for the purpose of cultivation and thereby the province will gain. Sir, we are also moving in the same directions whenever it has been brought to our notice that an area is not really wanted by the Forest Department and that a reserve does not contain any valuable timber. Sir, I am very glad to hear from the lips of my hon. friend Mr. Talukdar that he advises us to develop our forest wealth. We are at one with him in as much as regeneration work is now going on for development of our forest wealth. It is not our fault but it is the fault of nature, if the *sal* tree take 80 years to mature before we can get any return from our present regeneration work. So, if the benefits of our regeneration and replantation work cannot be utilised by the present generation, perhaps our grand children will get benefit therefrom. The same hon. member advises us to introduce new plants like Cinchona. Again Sir, I meet the same difficulty that although we give every information, my hon. friends will not heed to that. I have already mentioned that Cinchona plantation on a small area of three acres has been successfully grown near about Nongpoh and Government is trying to extend the area wherever suitable lands are available. Srijut Sarveswar Barua of North Lakhimpur said that there are many areas which often suffer from flood, and there is great paucity of boats. I am glad however that he has given some credit to my previous Ministry when my Hon'ble friend Srijut Rohini Kumar Chaudhuri held charge of the Forest Department. He said that the matter was brought to his notice and he passed the orders that the people of the place visited by flood should be given sufficient timber to convert into boats. I am also glad to hear that at least in one forest area people derived benefit. If there was any evasion of Government orders by the Forest Officers of Lakhimpur, I am sorry to hear that. I hope he had brought this matter to the notice of his own party Government but it appears from the record that no orders were issued by them and thereby hangs a tale. I find, Sir, that it was pointed out that the area concerned will require at least 15,000 trees to be converted into boats and the cost or loss to Government for these 15,000 trees would be in the neighbourhood of three lakhs of rupees. It was therefore dropped by the previous Ministry. I will, however consider the request of my hon. friend from North Lakhimpur. I have practically touched all the points. Now my attention has been drawn by Mr. Marak from the Garo Hills to the Government of India Orders of 1908. Sir, the

question of forest reserves denude of forest wealth will be taken into consideration when we scrutinise this branch. I am sorry to hear that he thinks that the Forest Department are encroaching upon the land of Nok-mas. I can assure him that the matter will be gone into by my Hon'ble friend the Minister-in-charge. My hon. friend Srijut Kameswar Das who being a Mathematician of repute have worked out various statistics. He has given us a wealth of statistics called from the Budget Memorandum. But I would request him to study the figures as well as the graph—which he would surely value much—from page 18 of the Quinquennial Review of the Forest Administration in Assam for the years 1934-35 to 1938-39 and the Progress Report of the year 1938-39. I say we are watching with eagle's eyes that the expenditure of the Department does not grow, while at the same time receipt swell, so that the net profits of the province from Forests, do show an appreciable increase.

Lastly, Sir, I am obliged to my hon. friend from the Planting Group when he says that there ought to be better publicity of the Forest Department's activities. He said, Sir, that we have only one officer who is doing the work of a Liaison Officer between the consumer and the producer, *viz.*, the Forest Utilisation Officer. I will consult with the Conservator of Forests whether, for the more profitable exploitation of the resources of our forests any further addition in the form of another Utilisation Officer is needed. I can speak personally, Sir, that Mr. Dev, our Forest Utilisation Officer, is doing his level best to bring the produce of Assam to the notice of the consuming public outside the province and also the Military Authorities who have got a great demand for timbers of all classes, at the present moment.

Sir, as we have already been taking action on the lines suggested by my hon. friends, I hope they will see their way not to press this motion.

Babu RABINDRA NATH ADITYA: Sir, in view of the statement made by the Hon'ble Minister, I beg 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.9,25,200 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 10.—Forests”.

The motion was adopted.

Adjournment

The Assembly was then adjourned till 11 a.m., on Monday, the 11th March 1940.

Shillong,

The 26th April 1940. }

A. K. BARUA,

Secretary to the Legislative Assembly, Assam.

