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Assam Legislative Assembly Debates

OFFICIAL REPORT

ELEVENTH SESSION OF THE FIRST ASSAM
LEGISLATIVE ASSEMBLY, 1942

NOVEMBER SESSION

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Proceedings of the Eleventh 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 11-45 a.m. on **Thursday, the 12th November, 1942.**

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair; the seven Hon'ble Ministers and thirty-two members

Panel of Chairmen

The Hon'ble the SPEAKER: I now announce the names of the hon. members who will constitute a Panel of Chairmen for the November session of the Assam Legislative Assembly, 1942:—

1. Maulavi Abdul Bari Chaudhury,
2. Mr. D. B. H. Moore,
3. Srijut Santosh Kumar Barua,
4. Srijut Binode Kumar J. Sarwan.

Statement regarding slit trenches

The Hon'ble the SPEAKER: The hon. members have already been informed of the arrangements that have been made by the Assam Legislative Assembly Department for their protection during an air raid, when a sitting of the Assembly would be on. The trench number of each of the hon. members has been supplied to him, and I hope the hon. members will give their due attention to the instructions.

Mr. A. WHITTAKER: Mr. Speaker, Sir, in this connection may I suggest that the time of the sitting of this House should be altered on the ground that there is a far greater danger of air raids in Shillong and other towns in Assam.*

The Hon'ble the SPEAKER: The hon. member knows that we have got a definite rule prescribing the time of sitting of this House, but if all the hon. members agree that the time of sitting should be changed then I shall have no objection. I should like to know the opinion of the hon. members.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, on behalf of the Government I may say that we have no objection to sit in the morning and evening. But let us hope that during the few days' sitting of this session there will be no air attack and we will not have to take shelter.

Babu KAMINI KUMAR SEN: It is a pious hope!

*Deleted in compliance with the resolution of the hon. dated 26th November 1942.

Srijut ROHINI KUMAR CHAUDHURI: Sir, what about a rehearsal? Let us have some sort of experiment to see how we behave ourselves. I think the Hon'ble Prime Minister can arrange that.

The Hon'ble the SPEAKER: We shall see to that afterwards.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Declaration of Congress Committees as unlawful associations

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked:

- *1. Will Government be pleased to state—
- (a) Whether they have declared any Congress Committees as unlawful associations in the Surma Valley?
 - (b) If so, what are the names of those committees?
 - (c) Whether they have taken any steps to stop the unlawful activities of those committees?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

1. (a)—Yes.
- (b)—The Cachar District Congress Committee and the Sylhet District Congress Committee, and their Committees, Sub-Committees and Branches.
- (c)—Yes.

Scheme for the storage of foodstuffs, etc., and control of their prices

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked:

*2. (a) Will Government be pleased to state whether they have drawn up any scheme to store food and clothes for the people of the province to meet emergencies?

(b) If so, will Government be pleased to lay the scheme on the table of each hon. member and state what amount they have provided for the purpose?

*3. (a) Are Government aware that the prices of foodstuffs are rising daily in the district of Sylhet?

(b) If so, will Government be pleased to state what steps they have taken to control the prices?

(c) Are Government aware that the merchants in the district Sylhet are frustrating in a concerted manner the attempts of Government in matters of price control and are making enormous profits?

(d) If so, what steps, if any, have been taken by Government to stop such profiteering?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

2.(a)—For foodstuffs. It is not considered necessary to store cloth, as the Government is waiting to see the reception accorded to standard cloth by the public.

(b)—The purchase of 300,000 maunds of salt over the amounts required for the current consumption for storage has been ordered.

An agreement has been come to with Steel Brothers for the purchase of rice, paddy and mustard oil which will result in some storage of those commodities.

Any other foodstuffs that can be brought in amounts greater than current requirements will also be stored ; at present there are no such foodstuffs.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :
What about sugar, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
Sir, if I am to explain the position about sugar, it would be in the nature of a statement.

The Hon'ble the SPEAKER : Very well, the Hon'ble Premier may make the statement.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
Sir, the hon. members are aware that the Government of India, in order to have an equitable distribution of sugar in India, have appointed a Sugar Controller, and that that Controller in view of our past consumption, allotted two lakhs of maunds of sugar to be imported into Assam up till the end of this month. The Sugar Controller not only allocated the quantity of sugar that we were allowed to import, but also allotted a particular sugar factory in Bihar from which we were to get our share. Unfortunately during the disturbances which occurred after the declaration of the All-India Congress Committee, illegal, that sugar factory has been burnt down by some miscreants. Therefore the source from which we were to get our sugar is no longer in a position to supply us. The Chief Controller of Prices and Director of Food supplies was sent to Delhi to arrange for another factory in consultation with the Sugar Controller of the Government of India. After some long drawn consultation a new factory has now been arranged, and we hope to get a sufficient supply of sugar in the near future.

Mr. JOBANG D. MARAK : Mr. Speaker, Sir, will the Hon'ble Premier please inform me whether it was not reported that in the Garo Hills there was a shortage of rice, where rice was selling at two seers per rupee and sugar was not available at all ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
That is entirely a new question, Sir.

Mr. JOBANG D. MARAK : Sir, I only want the information as to whether a report was received to that effect.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :
Sir, I will take it as reported, but that is the position not only in the Garo Hills but also in other parts of the province and even in Shillong, where the people were without sugar for two days and 49 bags which were stored for the use of hospital patients had to be issued for the general public.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY :
Sir, is it a fact that a considerable amount of paddy from Sylhet was sent to foreign districts ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, to the great discredit of our own people, I may say, that in spite of the restriction placed upon the export of paddy by Deputy Commissioners some of our people have surreptitiously exported paddy in country boats from Sylhet. We have tried our best to restrict the export of paddy by steamer and railway services, but we are unable to control the country boats on account of the many channels which run into Bengal.

Mr. F. W. BLENNERHASSETT: Will the Hon'ble Minister let us know what approximate quantity of sugar has been ordered now?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The last I asked for was 10,000 bags. That again to our discredit had to be bought from the black-market in Calcutta. Now our allotted share has been ordered from a new factory, but I cannot say what will be the consignment in November, but I think, it will be in the neighbourhood of 10,000 bags.

Mr. F. W. BLENNERHASSETT: Has any total purchase been made, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, it is already under issue, but I have not received any intimation as to what quantity our agents, Messrs. Shaw Wallace & Company of Calcutta have been able to ship. But I have received a report two days ago from the new Controller of Prices that some consignments are on their way. Recently, I had been to Sylhet and the Deputy Commissioner told me that he had already received the railway receipt for a consignment of sugar.

Babu KAMINI KUMAR SEN: May I know, Sir, what will be the mode of distribution in this Province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government is doing all that is possible in its power. They are distributing it through some accredited shopkeepers. They issue licenses to certain accredited shopkeepers who agree to sell it at a controlled price.

Babu KAMINI KUMAR SEN: As the circumstances are such that even the Assam Government has been compelled to purchase it in the black-market, will not Government take step to see that the distribution is not made in the black-market?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The suggestion will be considered, Sir. The public of Sylhet recently brought this fact to my notice and I am considering whether some Government depots can be started where sugar and kerosene can be sold to the public.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand that the Government are to be the sole importer of these commodities?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, the traders are also asked to bring sugar if they can get from outside the Province.

Babu KAMINI KUMAR SEN: Can a private dealer do it without a license from Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They can buy from outside and not from the Assam Government quota.

Srijut ROHINI KUMAR CHAUDHURI: I understand that they cannot buy without some sort of license from the Price Controller. In view of the great scarcity of sugar and of the fact that even Government has not been able to get sufficient supply, will the Government be liberal in allowing permission to the private enterprises to bring it from outside?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The position is this. If the private traders in the Province want to import sugar within the quota that has been given for Assam, then they will be required to obtain permission from the Government of Assam for that quantity. If they bring it from Calcutta on their own arrangement they need not have any permit.

This Government is allotted a quantity of 4,000 tons which is approximately 120,000 maunds, but for the fact that the factory from which we had to buy the sugar was burnt by some miscreants we cannot get our normal share. Before the factory was burnt we imported as much as 28,000 maunds of sugar from that factory.

Mr. A. WHITTAKER: If the private traders are allowed to bring from Calcutta does it not mean that there can be no effective control of prices since the prices of black-market will be higher than those of the Government imported sugar? Therefore the whole object of price control will be defeated.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The price of sugar in the black-market is far higher than the price under the controlled markets. Yet if any traders take the risk of buying at high rates they can do so when the continuous flow of Government supply is stopped.

Mr. A. WHITTAKER: If somebody wants to sell at the cost price?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Government will welcome that.

Mr. F. W. BLENNERHASSETT: If the Government bought sugar from the black-market they must have paid a very high price for it. Are the Government sure of a constant supply now at a reasonable rate?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Well, Sir, that is why, I took the risk of getting black-market sugar rather than to make the province entirely devoid of sugar. Only 10,000 bags were asked at a time when sugar from the allotted factory was not available at all, but we have now a legitimate source to supply us.

Srijut ROHINI KUMAR CHAUDHURI: Will Government take the entire responsibility for the adequate supply of sugar to the province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Well, Sir, we may have up to the quantity of quota that has been allotted to us by the Government of India Sugar Controller.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

3. (a)—Yes, as in all parts of India.

(b)—Government are trying to get supplies and sell them to the public at reasonable rates. In the case of some commodities for the sake of even distribution at fixed prices a system of permits or registration has been introduced. Without supplies it is impossible to control prices.

(c)—Government have no knowledge of any concerted action on the part of the merchants or of profits they are making.

(d)—Where prices have been fixed specific cases of profiteering brought to the notice of the local authorities are duly enquired into and suitable action taken under the Defence of India Rules.

Srijut ROHINI KUMAR CHAUDHURI: Who controls the permits, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Deputy Commissioners.

Babu KAMINI KUMAR SEN: Do Government deny that the directions with regard to price control are more observed in breaches than in observance ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already stated that there are cases where price control has failed.

Mr. A. WHITTAKER: In view of the great interest created in the question of supply and as it affects also every hon. member of this House and the public at large, may I request the Hon'ble Premier to consider the desirability of making a statement on the supply position at a convenient time during this session of the Assembly ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I may tell my hon. friend who has raised this question that before the session was started this morning, I intimated to the Hon'ble Speaker that I would require one day towards the end of the session to lay before the House the question of supply and what arrangements we have made to distribute them in the province along with other information of a public interest.

Mr. A. WHITTAKER: Thank you, Sir.

Abnormal rise in the price of commodities

Maulavi ABDUR RAHMAN asked :

*4. Will Government be pleased to state—

- (a) What steps, if any, they have taken to counteract the abnormal rise in the price of commodities in the province ?
- (b) What steps were taken for the supply of commodities to various places in the province ?
- (c) Whether they propose to set up a price control agency for the province ?
- (d) Whether they are aware that the agency, if any, hitherto employed failed in its duty ?

*5. (a) Is it a fact that Messrs. Steel Brothers have been given the contract for the supply of foodstuffs for the province of Assam ?

- (b) Was any tender called for it from the native of the province ?
- (c) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

4. (a) & (b)—There has been a heavy rise in the prices of all foodstuffs in India. Government are trying to get supplies and sell them to the public at reasonable rates. Messrs. Shaw Wallace & Company of Calcutta have been appointed Government agents for the purpose and orders have been placed with them as monthly suppliers.

These supplies are sent to Deputy Commissioners and Subdivisional Officers in the Surma Valley and to Messrs. Steel Brothers in the Assam Valley for distribution to various places.

(c)—There are already District and Subdivisional Price Control Committees.

(d)—No.

Maulavi ABDUR RAHMAN: With regard to (c), Sir, may I know from the Hon'ble Premier on what principle this price control agency was formed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The principle is a usual administrative principle, Sir. The district heads sometimes takes some opinion and sometimes take advice from some important suppliers of the district or traders of the district and then fix and control the price.

Maulavi ABDUR RAHMAN: Will the Hon'ble Premier say whether all the principal traders and leading persons in the subdivisions of Sylhet were consulted in fixing the prices of the commodities ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I cannot answer off-hand. But I have no reason to suppose that the Deputy Commissioners in fixing prices as regards the different commodities have not consulted the traders in question.

Maulavi ABDUR RAHMAN: Will the Hon'ble Premier make an enquiry about this, Sir, whether the leading persons and traders were consulted ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I thought that my hon. friend was meaning leading persons by leading traders.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

5. (a)—Messrs. Steel Brothers have been appointed Contractors for the distribution of foodstuffs in the Assam Valley.

(b)—No.

(c)—There is no firm in the Province with sufficient experience and staff to undertake the work.

Maulavi ABDUR RAHMAN: Will the Hon'ble Premier say what experience Messrs. Steel Brothers have got at their credit ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, all I can say is that Messrs. Steel Brothers have got a world wide organisation and have big business in rice and paddy in Burma. The Burma Government utilised the services of this firm to supply both the Military and also the civil population while Burma was the centre of war. The Government of Ceylon have also given this firm the monopoly for supplying certain articles, I am told. Sir, what I have heard from Messrs. Steel Brothers and probably it is a fact that the control of sale and purchase and distribution of wheat in Palestine was given to this firm. Recently, I am told, the Bengal Government have utilised the services of this firm for the distribution of salt in Bengal areas.

Srijut ROHINI KUMAR CHAUDHURI: May I know how long the present arrangement with Messrs. Steel Brothers will continue ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The present arrangement is up to the 15th December, Sir.

Maulavi ABDUL AZIZ: What are the articles included in the term "foodstuffs", Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: At present we are importing from outside the province sugar, salt, *dal*, flour and *ata*. Rice, paddy and mustard oil are being supplied by this firm.

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, why similar arrangements have not been made for the Surma Valley districts ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The representatives of this House in the Economic Advisory Board, when this matter came to be discussed, said that for the present they don't require the help of Messrs. Steel Brothers in the Surma Valley. Therefore, we have not extended the operation there. Messrs. Steel Brothers have been saddled with the task of buying in the Assam Valley or anywhere else where they can get mustard oil and send it to Sylhet district.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand, Sir, that after the constitution was released from suspension, the representatives of this House conferred and recommended to the Government that the present arrangement which has been made with Messrs. Steel Brothers should be made ?

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

Srijut ROHINI KUMAR CHAUDHURI: May I know, Sir, who are the representatives of this House in the Economic Advisory Board ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Members of the Legislature in the Economic Advisory Board which was constituted before the Ministry came into existence constituted of myself, Mr. Kedarmal Brahmin, Khan Bahadur Maulavi Keramat Ali, Mr. Baidyanath Mookerjee and Mr. Whittaker of this House. Then we have also Rai Bahadur Rameswar Saharia of the Upper House.

Central Text Book Committee

Mr. BAIDYANATH MOOKERJEE asked :

*6. (a) Will Government be pleased to state whether the gentlemen who examined some books for the Central Text Book Committee in the year 1939, have been paid the promised remuneration on completion of the work ?

(b) If not, why not ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

6. (a)—No.

(b)—The matter is still under the consideration of Government.

Mr. BAIDYANATH MOOKERJEE: Sir, may I know the approximate time when the matter will be completed ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, the delay had occurred in the office of the Director of Public Instruction, which is much regretted. The Government is asking an explanation from the Director of Public Instruction. Rupees 13,895 was realised as fees. The Director of Public Instruction was under the impression that he could retain Rs.1,405 that was to be paid to the author and remit the balance to the treasury. This has been objected to by the Finance Department and now the Director of Public Instruction has been directed to remit the whole amount to the treasury and to pay the author by drawing that amount and debiting it to the relevant budget head. So, the matter will be disposed of as soon as possible, now.

Area under Jute cultivation

Mr. BAIDYANATH MOOKERJEE asked :

*7. Will Government be pleased to state the area under jute cultivation in the Province for the years 1940, 1941 and 1942 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

7.—The area under jute cultivation in the Province is 356,200 acres, 304,400 acres and 270,500 acres for the years 1940, 1941 and 1942 respectively.

Maulavi ABDUR RAHMAN: May I know whether the Government appointed one special officer for the purpose of jute control in the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, I am not aware of it. I require notice.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Damage of crops in Goalpara District by flood

Maulana ABDUL HAMID KHAN asked :

1. (a) Are Government aware that owing to high flood, the standing jute, rice and other crops have been totally damaged in Goalpara district, particularly in Dhubri South Bank ?

(b) Do Government propose to issue orders for the immediate distribution of seeds of paddy and Rabi crops in the flood affected areas, especially in Dhubri South Bank ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

1. (a)—Government are aware that there was some damage to the standing crops.

(b)—On the recommendation of the local officers a sum of Rs.2,500 has been allotted for the double purpose of gratuitous relief and free distribution of rabi crop seeds.

Land acquired by Government for war purposes

Maulana ABDUL HAMID KHAN asked :

2. Will Government be pleased to state the area of land acquired by Government for War purposes (figures to be shown district by district) and the compensation paid per *biga* to Zeminders and tenants in Dhubri sub-division ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

2.—This Government has acquired no land for War purposes. Information is not available as to the acquisitions carried out under the Defence of India Rules by the Deputy Commissioners as Agents of the Central Government.

Assent to the Goalpara Tenancy (Amendment) Bill, 1939

Maulana ABDUL HAMID KHAN asked :

3. (a) Will Government be pleased to state whether assent has since been received from proper quarters to the Goalpara Tenancy (Amendment) Bill, 1939, which has been passed by both Houses of Legislature ?

(b) If not, when the assent is likely to be expected ?

(c) Are Government aware that due to non-enactment of the Bill, the tenants are undergoing much suffering ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

3. (a)—No.

(b)—The Bill is under the consideration of His Excellency the Governor under section 75 of the Constitution Act. Government understand that he proposes to take action under the proviso to that section.

(c)—No. Government have, however, received representations concerning enacting the Bill.

Rise in prices of clothes and foodstuffs

Maulana ABDUL HAMID KHAN asked :

4. (a) Are Government aware that owing to abnormal situation created by the War, the price of clothes have gone up in the province to the extent of 200 per cent. and in some places even more than that ?

(b) Do Government propose to take steps to arrange for the supply of clothes at moderate price in suitable centres in the province wherefrom people can get supply direct through Government agency ?

5. (a) Are Government aware that supply of foodstuffs are not available in all parts of the province and even in places where it is available dealers charge exorbitant price in defiance of what is fixed by Government and that people are undergoing much hardships ?

(b) Do Government propose to open stores in suitable places wherefrom people can get the supply direct through Government agency ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

4. (a)—There has been a heavy rise in the prices of cloth in India.

(b)—Yes. Government have ordered standard cloth ; some of which will arrive shortly. Government also purchased cloth from Calcutta for distribution to districts for sale.

5. (a)—Government are aware that there is a scarcity of some foodstuffs in some parts of the province although staple foods are available in all parts. There have been cases of profiteering in some places ; it appears however that prices fixed by District Officers are generally kept to. Owing to the general rise of prices in India there is bound to be some hardship.

(b)—No. Steps are being taken by the Deputy Commissioners to control the prices of food bought through Government.

Control of prices of Foodstuffs and other commodities in Goalpara District

Maulana ABDUL HAMID KHAN asked :

6. Will Government be pleased to state how the price of foodstuffs and other commodities are controlled in Goalpara District ?

7. (a) Are Government aware that traders in the interior of Goalpara district demand price of commodities much higher than that fixed by Government and in case of refusal on the part of buyers to pay higher price, the traders refuse to sell these articles ?

(b) If so, what steps have Government taken to put a stop to this practice ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

6.—In the Dhubri Subdivision of the Goalpara district the price of foodstuffs is fixed by the Deputy Commissioner in consultation with the importing merchants with the advice of consumers after inspection of relevant papers, and in the Goalpara Subdivision on the recommendation of the Subdivisional Officer who furnishes his list following the same procedure adopted at Dhubri.

7. (a)—Government have no information of any evasion of the fixed prices.

(b)—As no consumer or buyer has filed any complaint no prosecution could be launched. Thana Officers have already been instructed to submit report of any complaint made to them. But it appears no such complaint has up-to-date been made.

Appointments in the Deputy Commissioner's Office, Goalpara

Maulana ABDUL HAMID KHAN asked :

8. Will Government be pleased to state—

(a) The total number of appointments made during the last two years in the Office of the Deputy Commissioner, Goalpara ?

(b) How many of them are from Hindus and how many from Muslims ?

(c) Of the Muslims, how many are Assamese and how many are immigrants ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied :

8. (a)—Ten.

(b)—Four from Hindus and six from Muslims.

(c)—Four are from Assamese Muslims and two from Immigrant Muslims.

Condolence Motions

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, before you take up the other items in the agenda, I will seek your permission to propose certain condolence motions, for since we last met we have lost one of the hon. members of this House in the person of Srijut Rajani Kanta Barua. This gentleman who hailed from Dibrugarh and was a member of the Opposition had endeared himself by the sweetness of his nature, simplicity of his habits and the sincerity of his convictions. This Assembly is poorer by his loss.

Next, Sir, I have got to mourn the sudden death of Rai Bahadur Nilambar Dutt who for many years was a member of the old Council, the predecessor of this august House.

I have also to mention in the same connection that the zaminders of Goalpara and the province of Assam have lost a sincere friend in the person of late Raja Prabhat Chandra Barua of Gauripur. He was a member of the old Legislative Council of Assam in the years 1912-16.

Sir, the district of Sylhet has lost one of its illustrious sons in the person of late Rai Bahadur Sukamay Chaudhury, C.I.E., who, as is well-known, served the province of Assam in the capacity of Honorary Magistrate for over 30 years and did much more work than even the paid magistrates. His son is a member of the Upper House and his nephews have distinguished themselves in the political life of the province. One of his nephews is a member in this House.

Sir, in this connection I cannot but refer to a very unfortunate and unexpected death of His Royal Highness the late Duke of Kent, the brother of His august Majesty, the King Emperor. His death was due to his devotion to duty and we should all follow him as example in the performance and discharge of duty.

I propose that the House do adopt a condolence resolution and send our sense of sorrow to the members of the bereaved families.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, on behalf of my party I whole-heartedly associate with what has been said by the Hon'ble Prime Minister. I knew personally all these gentlemen excepting His Highness the Duke of Kent. I knew all the gentlemen personally and from my personal experience I endorse every word that has been uttered by the Hon'ble Prime Minister.

Mr. A. WHITTAKER: I should like to associate the members of this Group to this motion, Sir.

The Hon'ble the SPEAKER: I also associate myself fully with what has been said by the Hon'ble Prime Minister, Srijut Rohini Kumar Chaudhuri and Mr. Whittaker touching on the death of Srijut Rajani Kanta Barua, Rai Bahadur Nilambar Dutt, Raja Prabhat Chandra Barua, Rai Bahadur Sukamay Chaudhury, C.I.E., and His Highness the Duke of Kent. Each one of these notable personalities was a distinguished figure in his own sphere and the gentlemen belonging to this province whose deaths we are mourning were undoubtedly prominent figures in the public life of the province. I do not like to make lengthy observation on the life's work of each of these distinguished personalities; but I would however like to say that by the death of His Highness the Duke of Kent the British Empire and the Royal Family of England have undoubtedly sustained a great loss. His death was indeed a tragic and painful event. I endorse every word that the Hon'ble Prime Minister has said about him.

Then coming to speak about the late Srijut Rajani Kanta Barua I express my deep sense of sorrow on his premature death, by which this House has really lost a valuable member, who by his genial manners endeared himself to all. He was really a sincere patriot and a devoted worker in the cause of the country. I express my sincere condolences to all the bereaved families and I shall take steps to convey to them the condolences expressed by this House.

Governor's message communicating allotment of days for the presentation of Budget, general discussion of Budget, voting on Demands for grants, etc.

The Hon'ble the SPEAKER: I would now announce the message from His Excellency the Governor regarding allotment of days during the present session for—

- (1) Presentation of the Budget ;
- (2) General discussion of the Budget ;
- (3) Voting on Demands for Grants ;
- (4) Discussion, if any, of estimates of expenditure charged upon the revenues of the Province, other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of section 78 of the Act ;
- (5) Presentation of the Schedule of authorised expenditure.

“For the purpose of sub-section (1) of section 78, section 79 and sub-section (2) of section 80 of the Government of India Act, 1935, and in pursuance of Rules 13, 15(1), 16(1) and 19 of the Assam Legislative Assembly (Governor's) Rules, I, Andrew Gourelay Clow hereby appoint the following days for the presentation to the Legislative Assembly of the statement of Estimated Receipts and Expenditure of the Province for the year 1942-43 and for the subsequent stages in respect thereof in the Legislative Assembly during its November Session, 1942, namely:—

- | | |
|-------------------------------|--|
| Thursday, the 12th November,— | Presentation of the Budget for the year 1942-43 in the Legislative Assembly. |
| Friday, the 13th November,— | 1. General discussion in the Legislative Assembly. |
| Saturday, the 14th November,— | 2. Discussion, if any, of estimates of expenditure charged upon the revenues of the province, other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of section 78 of the Government of India Act. |
| Thursday, the 19th November,— | } Voting on Demands for grants in the Legislative Assembly. |
| Friday, the 20th November,— | |
| Saturday, the 21st November,— | |
| Monday, the 23rd November,— | |
| Saturday, the 28th November,— | |

This order shall be subject to my revision, if necessary, from time to time.

Shillong, the 8th November
1942.

A. G. Clow,
Governor.”

**Allotment of days for private members' business by the
Hon'ble Speaker**

The Hon'ble the SPEAKER: In pursuance of rule 17 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Prime Minister the following days for Private Members' business during the present session of the Assam Legislative Assembly:—

- Tuesday, the 17th November 1942,— 1. Private Members' Bills.
2. Private Members' motions and resolutions.
- Friday, the 27th November 1942.— 1. Private Members' motions and resolutions.

Private members' motions and resolutions will also be taken up on Saturday, the 28th November 1942, if time permits, after disposal of Government business:—

This order shall be subject to revision, if necessary, from time to time.

Statement *re* course of Government business

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: With your permission, Sir, I desire to make a statement about the course of Government business during this Session.

2. The Government business which is to be taken up to-day is already shown in the day's agenda, a copy of which has been placed on each member's table. I need not detail it again. If the motion for taking into consideration of the Assam Land and Revenue Regulation (Amendment) Bill, 1941, is accepted to-day, we propose that this Bill be considered clause by clause on the 24th and 26th November 1942, and then to move that the Bill be passed.

3. On those days, (*i. e.*, on the 24th and 26th November, 1942) we also propose to take up the following Government business:—

- (1) Motion regarding extension of the period of the Agricultural Marketing Scheme for the year 1942-43.
- (2) Discussion on the point or points referred for reconsideration and voting on amendments recommended by His Excellency on the (a) The Goalpara Tenancy (Amendment) Bill, 1939, (b) the Sylhet Tenancy (Amendment) Bill, 1939, and (c) the Assam Money-Lenders' (Amendment) Bill, 1937.
- (3) Introduction of the Assam Debt Conciliation (Amendment) Bill, 1942, and then to move for its reference to a Select Committee.
- (4) Motion regarding approval of a scheme of transport organisation in the province.

4. We also propose to take up any unfinished or unforeseen Government business on the 28th November 1942 after the disposal of Government business allotted for that day.

Committee on Petitions relating to Bills

The Hon'ble the SPEAKER: Under rule 112 (1) of the Assembly Rules, I nominate the following members to constitute a Committee on Petitions relating to Bills for the current Session of the Assembly:—

1. Maulavi Abdur Rahman,
2. Mr. R. A. Palmer,
3. Raja Ajit Narayan Deb, and
4. Mr. Binode Kumar J. Sarwan.

Under the rules, the Deputy Speaker will be the Chairman of the Committee.

House Committee

Under rule 126 of the Assembly Rules, I nominate the following members to constitute a House Committee for the current Session of the Assembly:—

1. Srijut Jogendra Narayan Mandal,
2. Babu Akshay Kumar Das,
3. Khan Bahadur Hazi Abdul Majid Chaudhuri,
4. Mr. C. W. Morley,
5. Rev. L. Gatphoh, and
6. Khan Bahadur Maulavi Mahmud Ali.

Presentation of the Budget for 1942-43 and Budget Speech of the Hon'ble Finance Minister

The Hon'ble the SPEAKER: The Finance Minister will now present the budget.

The Hon'ble Maulavi ABDUL MATIN CHOUDHURY:
Mr. Speaker, Sir,

I rise to present to the Assembly the Budget estimates of the Government of Assam for the year 1942-43. Along with this is also presented the account of the actuals of 1941-42 and statements of receipts and expenditure from 1st April 1942 to 24th August 1942 and estimates of receipts and expenditure from 25th August 1942 to 31st March 1943. Hon'ble members will notice that there has thus been a departure in the form of presenting budget estimates, usual in past years. The suspension of the constitution operating during a part of the financial year has caused this bifurcation of estimates, one part covering the period of the section 93 Administration and the rest from the time the Ministry assumed office. As audit can only be conducted against appropriations for the whole year, the Secretary of State has decided that the Ministry should lay before the Legislature the financial statement covering the whole period of the financial year. In the revised budget for 1942-43, has been shown the expenditure incurred upto 24th August 1942, and probable expenditure for the remainder of the year. The Ministry has no responsibility in respect of the period up to the date of revocation of the Governor's proclamation and the House will be asked to assent under section 79(2) of the Government of India Act to demands for grants in respect of voted expenditure for the period of the financial year subsequent to the

revocation of the Governor's proclamation, with a view to authentication under section 80(1)(a) of this portion of the grants only. This will necessitate a change in the form in which demands should be presented, and with your consent, Sir, we propose to adopt the altered form, when demands for grants are moved. I may point out that we are following the precedent of the Orissa Legislature in this matter.

For the convenience of the hon. members of this House and in accordance with the suggestion made by you, Sir, in discussion with the Finance Secretary, I wish to add a few remarks elaborating in more detail the outline. I gave in the opening paragraph of my speech of the procedure we have adopted in printing this year's budget and the procedure we propose to adopt in presenting demands for grants. Hon. members will observe that these columns are devoted to the expenditure for 1942-43, the first shows the estimate for the year, the second the actuals up to 24th August 1942 and the third the estimate for the period from 25th August to the end of the year. The Assembly are asked to vote not the demand for the whole year, but only the residual portion remaining after the expenditure from 1st April to 24th August, the period of the section 93 Administration, has been met. Considering that accounts are maintained by the month and not by the day, and that account adjustments are often carried out later and annual adjustments between Governments usually only at the end of the year, it is impossible to give precise figures of the expenditure incurred up to 24th August. The figures shown in the budget represent the actuals of the first four months and $\frac{24}{31}$ of the actuals for August and it is impossible to get any nearer to the correct amounts. The second and third columns, therefore, are only estimates for the convenience of hon. members and they will be asked to assent not to the specific figures given in the third column, but to the unexpended portion of the original grant because of the impossibility of guaranteeing the accuracy of the figures given for expenditure incurred up to 24th August. It is proposed, therefore, in moving demands for grants, to follow the formula devised in Orissa when a Ministry came into being after a period of administration under section 93: the form is as follows:—

“That the Assembly do assent to a demand which will come in the course of payment during the period from the 25th August, 1942, to the 31st March, 1943 of such sum as, together with the expenditure already incurred from 1st April, 1942, to 24th August, 1942, will amount to (amount of the..... revised estimate), in respect of the head..... The expenditure incurred from 1st April 1942 to 24th August 1942 is believed to be about Rs..... This appropriation has the recommendation of the Governor”.

Not only in the procedure for the presentation of the budget, but in many other respects abnormality is the characteristic feature of the conditions in which we are living to-day, and is reflected in the budget itself as well. We are virtually in the war zone and the normal life of the population is thereby affected in a variety of ways. War which loomed distant has now come close to our doors. Streams of refugees from Burma pouring down into our province in tattered conditions through inhospitable hills and climes *via* Tamu, Palel and Imphal during the early parts of the year were tangible indications to the people of this province that war was approaching our borders and vividly brought home to the direct experience of the people the horrors and devastations caused by the war. It was an unprecedented situation for the Government to face, but thanks to non-official co-operation, particularly the commendable enterprise and public spirit shown by the Tea Industry and the Assam Oil Company

which placed their immense resources in men and materials unstintedly at the service of the refugees and grappled with the evacuee problem under most baffling conditions, this humanitarian task was accomplished with as much measure of success as the circumstances permitted. Buses and lorries had to be rushed to the evacuation route at Manipur and this immediate and urgent requisition denuded the road traffic routes of motor transport vehicles. The bewildered peoples of Assam were rudely awakened to the realisation of the imminent menace of war by this abrupt dislocation of the means of transport to which they were accustomed. Prices of some of the necessities of life continued to soar high throughout the year and the supply of certain of the commodities has not been adequate, owing to circumstances over which the Government has no control. The insane action of the saboteurs, in interrupting communications in other provinces, had its repercussion on the problem of supply in this province also. Though the Government is making every effort for ensuring adequate food supply and for stabilising prices, to which I shall refer in a later part of my speech, rising prices are still the order of the day.

Intensification of constructional activities in connection with Military services has no doubt provided employment to a large body of labourers, to which technical recruitment for the Military has also contributed its quota, but these touch only a fringe of the population of the province. Fixed salary earners and the mass of the population are hard hit by the general rise in prices. In the political sphere, the intimidation, hooliganism, sabotage and incendiarism inspired as a direct result of the decision of the All-India Congress Committee to start Civil Disobedience Movement added to the difficulties of the administration. It is satisfactory to note that Government servants almost to a man have met the situation with exemplary restraint and borne the burden of their onerous duties without complaint, failure or yielding to any unfair pressure. The Police in particular has risen to this most difficult task with resolution and courage with several conspicuous acts of devotion to duty to their credit. Tension and anxieties incidental to these conditions have been further aggravated by the constantly hovering menace of enemy air raids. Measures which in the beginning were not taken very seriously by the public, have now become grim realities of life and existence. With the passage of every aeroplane over the horizon the sky is scanned by anxious eyes to discover whether it comes as a harbinger of safety in the form of a British or American plane or as a hostile aircraft foreboding death and destruction. Recently I had occasion to visit a certain part of the province where active preparations are being made for the defence of the country and it was a revelation to me to find how a peaceful country-side has been transformed into a beehive of military activities. This transformation symbolises the change that has come over the province and has had its effect on the budget. If the hon'ble members do not find in the budget a long list of new schemes to which they have been accustomed in the past years to look forward to as evidence of the progressive tendencies of Government, they must realise that we are passing through abnormal times, that measures for the protection of life and property of the civilian population and insurance against shortage of food supply are the problems which demand the urgent attention of the Government at the present juncture and to the solution of these problems arising out of war conditions the Government is bending their energy and taxing their resources to the utmost extent. The outstanding feature of the present budget has therefore been a large increase in Civil

Defence expenditure and the huge amount involved in commercial transactions, which the Government have embarked upon to ensure an adequate food supply for the civilian population and as a corollary arrangement for transport.

Actuals, 1941-42

Having given a general picture of conditions in the province, I now turn to budget figures. Following the traditional practice, I shall deal with the actuals of 1941-42. The figures about actuals of 1941-42 are given in pages 9 and 10 of the Budget Memorandum from which hon'ble members will find that our total receipts under Revenue Capital and Debt heads amounted to Trs. 9,09,51 with a total expenditure of Trs. 9,00,84. Under Revenue heads only a deficit of Trs. 11,89 was anticipated in the budget estimate for 1941-42. Further curtailment of expenditure after the resignation of the Ministry brought down the deficit to Trs. 11,32 but the actual deficit at the close of the year came down to Trs. 2,52. Increased receipts from Income-tax and Forest and less expenditure on Civil Works, besides other variations, details of which are given in the Budget Memorandum are mainly responsible for this improvement. The opening balance, which stood at Trs. 71,10 at the beginning of the year rose to Trs. 79,77 at its close.

Budget Estimates (Revised), 1942-43

I now come to the Revised Budget Estimate for 1942-43. As stated before, the year started with an opening balance of Trs. 79,77. The revenue receipts are estimated at Trs. 3,33,73 which with Capital receipts of Trs. 6,36,37 makes a total of Trs. 9,70,10. The total expenditure Revenue and Capital is estimated at Trs. 9,96,82 comprising revenue expenditure of Trs. 3,67,18 and capital expenditure of Trs. 6,29,64. This leaves a depleted closing balance of Trs. 53,05.

A deficit of Trs. 33,45 is anticipated on Revenue Account but a large portion of this deficit is more apparent than real. As I mentioned briefly in my introductory remarks, in order to ensure food supply in the province and secure stabilisation in prices, Government has involved itself in big commercial transactions in the matter of purchase and sale of foodstuff, both indigenous and imported, and in transport organisation. In the case of articles imported from Calcutta a time lag of about six weeks is envisaged between the time when the goods are paid for in advance and the time when the money is recovered from sale proceeds in Assam. The amount that is likely to remain outstanding at the end of the current financial year, but which will be recoverable in the next is estimated at Trs. 26,23. These operations are of a capital nature but have been shown because of an audit ruling, under Revenue head 57.—Miscellaneous. If they had been accounted for under Advances recoverable, the Debt and Deposit head involved would not have necessitated a grant from the Legislature. The form at present adopted gives an opportunity to hon'ble members to discuss an important matter of policy, which should be placed before them. Taking this fact into account the real deficit amounts to Trs. 7,22. The budget estimate for 1942-43 as compared with the actuals for 1941-42 shows under Customs on the receipt side a decrease of Trs. 2,89 due to restriction in the cultivation of jute and drop in the export. The provincial share of the proceeds of the Central Income-tax is estimated at Trs. 16,74 against last year's actual of Trs. 14,78. Our share of the Income-tax receipts in 1938-39 was only Trs. 3,00 and the

present increase is mainly due to war conditions and is unlikely to outlast the war. The Agricultural Income-tax is expected to bring Trs. 27,00 as against Trs. 27,12 realised last year. Refund however is estimated at 6 lakhs. Land revenue yielded Trs. 1,21,01 last year while the budget estimate for the current year is Trs. 1,41,34. To avail themselves of the remission granted, it is expected that the cultivators will make earlier payments and Trs. 12,25 are estimated to come forth from this source. The balance of the increase of Trs. 20,33 is estimated to be made up of Trs. 1,00 expected from new lands taken up for cultivation, Trs. 4,00 on account of suspensions due to the flood of 1941 collected this year, Trs. 50 being arrear royalty from coal mines which should have been paid in 1941-42 and Trs. 2,50 due to new royalty rates on oil introduced from the 1st January, 1942. Extension of total prohibition of the consumption of opium to the partially excluded area and the fall in the consumption of country liquor owing to increase in price account for the reduction of Trs. 2,03 in the estimated Excise receipts compared to the last year. Forest receipts which were about Trs. 17,00 in 1938-39 leaped up to Trs. 32,95, last year. The budget estimate for this year is Trs. 28,10. This is due to the fact that the Conservator does not anticipate such large war orders as were received in 1941-42, nor does he expect that certain special orders will be repeated in the current year. The increase in the budget estimate of this year, under the head Other Taxes and Duties, to Trs. 5,14 from last year's actual of Trs. 3,12 is due mainly to the recovery of petrol-tax from the military authorities of the petrol used by them and is justified by actuals of the first few months of the current year. In Civil works the actuals last year were Trs. 15,33 against the budget estimate for this year of Trs. 8,64. The Government of India curtailed the Road programme financed from Central Road Development account for projects financed from the Petrol Tax Fund and there will be a reduction of ferry receipts and permit fees owing to Petrol restriction.

In Capital receipts provision has been made in the budget for Treasury Bills of Trs. 30,00 and Ways and Means Advances of Trs. 20,00 which has proved necessary in the current year owing to the large amounts that have been advanced for the purchase of foodstuff, etc. Loans and Advances show a large increase of rupees three lakhs and forty-three thousands due to larger recoveries from agricultural loans and to the partial recovery of advances made to Government servants for the evacuation of their families to safer area.

Estimated Expenditure from Revenue shows an increase over actuals of last year of Trs. 36,18. An increase of Trs. 2,35 (net) under Agriculture mainly due to grow more food campaign, Trs. 26,73 on account of purchase of foodstuff owing to time lag in recoveries, Trs. 11,44 in the expenditure for civil defence and an increase of Trs. 3,00 to meet higher rates of dearness allowance recently sanctioned account for the variation. This is offset by a reduction of Trs. 1,43 under General Administration mainly owing to suspension of the constitution for a longer period in the current year than in 1941-42, a decrease of Trs. 2,35 under Forest and of Trs. 3,44 under Civil works mainly due to curtailment of projects financed from the Petrol Tax Fund.

Before I conclude my remarks about the budgetary position in general, it may not be inappropriate to refer to complaints of shortage of small coins, which this Government has brought to the notice of the Reserve Bank, who generally comply with indents as soon as possible. The present

shortage is partly due to the dislocation of communication and partly due to the delay in late furnishing of Police escorts by the Bengal Government. Steps have been taken to ensure that in future there will be no avoidable delay in providing treasury escorts. Instruction was issued by the Currency Officer that bronze coins would not be issued during the quarter ending September, 1942. Government of India has now issued orders that requests for supply of coins of all kinds must be fully complied with in case of Assam and the Currency Officer has given the assurance that he will do his best to give effect to that order. The necessity of stocking a large quantity of small coins has also been impressed on Treasury officers and where necessary the normal balance of the treasuries has been increased to enable this to be done.

I now proceed to discuss the salient features of some of the main heads of receipts and expenditure. Under the head Land Revenue, what particularly calls for comment is the question of temporary remission of land revenue. Hon'ble members are aware that the concessions granted during the last three years particularly cost Government about 40 lakhs of rupees each year or about one-eighth of the total revenues of the province from all sources. This important question engaged the most serious attention of His Excellency the Governor, who after obtaining reports from districts reviewed it from all points of view. It was evident that conditions which justified the grant of concession in the past have altered to a great extent. The better prices obtained for agricultural produce though counteracted by a general rise in prices of other necessary commodities have helped the agriculturists considerably. At the same time it has often been questioned whether the individual ryot benefits more from this remission than he loses by the resulting inability of the provincial finances to provide adequate facilities for his general welfare in other ways. Having considered all these and other aspects of the matter His Excellency came to the conclusion that it was both justifiable and right to order a substantial reduction in the rate of remission sanctioned by the previous Ministry and accordingly the rate of remission during 1942-43 was reduced to bring down the cost of remission to about 19½ lakhs. At the end of the year the matter was to be considered whether remission on larger pattas should be withdrawn altogether and remission on smaller pattas be halved with a view to complete withdrawal in the year 1944-45.

On the assumption of Office by the present Ministry we reconsidered the matter and found that, although higher prices were obtained for agricultural produce, the difficulties of transport and general war conditions were making it more difficult for the agriculturists to obtain their necessaries of life at reasonable prices. We therefore considered that the rates of remission granted were not adequate enough in the current year and we accordingly decided to restore half of the concessions withdrawn by His Excellency the Governor, subject to the condition, however, that the additional concessions now granted would be available only to those who would pay their revenues before 31st March, 1943, and on the same condition the concession in respect of *nisf-khiraj* estates, which had been withdrawn altogether was restored. By this it is expected that the collection of revenue in the current year will improve to the extent of about 9 lakhs.

We have already in operation a scheme of buying foodstuffs from outside the province and making them available to the ryots, thereby keeping the prices of those commodities at a lower level than could otherwise be reached. We are spending an increasing amount in the 'Grow More Food

Campaign'. We also contemplate a scheme of purchase of paddy from cultivators in order to secure an upward trend in the market or the stocking of the cultivator's paddy for sale at a later date when the price is normally higher, at a small commission. We expect that this scheme should enable the ryot to enjoy a better economic advantage than even from the maximum revenue remission. It is not possible for Government to grant all these reliefs to the cultivators unless they have sufficient funds to invest for these purposes. In consideration of the above facts and of the importance of securing sufficient revenue to meet the various needs for the welfare of the province, Government have decided that remission of land revenue should be entirely withdrawn from the year 1943-44. However "Government realise" as was pointed out in Revenue Department Resolution "that circumstances over which they have no control or which cannot now be foreseen may make it necessary to modify this decision".

Besides the general remission of land revenue relief in the shape of remission of revenue under ordinary rules is also granted in case of poverty or local calamities. The amount sanctioned so far in this respect during the current year is about Rs.12,000 land revenue and Rs.1,400 local rates.

To meet the demand for relief in the shape of agricultural loans and gratuitous relief due to the effects of floods, provisions of Trs.3,54 and Trs.2,01 have been made in the budget. Though in the present year there were floods in some parts of the province, they were, fortunately, not so severe, as in the past years. Government have so far granted relief to the extent of Rs. 72,000 agricultural loans including seed loans and Rs. 21,000 gratuitous relief.

Debt Conciliation Boards are now all working with non-official Chairmen and are doing well.

Provincial Excise

Under the head Provincial Excise, the estimates show a decrease in the receipts from country spirit and opium. Booking restrictions both by railway and steamer companies on liquor consignments for Assam, Bihar which led to the closure of the distillery for some time contribute to the decrease as regards country spirit. Progress has been made in starting a distillery at Modarkhat in Lakhimpur which is to supply liquor to the province from 1st April 1943. With a view to make up the loss of revenue the question of raising the retail price and duty on country spirit is engaging the attention of the Government. Complete prohibition of opium in the entire included and partially excluded areas has been enforced. A fall in the revenue under ganja is anticipated, unless booking restrictions, proposed to be applied in case of import of ganja from Noagaon in Rajshahi, are withdrawn.

The Hon'ble the SPEAKER: Order, order. The Hon'ble Minister may stop now and continue after lunch.

Adjournment.

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

After lunch

Forest

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Increase in revenue under Forest has been due to the demands of Defence services and railways for numerous kinds of timber and other minor forest produce. Though subjected to a very severe strain to meet these

demands and others arising out of the present emergency, such as prompt repairs and improvement of communication, improvisation of a system for the supply of charcoal for gas producer plants, arrangement of wood fuel to supplement the supplies of coal, the department is satisfactorily fulfilling these obligations with its inelastic provincial service cadres and labour sources. The only increase in the official cadres has been through borrowing three officers of Provincial Forest Service from Burma and a small number of subordinates from Burma and other parts of India. This department like others has been the victim of attacks on its immovable property in course of the civil disobedience movement, resulting in the burning of Inspection Bungalows, Forest Offices or Beat Houses.

General Administration

The approach of war to Assam has thrown an enormous burden upon the servants of the Provincial Government, particularly in the form of requisitioning and other work done to assist Defence Forces. This rapid increase in work comes at the time when the cadres of the Assam Senior and Junior Civil Services are attenuated owing to the deficiency in recruitment of recent years and such deficiency cannot be rapidly made up by means of recruitment, since new recruits take a year or two to learn their work. The course that Government have taken to meet the demand for officers is a combination of new recruitment, more or less on a normal basis, employment of outsiders and promotion and transfer of selected men from subordinate services. A specific case of emergency needs was the provision of camp staff for the refugee exodus from Burma, when a very sudden demand had to be met at the shortest notice. Over 30 volunteers were obtained both from the services and from among non-officials for a very arduous duty and the Government have to acknowledge with gratitude the readiness with which the call was met and the satisfactory fulfilment by most of the volunteers of their very trying work. It is now apparent that a considerable expansion of the methods described will be necessary, particularly in view of the great strain thrown on the Land Records Department by the work of requisitioning land and buildings for military purposes. Generally speaking the demand for officers has been and is being fulfilled within the province but a handful of officers from Burma and other provinces of India has been borrowed temporarily to reinforce the cadres, mainly in order to meet specific purposes in which they would be particularly valuable.

Amongst the methods adopted by Government for recruitment was to employ pleaders on a temporary basis mainly for civil work, thus releasing Extra Assistant Commissioners for executive and magisterial duties. This had two purposes, first to provide for immediate needs without depriving young men of the present generation who are joining the defence forces in commissioned and other ranks in considerable numbers of their opportunity to secure posts in the Civil services after the war, and second to avoid putting any obstacle in the way of creation of a separate judicial service, if the Government of the future so decides. The Ministry proposes to resume examination immediately of the question of separating Executive from Judicial functions.

Jails

As a result of Civil Disobedience Movement there has been an increased burden on the accommodation in a number of smaller jails while expensiveness of construction stood in the way of expansion. The Jail Department has been for some time greatly in need of funds for new construction and for replacement of kutchha structures. This was illustrated by the escape of large number of convicts and under-trial prisoners at Habiganj, breaking a palisade, facilitated by the fact that repairs had been delayed for some weeks.

Police

Owing to the internal situation of tension and outbreak of lawlessness in the province and also due to war conditions in the current year, it has been necessary to make considerable increases in both armed and unarmed Civil Police and also in the Criminal Investigation Department. This has all been made on a temporary basis and it is certain that a large part of the cost will be borne by the Central Government. The allocation of charges is still under correspondence with that Government. Increase in forces made none too soon in view of the test to which the violent programme of a number of Congress leaders has subjected the department. As was anticipated lawlessness once given rein has not stopped at political objects. Recently its effects had been observed in the looting of markets which has occurred in Goalpara district. Granting that *hat* looting had a purely economic cause in the condition of the people and the action of profiteers, the interaction of sabotage which by hindering transport makes goods unobtainable and increases their prices is obvious.

Education

In spite of insistent and pressing demands on the resources of the Government and primary, has not been allowed to be hindered for lack of finance. On the contrary, systematic expansion is taking place, compatible with the available resources. Provision has been made for affiliation of the Murari-chand College in Bengali up to the degree standard and an amount of Rs. 7,141 has been provided for a botany building at the Cotton College, Gauhati. To comply with new University regulations provision has been made for appointment of Science Teachers in five aided High Schools. Female education had its share in the form of a building grant of Rs. 8,000 for Habiganj Girls' High School, creation of a post of Physical Inspectress for Girls' Schools, and provision for training of women teachers for primary schools in South Lushai Hills. In the interest of advancement of education amongst tribal people, higher classes are being opened in Jowai High School. To enable new Madrasas to be brought on the aided list, the provision sanctioned last year has been increased to Rs. 12,000. Reduced provision however has been made for Mass Literacy Centres.

Medical and Public Health

As in the case of education, there has not been any slackening of efforts to deal with public health matters. In war to meet the present war emergency provision has been made for 30 temporary Sub-Assistant Surgeons and 3 temporary Assistant Surgeons. With

a view to render medical aid to the people of the backward hill tracts 3 new regular Medical department dispensaries have been established—one at Umpanai in Jowai subdivision, one in Baithalangu in Nowgong Mikir Hills and one at Bhandari in Naga Hills. At the same time, a travelling dispensary also has been established in Jowai subdivision. Besides these, four new public health dispensaries were opened during the current year. The total provision of Rs.84,038 for contribution to the Tuberculosis Association of Assam in the budget of 1941-42 has been converted into a non-recurring grant towards the cost of construction and equipment of a tuberculosis hospital and clinic at Shillong. The Health Unit at Golaghat for which provision had been made in the budget was not started as the condition laid down by the Rockefeller Foundation for provision of complete qualified staff before the starting of the Unit was not possible to be fulfilled. Subsequently the representatives of the Rockefeller Foundation informed us that due to the war conditions it was not possible to say definitely if the proposal would be renewed during the war. For these reasons no provision has been made in the current year's budget for this purpose.

Co-operative Movement

Though it is too early to say that the Co-operative Movement is gradually emerging from the trough of depression, it seems as though through the encircling gloom we can see a ray of light. In pursuance of the recommendations of a Committee presided over by the Hon'ble Premier to enquire into the present state of the Co-operative Movement and suggest remedies for its rehabilitation, Government sanctioned the appointment of 10 Inspectors with necessary staff for better control, supervision and guidance of the Co-operative Societies. The 10 additional Inspectors have been placed in charge of 10 additional circles created by subdividing the existing circles. Four of the Inspectors have, in addition to their circle work, been put in charge of four Central Banks where managing committees have been dissolved. Even where the committees have not been dissolved Inspectors are interesting themselves more actively than before in the efficient management of the Central Bank. The Department is at present concentrating its attention on the recovery of assets for which purpose it is reconstituting the managing committees of societies which are in a moribund condition and taking vigorous steps for causing the cases of recalcitrant debtors to be referred to arbitration and for getting the decrees put promptly into execution. Side by side with this, enquiries are in progress to a larger extent than before with a view to weeding out hopeless societies and clearing the ground for new and better societies to be organised. It is yet too early to estimate the results of these efforts but one good effect has already been produced, that is, that the general run on Central Banks which was imminent has been stopped, the depositors having in most cases agreed to the refund of their deposits by convenient instalments, and to forego a proportion of interest due to them. Another good effect which is expected to emerge is an increase in the collection of Central Banks and primary societies. The scheme that Government has in contemplation for ensuring better prices to the agriculturists for their produce, when materialised, is expected to provide further stimulus for collection of the co-operative societies.

Agriculture

Inauguration and vigorous prosecution of the "Grow More Food Campaign" are amongst the steps taken up by the Government for the production of increased food-stuff within the province, for which a sum of Trs. 5,65 has been allotted. Arrangements have been made for the purchase and distribution of seeds of Boro and Sail paddy, pulse crop, potatoes and vegetables to cultivators and the Seed Storage and distribution scheme is estimated to cost Trs.4,85. With a view to increasing the yield and bringing fallow land under cultivation small irrigation projects are to be undertaken and Trs.57 have been provided for this purpose.

Civil Defence

As is natural and inevitable under present prevailing conditions, Civil Defence expenditure shows a considerable increase. It is mainly concerned with A. R. P. measures though other allied matters such as care of people rendered homeless and care of refugees are also dealt with. Accurate budgeting under this head is difficult, so much depending upon many uncertain and unforeseen factors. As the expenditure arises out of war conditions, we have been pressing Government of India to bear a larger proportion of expenditure than is provided under the present All India settlement. As at present arranged the Province has to bear the whole of the first 10 lakhs, half of the next ten lakhs, one quarter of the third ten and one-eighth of the subsequent slabs.

Supply

The toughest problem that the Government was called upon to face during the year, arising out of war conditions was the problem of the maintenance of supply for the essential commodities of food-stuff. During the early part of the year, signs were evident of a general exodus of a class of merchants from the province, who were intimately concerned with wholesale and retail trade. The ordinary trade channels were disrupted by transport difficulties. Merchants in the prevailing state of transport into Assam were afraid of their wagons or consignments taking several months to arrive and were not putting in orders that locked up their capital to this extent, especially as the Calcutta merchants wanted cash with orders. Owing to the permit system it was difficult for traders without representatives in Calcutta to get permits and goods out of Calcutta. These uncertainties of trade conditions compelled the Government to tread on the hitherto untrodden track of large scale commercial undertakings to prevent a scarcity in the supply of some of the essential food-stuff. Messrs. Shaw Wallace and Company, who acted in a similar capacity for the Government of Bengal, were appointed Agents of the Government of Assam for wholesale purchase of salt, sugar, oil, and flour to which was added standard cloth as well. These goods, when they arrive in the district, are distributed in some districts through wholesalers who take up the S/Rs. and R/Rs. or by Deputy Commissioner taking delivery and then giving out to merchants. Funds were placed at the disposal of the Government Agents in advance. They accept no responsibility for loss of weight in transit and Government accept as final, for accounts purposes, their weight on which Shaw Wallace themselves make

payment. A cess is imposed to cover the losses in transit, sales on a falling market, the usual attendant risks of trading and the cost of additional staff. The amount credited to Shaw Wallace to the end of August was Trs. 31,00, the value of total despatches to the districts on that date was Trs. 19,79 and amount of balance still with Shaw Wallace in August was Trs. 11,21. This large balance was due to failure to buy sugar in August and the fact that they were just going to buy salt and cloth in large quantities but had not yet paid. It also includes advance to suppliers. Up to the end of October 3,43,871 maunds of salt, 43,686 maunds of sugar, 13,074 maunds of ata, 7,012 maunds of flour, 34,861 maunds of dal, 8,470 maunds of gram and 1,446 maunds of mustard oil have been despatched from Calcutta. From figures so far obtained from the districts about recoveries, it is possible to surmise that probably there will be no loss in these transactions which may even result in a small profit.

Apart from arranging for the supply of imported food-stuff through Messrs. Shaw Wallace and Coy. Government have undertaken to trade on their own account in indigenous produce like rice, paddy and mustard oil, with a view to stabilising prices and ensuring supply. It is well-known that great disparity exists in the prices of rice and paddy between different districts. Some districts may be called 'surplus districts' where production exceeds consumption and a surplus is available for export while others fall into the category of "deficit" districts. While in pre-war days this disparity adjusted itself through normal trade, present day conditions of dislocation of transport make it impossible to restore equilibrium, unless special steps are taken to attain this objective. Arrangements have therefore been made for buying on Government account rice, paddy and mustard oil in surplus areas and transferring them to 'deficit areas'. Messrs. Steele Bros., who have had extensive experience of such business in Burma and Malaya, have been appointed Government Agents for this purpose. The advent of Steele Bros. as Government buying and selling Agents had a steadying effect on rising prices, and indirectly forced the hoarders to disgorge the hoarded paddy on the market.

The Accounts of Steele Brothers' transaction for one month from 15th September to 15th October show purchases of over 35,000 mds. of rice, 9,000 mds. of paddy and about 1,500 mds. of mustard oil in surplus areas and sale of practically the whole amount in deficit areas, yielding to the Government in cess recoveries Rs. 11,552. Arrangements have recently been made for Steele Brothers to take over the distribution of imported food-stuff purchased through Shaw Wallace and they have taken over all stocks in Government hands in Dibrugarh, Jorhat and Gauhati and all that are in transit.

Transport

As I have briefly mentioned in my general survey of the conditions in the province, the road transport system was greatly dislocated by the sudden withdrawal of a large number of buses and lorries from the road to meet the military demands and the situation since has further deteriorated. The heavy demand made on Railways for Military traffic restricted the scope for meeting civilian requirement. The capacity of the Bengal and Assam Railway

running through Assam was severely taxed to cope with the military traffic and to add to the difficulties flood damages caused considerable interruption in the Railway communications. Steamer services, with depleted cargo and passenger steamers, bore the burden of increased traffic. Every effort however is being made by the Local Government to meet an undoubtedly difficult situation, within the limited resources available to them. A Transport Controller has been appointed to co-ordinate the Central and Provincial demand for civil transport vehicles. The control of the motor transport in the province will be centralised in the hands of the Transport Controller, to whom the demands of the Defence Services and central and provincial departments would be intimated and who will endeavour to make the most economical and effective use of the vehicles placed at his disposal. Some vehicles from America under Lease and Lend Scheme will be available to the Transport Controller and also those released by the Military authorities. Under Lease and Lend Scheme it is however obligatory that all motor vehicles imported for civilian use should be used for essential purposes connected with or arising out of the war. A scheme of converting motor vehicles to producer gas will also be put into operation.

The Transport Controller will have at his disposal 50 new lorries, of which 30 will be fitted with producer gas plants in case there is a breakdown in petrol supply. These 50 new lorries and about 168 old ones will come into the pool. On a rough estimate the new vehicles will cost about Trs. 3,50. The operating cost including staff for a central authority and a few depôts will come to about Trs. 20 a month. The freight income is expected to more than repay the running cost and will enable the Government to recover the capital outlay in about 18 months' time. Besides, this Government can at any time recover the money by selling the lorries to private enterprises. The above estimates may vary substantially but still it can be said that apart from affording the public the much needed transport facilities, the scheme stands little risk of loss to the Provincial revenues.

War effort

It may not be out of place to make a reference to the contribution that the province is making towards the prosecution of the war. Two battalions of the Assam Regiment have been raised from within the province. It is estimated that some 50 young men from Assam are serving as King's Commissions Officers, besides 16 selected for Commissions during the past two months. Recruitment for other ranks, chiefly in the Mechanical Transport Units of the Royal Indian Army Service Corps, and Auxiliary Pioneer Corps varies between 33 and 750 in each calendar month. There are also many hundreds recruited in the technical branches. The Assam Red Cross and Women's Voluntary Services are working to the full strength of the enrolled lady personnel. In Shillong, besides the B. O. R's Club, ladies, mostly Indian ladies, have started an Indian Soldiers Recreation Room, which is functioning regularly. Amenities are provided for troops in other parts of Assam also. The two major efforts by Assam's Civil population that deserve particular mention are (a) the construction of 31 aerodromes and landing grounds and (b) the road and other projects, which are occupying about 50,000 workers of the Tea Industry and 170 Tea planters. The Assam War Fund now approaches 20 lakhs. The latest figures for holdings of Defence Saving Certificates and Stamps are Rs.9,12,277 and Rs.91,183, respectively.

Before I conclude I consider it my duty to express my grateful thanks to Mr. Patton and the staff of the Finance Department who, foregoing their *Puja* and *Id* holidays, worked under great pressure to get the budget prepared in time. My thanks are also due to Mr. Dennehy, Mr. Mehta, Mr. Humphrey and Mr. Jones for the valuable assistance I received from them.

Presentation of certain notifications under section 296 of the Assam Municipal Act, 1923

The Hon'ble the SPEAKER : The Hon'ble Srijut Hirendra Chandra Chakravarty.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : As he is not present, Sir, I will present the notifications on his behalf.

Sir, I beg to present the following notifications, under section 296 of the Assam Municipal Act, 1923 :—

- **(i)* Notification No.L/ML-1093/41 dated the 7th January 1942.
- †*(ii)* Notification No.L/ML-1094/41, dated the 9th January 1942.
- ‡*(iii)* Notification No.L/ML-99/42/14, dated the 10th June 1942.
- §*(iv)* Notification No.L/ML-185/42/7, dated the 16th June 1942.
- ¶*(v)* Notification No.L/ML-203/42/44, dated the 19th June 1942.

Election to Bengal and Assam Railway (A. B. Zone) Local Advisory Committee

The Hon'ble the SPEAKER : The Hon'ble Khan Bahadur Maulavi Sayidur Rahman to move.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Mr. Speaker, Sir, I beg to move that this Assembly do elect one member to the Bengal and Assam Railway (A. B. Zone) Local Advisory Committee in place of Mr. Baidyanath Mookerjee.

The Hon'ble the SPEAKER : The motion moved is: "That this Assembly do elect one member to the Bengal and Assam Railway (A. B. Zone) Local Advisory Committee in place of Mr. Baidyanath Mookerjee".
(The question was put and declared as carried.)

The Hon'ble the SPEAKER : Under rules 1 and 2 of the rules regarding the procedure which is followed in holding election of members in the Public Accounts Committee and other Committees I hereby fix 2 to 4 p.m. on Saturday the 14th November for holding the election to the Bengal and Assam Railway (A. B. Zone) Local Advisory Committee. The voting will be held in the Committee room No.2 between these hours and the hon. members are requested to observe strict secrecy in voting with utmost care.

*Appendix "A".

†Appendix "B".

‡Appendix "C".

§Appendix "D".

¶Appendix "E".

Election to the Agricultural and Animal Husbandry Section of the Advisory Board of Development, Assam

The Hon'ble Khan Sanib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, in the absence of the Hon'ble Premier, I beg to move that this Assembly do elect one member to the Agricultural and Animal Husbandry Section of the Advisory Board of Development Assam in the vacancy caused due to one of the Assam Valley members having been appointed as a member of the Council of Ministers.

The Hon'ble the SPEAKER. The motion moved is: "That this Assembly do elect one member to the Agricultural and Animal Husbandry Section of the Advisory Board of Development, Assam in the vacancy caused due to one of the Assam Valley members having been appointed as a member of the Council of Ministers".

(The question was put and declared as carried.)

The Hon'ble the SPEAKER: Under the Rules, I hereby fix Tuesday, the 17th November 1942, as the date and 2 p.m. to 4 p.m. as the hours for holding the election to the Agricultural and Animal Husbandry Section of the Advisory Board for Development, Assam. The voting will be done in the Committee Room No. II within these hours and the hon. members are requested to observe strict secrecy in voting with utmost care.

Governor's messages to certain Bills

The Hon'ble the SPEAKER: I am now placing before the House three messages from His Excellency the Governor, under proviso to section 75 of the Government of India Act, 1935, containing the amendments recommended by him with regard to the following Bills:—

- (1) The Goalpara Tenancy (Amendment) Bill, 1939.
- (2) The Sylhet Tenancy (Amendment) Bill, 1939.
- (3) The Assam Money-Lenders' (Amendment) Bill, 1937.

The messages are to this effect.

Message to the Chambers of the Assam Legislature under section 75, Government of India Act, 1935, in connection with the Goalpara Tenancy (Amendment) Bill

The Goalpara Tenancy (Amendment) Bill, 1939, has been passed by both Chambers of the Assam Legislature with a number of amendments, and has been presented to the Governor in accordance with section 75 of the Government of India Act, 1935. I have given careful study to the Bill and find myself obliged to return it to the Legislature in accordance with the proviso to the said section, with the request that both Chambers consider the recommendations I make below. Most of these recommendations are concerned with drafting errors in some of the amendments made in the parent Act, and are individually explained hereafter. Where a question of policy is involved, my reasons for the recommendation also are given.

I. In certain instances where new sections have been introduced by the Amending Bill in the parent Act, the words "this Act" have been used to denote the Amending Bill but when the amendments have found their place in the parent Act, these words will be read as referring to that Act. In other places the words "the Goalpara Tenancy Act, 1929" have been used, when, since the proposal is to alter the wording of the parent Act, all that is necessary are the words "this Act". Elsewhere the words "the said Act" have been used, when indicating the parent Act, in alterations made in that Act. Such inaccuracies of wording would lead to consequences which were never intended, and I recommend therefore:—

- (a) That in clause 8, [sub-section (2) of the new section 25], for the words "this Act", the second time they occur, the words "the Goalpara Tenancy (Amendment) Act, 194 " be substituted.
- (b) That in clause 8, [sub-sections (1), (2), (3), (4) and (5) of the new section 25], for the words " the Goalpara Tenancy Act, 1929," the words "this Act" be substituted.
- (c) That in clause 8, for the proviso to sub-section (6) of the new section 25, the following be substituted, namely:—
"Provided that, if in the case of such a mortgage subsisting on the date on which the Goalpara Tenancy (Amendment) Act, 194 , comes into force, the said period has, on the date of the commencement of the said Act, already expired, the mortgagor shall, immediately on the commencement of the said Act, become entitled to possession of the mortgaged holding ; but he shall not be entitled to, nor shall the mortgagee be liable for, any compensation in respect of the mortgagee's possession from the date of the expiry of the said period to the date of the commencement of the said Act".
- (d) That in clause 13, (the new section 41A), and clause 30 [the new clause (b) to sub-section (2) of section 34], the words " of the said Act " be omitted.
- (e) That in clause 31, for sub-section (1) of the new section 95A, the following be substituted, namely:—
"95A. (1) All the provisions of Chapters III, IV, V and VI of this Act relating to enhancement of rent are hereby suspended for a period of ten years from the date of the commencement of the Goalpara Tenancy (Amendment) Act, 194 ".
- (f) That in clause 31, [clause (b) of sub-section (1) of the new section 95B], for the words "the said Act", the words "this Act" be substituted.

II. By clause 5 of the Bill a new section 21A has been added whereby a person entitled to an occupancy holding is given the option to give notice of transfers made before the Bill becomes an Act. This right however will be created by the present Bill and should therefore operate only in respect of transfers made after, and not before, the right has accrued, as is the intention of the other provisions of the Bill.

I recommend therefore that clause 5 of the Bill be deleted, with consequential renumbering of subsequent clauses.

III. As section 21A is no longer to appear in the Act, the provisions of clause 10 should be added at the end of section 20 as amended by clause 3, clause 10 should be deleted with consequential renumbering of subsequent clauses and clause 3 should end as follows:—

"(7) In this section 'transferee' includes the successors in interest of the transferee; and 'transfer' includes bequest but does not include (i) succession by inheritance, (ii) division of tenancies in accordance with

section 21, (iii) leases executed in accordance with the provisions of this Act, (iv) complete usufructuary mortgages, (v) simple mortgages or mortgages by conditional sale until a final decree for sale or foreclosure is made.

(8) In sub-section (4), 'purchaser' includes the successors in interests of the purchaser and 'mortgagee' includes the successors in interest of the mortgagee".

I recommend accordingly.

IV. In clause 12, the addition of certain words to the proviso to section 41 of the parent Act cannot be made optional, and I recommend that for the word "may" the word "shall" be substituted.

V. In clause 13, (new section 41 A), to obtain uniformity of expression, I recommend that for the words "a person", the words "every person" be substituted.

VI. By clause 16 of the Bill, section 43 of the parent Act has been deleted, and by clause 15 a new section 42A has been added, giving the incidents of tenancy of an under-raiyat who has acquired a limited right of occupancy under the provisions of the new section 41A, added by clause 13. In sections 79(5) and 98(1)(b) (iv), however, reference to section 43 has not been expunged by amendment, the former dealing with the freedom from ejection of an under-raiyat referred to in section 43, and the latter to the description of an under-raiyat in the record of rights. For section 43 in both these sections, section 42A should be substituted.

I recommend therefore :—

(a) That a new clause 26A be added to the Bill as follows :—

"26A. In sub-section (5) of section 79 of the said Act for the figure '43', the figure and letter '42A' shall be substituted."

(b) That a new clause 31A be added to the Bill, as follows :—

"31A. In sub-clause (iv) of clause (b) of sub-section (1) of section 98 of the said Act, for the figure '43', the figure and letter '42A' shall be substituted."

VII. In clause 31, I recommend that the words "sub-heading and" be deleted, as these words are incorrect: the word "sections" includes all sub-sections and marginal headings.

This clause adds a new section 95A allowing suspension of enhancement of rent. Sub-section 2(a), as amended by the Legislature (the words "and from the sub-section as it stood before amendment wrongly by a printing mistake, and must be considered as expunged) deals with decrees or orders passed after the present Amending Bill becomes law, declaring them operative from their date till the expiry of the ten years referred to in sub-section (1). But as this sub-section suspends all the provisions of the Chapters referred to relating to enhancement of rent for that period, no such decree or order can be passed. Section 2(a) is therefore unnecessary, and should be deleted.

I recommend therefore that in clause 31, clause (a) of sub-section (2) of the new section 95A be deleted, and clause (b) be renumbered as sub-section (2).

VIII. By clause 20 of the Bill, section 57 of the parent Act has been deleted, which allowed damages in a rent suit in certain cases. Section 147 refers to appeals in suits where such damages have been awarded, and requires amendment to the extent of the deletion of those words. Section 152 redefines "arrear" and "arrear of rent" as including such damages, and requires similar amendment.

I recommend therefore :—

(a) That a new clause 34A be added to the Bill, as follows :—

“ 34A. In section 147 of the said Act, the words and figure ‘or damages under section 57’ shall be deleted.”

(b) That a new clause 35A be added to the Bill, as follows :—

“ 35A. In sub-section (c) of section 152 of the said Act, the words and figure ‘or damages awarded in lieu of interest under section 57’ shall be deleted.”

IX. By clause 37 of the Bill, Chapter XII of the parent Act has been repealed. This consisted of section 170, which provided for the recovery of arrears of rent under certificate procedure in certain cases. In section 177, however, the proviso, which lays down conditions under which the provisions of the repealed Chapter shall apply, has not been deleted, and as it is no longer operative, it should be deleted.

I recommend therefore :—

That a new clause 38A be added to the Bill, as follows :—

“ 38A. In section 177 of the said Act, for the colon after the words ‘and the like’ a fullstop shall be substituted, and the Proviso shall be deleted.”

In pursuance, therefore, of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, Andrew Gourlay Clow, Governor of Assam, request that the Chambers of the Assam Legislature reconsider the provisions of the Goalpara Tenancy (Amendment) Bill, 1941, cited in this message and consider the desirability of introducing such amendments as are hereinbefore recommended. And I hereby appoint the Honourable Khan Bahadur Maulavi Sayidur Rahman to be in charge of the Bill for the purpose of this message.

GOVERNMENT HOUSE, SHILLONG :

The 10th of November 1942.

A. G. CLOW,

Governor of Assam.

The Hon'ble the SPEAKER : The next message is in regard to the Sylhet Tenancy (Amendment) Bill.

Message to the Chambers of the Assam Legislature under section 75, Government of India Act, 1935, in connection with the Sylhet Tenancy (Amendment) Bill

The Sylhet Tenancy (Amendment) Bill, 1939, has been passed by both Chambers of the Legislature with a number of amendments, and has been presented to the Governor in accordance with section 75 of the Government of India Act, 1935. I have given careful study to the Bill and find myself obliged to return it to the Legislature in accordance with the proviso to the said section, with the request that both Chambers consider the recommendations I make below. These recommendations are designed to rectify errors in the Bill, and are explained below.

I. In section 30 of the parent Act, besides the words “the landlord's transfer fee”, there also occur the words “landlord's transfer fee” and “transfer fee”. It is clearly the intention that the two latter expressions as well as “the landlord's transfer fee” should be altered by the Amending Bill to “the landlord's registration fee”.

I recommend therefore :—

That for sub-clause (a) of clause 6, the following be substituted, namely :—

“(a) In section 30 of the said Act for the words ‘ the landlord’s transfer fee ’, ‘ landlord’s transfer fee ’, or ‘ transfer fee ’, wherever they occur, the words, ‘ the landlord’s registration fee ’ shall be substituted.”

II. Clause 7 if adopted as it stands will result in the first proviso which comes after clause (e) of section 31 of the parent Act being repeated. There is also a minor error of wording in this proviso and the expression “ the landlord’s transfer fee ” in the second proviso to section 31 of the parent Act require alteration. I therefore recommend :—

(a) that clause 7 be renumbered as sub-clause (a) of that clause and that in the clause as so renumbered :—

(i) for the words “ ending with the word greater ” at the end of clause (e), the words “ ending with the word ‘ holding ’ at the end of the first proviso ” be substituted,

(ii) for the words “ the clause ” in the proviso to section 31 of the parent Act, the words “ this section ” be substituted.

(b) that to the clause as so renumbered the following sub-clause be added, namely :—

“(b) In the second proviso to section 31 of the said Act for the words ‘ the landlord’s transfer fee ’ the words ‘ the landlord’s registration fee ’, shall be substituted ; and the existing clause shall be renumbered as sub-clause (a) ”.

III. In sections 32 and 35 of the parent Act, besides the words “ the landlord’s transfer fee ”, the words “ landlord’s transfer fee ” also occur. These should also be altered by the Amending Bill to “ the landlord’s registration fee ”.

There is also a minor drafting error in sub-clause (c) of clause 9. I recommend therefore :—

(a) That for sub-clause (a) of clause 9, the following be substituted, namely :—

“(a) For the words ‘ the landlord’s transfer fee ’ or ‘ landlord’s transfer fee ’, wherever they occur, the words ‘ the landlord’s registration fee ’ shall be substituted”.

(b) That in sub-clause (c) of clause 9 for the words and figures “ (i) In sub-section (2) the words ” the words and figures “ In sub-section (2) :—(i) The words ” be substituted.

(c) That for clause 12, the following be substituted, namely :—

“12. In section 35 of the said Act for the words ‘ the landlord’s transfer fee ’ or ‘ landlord’s transfer fee ’, wherever they occur, the words ‘ the landlord’s registration fee ’ shall be substituted”.

IV. Sections 33 and 37 of the parent Act require the alteration of “ the landlord’s transfer fee ” to “ the landlord’s registration fee ”. I recommend therefore :—

(a) That a new clause 10 be added to the Bill (in place of the deleted clause 10) as follows :—

“10. In section 33 of the said Act, for the words ‘ the landlord’s transfer fee ’, wherever they occur, the words ‘ the landlord’s registration fee ’ shall be substituted.”

(b) That a new clause 14 be added to the Bill (in place of the deleted clause 14) as follows :—

“14. In section 37 of the said Act, for the words ‘the landlord’s transfer fee’, the words ‘the landlord’s registration fee’ shall be substituted.”

V. In certain places in clause 11 where new sections have been introduced into the parent Act by the Amending Bill, the words “this Act” have been used, to denote the Amending Bill, but when the amendments have found their place in the parent Act, these words will be read as referring to that Act. In other places, the words “the Sylhet Tenancy Act, 1936” have been used, when, since the proposal is to alter the wording of the parent Act, the words “this Act” should be used. Elsewhere the words “the said Act” have been used, when indicating the parent Act, in alterations made in that Act. Such inaccuracies of wording would lead to consequences which were never intended, and I recommend therefore the following amendments in clause 11:—

- (a) That in sub-section (2) of the new section 34, at the second place where the words occur, for the words “this Act”, the words “the Sylhet Tenancy (Amendment) Act, 194 ” be substituted.
- (b) That in sub-sections (1), (2), (3), (4) and (5) of the new section 34 for the words “the Sylhet Tenancy Act, 1936” the words “this Act” be substituted.
- (c) That for the proviso to sub-section (6) of the new section 34, the following be substituted, namely:—

“ Provided that, if in the case of such a mortgage subsisting on the date on which the Sylhet Tenancy (Amendment) Act, 194 , comes into force, the said period has, on the date of the commencement of the said Act, already expired, the mortgagor shall, immediately on the commencement of the said Act, become entitled to possession of the mortgaged holding, but he shall not be entitled to, nor shall the mortgagee be liable for, any compensation in respect of the mortgagee’s possession from the date of the expiry of the said period to the date of the commencement of the said Act.”

VI. As sub-clause (a) of clause 13 has been deleted by the Legislature, sub-clause (b) will become the whole clause, and should begin with the words “In section 36 of the said Act”. I recommend therefore:—

That in clause 13 the word “For” be deleted, and the words “In section 36 of the said Act for” be inserted before the words “the words and figures.”

VII. In clause 25, the words “sub-heading and” are incorrect, as the word “sections” includes all sub-sections and marginal headings. The words “the said Act” and “this Act” are used to denote the parent Act and the amending Act but will not convey those meanings when the amendments find their place in the parent Act. Further, sub-section 2(a) as amended by the Legislature deals with decrees or orders passed after the present Amending Bill becomes law, declaring them inoperative from their date till the expiry of the ten years referred to in sub-section (1). But as that sub-section suspends all the provisions of the Chapters referred to relating to enhancement of rent for that period no such decree or order can be passed. Section 2(a) is therefore superfluous. Further, there are no provisions in Chapter VI of the parent Act (which deals with under-raiyats) concerned with enhancement. The reference to Chapter VI should therefore be expunged,

I therefore recommend the following amendments in clause 25 :—

- (a) That the words "sub-headings and" be deleted.
- (b) That for sub-section (1) of the new section 116A, the following shall be substituted, namely :—
 "All the provisions of Chapters III, IV and V of this Act relating to enhancement of rent are hereby suspended for a period of ten years from the date of commencement of the Sylhet Tenancy (Amendment) Act, 194 "
- (c) That clause (a) of sub-section (2) of the new section 116A be deleted, and clause (b) be renumbered as sub-section (2).
- (d) That in the proviso to sub-section (1) of the new section 116B for the words "this Act", the words " the Sylhet Tenancy (Amendment) Act, 194 " be substituted.
- (e) That in sub-section (4) of the new section 116B the words "of the said Act" be omitted where they occur for the first time, and that for the said words, where they occur for the second time, the words "of this Act" be substituted.

In pursuance, therefore, of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, Andrew Gourlay Clow, Governor of Assam, request that the Chambers of the Assam Legislature reconsider the provisions of the Sylhet Tenancy (Amendment) Bill, 1941, cited in this message and consider the desirability of introducing such amendments as are hereinbefore recommended. And I hereby appoint the Honourable Khan Bahadur Maulavi Sayidur Rahman to be in charge of the Bill for the purpose of this message.

GOVERNMENT HOUSE, SHILLONG. }

The 10th of November 1942. }

A. G. CLOW,

Governor of Assam.

The Hon'ble the SPEAKER: I now place the message in regard to the Assam Money-Lenders' (Amendment) Bill.

Message to the Chambers of the Assam Legislature under the proviso to section 75 of the Government of India Act, 1935, in connection with the Assam Money-Lenders' (Amendment) Bill

1. The Assam Money-Lenders' (Amendment) Bill has been passed by both Chambers of the Legislature and presented to me in accordance with section 75 of the Government of India Act, 1935. I have given my careful consideration to the Bill, and feel obliged to return it to the Legislature with this message under the proviso to that section, with a request that the Legislature reconsider certain provisions in clause 5 of the Bill, and the desirability of amending this clause in the way and for the reasons set forth in the following recommendations. All the amendments recommended are designed to render effective what I understand to be the intention of the Legislature.

2. Clause (ii) of the Explanation to sub-section (1) of the proposed section 9 is in my opinion open to three objections.

(i) It embodies a substantive provision, and is, in fact, essential as such to the declared purposes of the Legislature in passing the Bill. In Miscellaneous Appeal No. 41 of 1939, Radakisan Jaikisan and others *versus* Municipal Committee, Khandwa, the Nagpur High Court referred to the operative portion of a certain Act, Central Provinces and Berar Act No. VIII of 1938 (The Khandwa Ginning and Pressing Cotton Tax Validating Act, 1938), which was contained in the Explanation to section 2 thereof, and stated that it was well-settled that Explanations can explain but cannot expand the provisions of an Act. In Execution Second Appeal No. 1 of 1939, Kishan Singh *versus* Prem Singh and others, the Lahore High Court, referring to a certain argument, held that it offended against the principle that an Explanation does not enlarge the scope of the original section which it is supposed to explain.

With the authority of these decisions, it is probable that the application of the provisions of the Explanation now under consideration will be successfully challenged in the Courts and be thereby rendered infructuous, and these provisions should therefore be the material for a substantive clause.

(ii) The actual wording of the Explanation as it stands is, in my opinion, obscure, although the intention can be understood. A provision on the lines of section 17 of the Orissa Money-Lenders' Act, 1939 (Orissa Act III of 1939) would have the advantage of clarity, and such a provision has been drafted below, and its adoption is recommended.

(iii) The words "this Act" are apparently intended to refer to the present Bill when it becomes an Act. But as this Bill is an amending Bill they will, when inserted in the parent Act, refer to that Act and not to the amending Act. It is necessary therefore in order to carry out what appears to have been the intention of the Legislature to substitute for the words "this Act" references to the present Bill.

3. The present sub-section (3) of the proposed section 9 in its present form is obscure. There has been no previous reference to a "subsequent instrument or instruments", and it is not clear what is intended by "parties to" such instruments. The recommendation now offered is intended solely to make the intention of the sub-section clear.

4. I recommend therefore that in clause 5 of the Bill, for that portion of the proposed section 9 commencing with the word "Explanation" and ending with the word "different", the following be substituted, namely:—
"Explanation.—The term 'aggregate' means and includes the amount already paid amicably or otherwise.

(2) Notwithstanding anything contained in sub-section (1), a usufructuary mortgage, in cases where the loan did not exceed five hundred rupees in principal, shall, unless discharged previously, be deemed to stand discharged:—

(i) if the mortgage was executed before the commencement of the Assam Money-Lenders' (Amendment) Act, 194 after the expiration of twelve years from the date of such execution, or

(ii) if the mortgage was executed after the commencement of that Act, after the expiration of nine years from the date of such execution.

(3) In the case of a bond or any other instrument executed for past liabilities the original sum actually advanced shall be considered as the principal of the loan for the purpose of sub-section (1).

(4) The heirs, successors or assigns of a mortgagor shall have the same rights under this section as the original mortgagor would have had, and if by any instrument executed subsequently to the original instrument any property has been substituted for the property mortgaged by the original instrument, the provisions of this section shall apply to the property so substituted as if it were the property mortgaged by the original instrument."

5. In pursuance therefore of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, Andrew Gourlay Clow, Governor of Assam, request that the Chambers of the Assam Legislature reconsider the provisions of the Assam Money-Lenders' (Amendment) Bill cited in this message, and consider the desirability of introducing such amendments as are hereinbefore recommended.

6. I hereby appoint the Hon'ble Maulavi Munawwar Ali to be incharge of the Assam Money-Lenders' (Amendment) Bill in both Chambers for the purpose of this message.

GOVERNMENT HOUSE, SHILLONG :

The 10th of November 1942.

A. G. CLOW,

Governor of Assam.

Statement by the Hon'ble Speaker re Governor's messages to certain Bills

The Hon'ble the SPEAKER : By the three messages from His Excellency the Governor under proviso to section 75 of the Government of India Act, just read out from the Chair, the amendments recommended by His Excellency to the Goalpara Tenancy (Amendment) Bill, 1939, the Sylhet Tenancy (Amendment) Bill, 1939, and the Assam Money-Lenders' (Amendment) Bill, 1937, passed by both the Houses of the Legislature, are placed before the hon. members for discussion and to be voted upon by them. This matter of discussion and voting are to be taken up by the House on the 24th November, 1942. I would therefore like to draw hon. members' attention to Governor's rule 10 relating to such a kind of business. It would appear from that rule that these amendments are to be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Chair may consider most convenient for their consideration by the House. The hon. members know that the Assembly Rules do not permit any amendment to an amendment. And as I interpret Governor's rule 10, and considering the terms of the messages, I feel it necessary to point out to the hon. members that, in dealing with these amendments, the members are precluded from tabling any further amendments to these amendments or from adopting any dilatory motion, such as a motion that the Bill be referred to a Select Committee for considering these amendments, or that it be circulated for the purpose of eliciting public opinion on them. Hon'ble members are, therefore, either to accept or not to accept the amendments as they are or any of them. Now, in compliance with Governor's rule 10, I would like to devise a procedure as to how the discussion and the voting on these amendments are to be carried on. I have, therefore, decided to follow the following

procedure :

Each Bill would be taken up for consideration separately and the amendments recommended by His Excellency to it will be first placed before the House from the Chair.

Then there will be a motion to be moved by the Hon'ble Minister appointed by His Excellency the Governor in the message to be in charge of the Bill, to the following effect, with a speech explaining the reasons for the proposed amendments :—

“That the recommendation of His Excellency the Governor and the amendments proposed by him to be introduced in..... Bill and put before the House from the Chair be considered in detail”.

In discussing this motion, hon. members will be at liberty to discuss generally the principles underlying the amendments proposed and also the desirability or otherwise of introducing these amendments in the Bill. After such a discussion if the House adopt the motion, then each amendment will be taken up separately for deciding whether the House would agree to introduce that amendment in the Bill. For that purpose, the Minister-in-charge would be asked to move each of the amendments separately with a speech. Then a debate would follow in which the members, if they like, would discuss the amendment to which the motion relates, on its merits. At the close of the discussion the motion will be put to the vote of the House. In this way, after all the amendments to a particular clause which has been recommended by His Excellency to be revised are disposed of, the Chair, after taking into consideration the effect of voting on these amendments, would put to the House the question which would be appropriate for the incorporation in the Bill of the amendments which may be accepted by the House, and such a motion will be in the following form :—

That clause.....of the Bill as amended do form part of the Bill.

Finally after all or any of the amendments are accepted by the House the Minister-in-charge will be called upon to move that the Bill as amended be passed.

In dealing with the amendments, they will be ordinarily considered in the order of the clauses to which they respectively relate.

The amendments are already before the House and the hon. members will be able to gather what these amendments really are. Therefore, I do not think that the hon. members will require any notice of these amendments for the discussion will be taken up on the 24th November 1942.

The next item of business stands in the name of Hon'ble Maulavi Munawwar Ali. He is ill. He has sent in a letter to me informing that the Hon'ble Khan Bahadur Maulavi Sayidur Rahman will move his motion and I call upon the Hon'ble Khan Bahadur Maulavi Sayidur Rahman to move the motion.

The Assam Land and Revenue Regulation (Amendment) Bill, 1941

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move that the Assam Land and Revenue Regulation (Amendment) Bill, 1941, be taken into consideration.

Hon'ble members will remember that on the 1st of December 1941 this Bill was introduced in the Assembly by the last Ministry by my then Colleague, Hon'ble Srijut Rohini Kumar Chaudhuri. The Bill could not be taken up for consideration in the Assembly as the Ministry resigned. Now, the Statement of Objects and Reasons to the Bill explains briefly the necessity

for amending sections 4 and 69 of the Land and Revenue Regulation. Section 4 of the Land and Revenue Regulation stands thus:—

“Rights over land

4. This Chapter shall apply to all land except the following:—

- (a) land included in any forest constituted a reserved forest under the law for the time being in force ;
- (b) the soil of any public road, canal, drain or embankment ;
- (c) land included in any military cantonment or civil station ; or
- (d) any land which the Chief Commissioner may, by notification, except from the operation of this Chapter.”

Now, in this proposed amending Bill it is proposed to delete clauses (b) and (c) from section 4 of the Assam Land and Revenue Regulation. And secondly, it is proposed to modify the procedure for attachment and sale of movables in *bakijai* cases by amending section 69(2) of the Regulation. Section 69(2) reads thus:—

“69(2). Every such attachment and sale shall be conducted according to the law for the time being in force for the attachment and sale of movable property under a decree of a Civil Court”.

Now, this clause (2) we want to amend by adding “subject to such modifications thereof as may be prescribed by rules framed by the Provincial Government for proceeding under the Assam Land and Revenue Regulation.”

With regard to the omission of clause (b) of section 4, it is submitted that as the soil of public roads, canals, drains, or embankments referred to in clause (b) which has been read out just now is excluded from the operation of Chapter 2 of the Regulation, the Settlement Rules issued under that Chapter do not apply to that land and it has been found that considerable difficulties have been experienced in dealing with the eviction of encroachers on such lands specially in case of roadside lands as any action that is required to be taken has to be done through the help of the civil courts.

As regards omission of clause (c) it is submitted that lands included in Military Cantonment referred to in clause (c) are under the control of the Military Authorities and they are specially excluded from the operation of the Settlement Rules under rule 27 of those rules.

As regards civil stations—the object in creating civil stations is difficult to understand. It had the effect of barring the operation of the Land and Revenue Regulation from such an area and a most unsatisfactory situation has arisen which requires early remedy. Formerly the boundaries of civil stations everywhere were almost conterminous with municipal boundaries, but in course of time municipal boundaries have been extended without a corresponding extension of the boundaries of civil stations with the result that different rules as regards settlement or eviction have to be applied to different portions of the same town. As for instance, while encroachment within purely municipal areas can be dealt with under the settlement rules issued under the Land and Revenue Regulation or the Municipal bye-laws, a civil suit is the only remedy against encroachment within civil stations. So, whatever advantages there might have been in the old days in forming civil stations, none exists now, while on the contrary it has been a source of great inconvenience and there is absolutely no reason why portions of the same town should be treated differently. So, these amendments have been proposed in the Land and Revenue Regulation under section 4.

As regards the second amendment under section 69, the sale is required to be conducted according to the law for the time being in force for the attachment and sale of movable properties under the decree of the civil court. Rule 5 of order XXI(a) of the Code of Civil Procedure does not allow removal of any live-stock from the village without special order of the court. Now, this creates difficulty for the Revenue Authority because the procedure in the civil suit is not exactly suitable for Government attachment and in a civil suit the decree holder takes personal interest. He also bears the expenditure and to make this arrangement is impossible in revenue attachments. Therefore a good case for an amendment of section 69(2) of the Regulation has been made out. This is why this amending Bill has been brought forward.

The Hon'ble the SPEAKER: Motion moved is that the Assam Land and Revenue Regulation (Amendment) Bill, 1941, be taken into consideration.

(After a pause)

(The motion was put and adopted.)

The Hon'ble the SPEAKER: Consideration of this Bill, clause by clause, will come up on the 24th November next. So the last day of receiving notices of amendments is the 20th November 1942 and time is 3 P. M.

Time-table for Demands for Grants

The Hon'ble the SPEAKER: Before we disperse to-day I want to make a statement with regard to the discussion of the Budget. The hon. members have by now known the number of days that have been fixed by His Excellency the Governor for the Demands for Grants to be considered by the House. For allotment of time for discussion of each of the Demands a time-table has been prepared by me and the copies of that time-table have been supplied to the leaders of the parties. I would, therefore, request the leaders of the parties to examine this time-table and let me know their objections to the allotment of time, if they have any, by 2 P. M. tomorrow so that I may make necessary alteration that may be suggested by them.

Protest *re* delay in sending Provisional Programme of business to Members

Mr. A. WHITTAKER: Mr. Speaker, Sir, I think it is proper to record my protest about the manner in which the Assembly members have been treated about the notice of the programme of business for the whole session. I feel very strongly about this because it is extremely difficult now for the members of my whole group to attend without due notice as many are engaged in defence projects and have to make special arrangements for substitutes. Moreover, it takes a good deal of time in getting here and up to yesterday we had no knowledge of what the programme was, nor knowledge of what the last day of the session would be. I myself having the advantage of living in Shillong and through the courtesy of the Secretary, Legislative Assembly Department, did know it within a reasonable time. But my colleagues living some distance away have been put to considerable inconvenience. I think, I am voicing the opinion of most members of this House that in this particular session we do not seem to have been treated with customary courtesy and consideration at a time namely the 4th year of the war — when there is a far greater need for such consideration than any previous session,

The Hon'ble the SPEAKER: I quite appreciate the value of the protest that has been made by hon. Mr. Whittaker but I may at once tell him that the delay was caused by certain circumstances which are not under our control. Certainly this Department is always anxious to furnish facilities to the members as best as they can; but in preparing the programme of business this Department had to meet with certain difficulties over which it had no control. If the hon. member wants, I may explain the circumstances by making a statement on any other day and if the hon. member does not like that such a statement should be made on the floor of the House, I may ask the Secretary to furnish him in writing with the reasons why this delay was caused.

Mr. BAIDYANATH MOOKERJEE: It is better that we also hear, Sir.

The Hon'ble the SPEAKER: Very good, I shall make a statement on the floor of the House.

Mr. A WHITTAKER: Thank you, Sir.

Maulavi ABDUL BARI CHAUDHURY: Sir, we did not know how many days we had to stay here, we did not know what was the programme.

The Hon'ble the SPEAKER: This is practically the same objection made by Mr. Whittaker.

Maulavi ABDUL BARI CHAUDHURY: And therefore we were not fully equipped.

Adjournment

The Assembly was then adjourned till 2 P.M. on Friday, the 13th November, 1942.

*Shillong,
The 4th December, 1942.*

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

APPENDIX "A"

The 7th January 1942.

No. L./M. L.-1093/41.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), the Governor of Assam is pleased to make the following amendments in rule 6 in Part III of Water Works Rules under the Assam Municipal Act published with Notification No. 1041-E., dated the 8th March 1924.

Amendment

For the words "A fee of Rs. 4" occurring at the beginning of the rule *substitute* the following :—

"Fees at such rates as may be fixed by the Board at a meeting and approved by the Provincial Government".

C. B. C. PAINE,

*Secretary to the Govt.**of Assam in the Edn. & L. S.-G. Dets.*

APPENDIX "B"

The 9th January 1942.

No. L./M. L. 1094/41.—In exercise of the powers conferred by section 296(2)(i) of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendment in the rules for the election of members of Municipal Boards published with Notification No. 656-L. S.-G., dated the 13th February 1937 in supersession of the orders contained in Notification No. 768-L.S.-G., dated the 23rd February 1939 so far as regards amendment of rule 53 :—

Amendment

Substitute the following for rule 53 :—

"53. The following rules shall be observed for the preservation of election papers enumerated below :—

- (i) Preliminary electoral roll in Form A.
- (ii) Claims and objections with reference to the preliminary electoral roll in Form A.
- (iii) Final electoral roll in Form A.
- (iv) Nomination paper in Form B.
- (v) Voting paper in Form D.
- (vi) Election petitions and proceedings and orders of the Judge thereon.

The papers in items (i) to (iv) shall be preserved in the office of the Board; those in item (v) shall be kept in the office of the Board until destroyed as provided in rule 45; and those in item (vi) shall be preserved in the office of the Judge.

The papers in items (i), (ii), (iv) and (vi) shall be destroyed after three years or as soon as the next general election has been completed; those in item (v) shall be destroyed as provided in rule 45; and those in item (iii) shall be preserved for twelve years and shall, before deposit in the Board's office, be duly authenticated by the Magistrate".

C. B. C. PAINE,

*Secretary to the Govt.**of Assam in the Edn. & L. S.-G. Depts.*

APPENDIX "C"

The 10th June 1942.

No. LML.99/42/14.—The following forms which the Governor of Assam is pleased to substitute for forms K and L under rules 48 and 50 respectively of Appendix A of the Municipal Account Rules published with Notification No.1041-E., dated the 8th March 1924, are published for general information :—

FORM K—concd.
CIRCLE NO.—concd.
Sarkar's Ledger—concd.

Date	Current year												Remarks				
	First quarter			Second quarter			Third quarter			Fourth quarter				Total	Total of columns 2, 7 and 12	Grand total	
	8	9	10	11	12	13	14	15									
1																	
Demand or balance from last month																	
Collections during the month—																	
1st																	
2nd																	
3rd																	
4th																	
Etc.																	
Total collections during the month																	
Remissions during the month—																	
1st																	
2nd																	
3rd																	
4th																	
Etc.																	
Total remissions during the month																	
Total of collections and remissions																	
Balance																	

Note.—By inserting a column "number of bills" between columns 1 and 2 and similar columns in the collection and remission registers, the actual number of bills outstanding as well as their value, can be ascertained.

FORM L- conold.

PROGRESS STATEMENT OF COLLECTIONS OF MUNICIPAL RATES AND TAXES FOR THE MONTH OF _____ 19 --conold.

Remarks	Current year												Grand total				
	First quarter			Second quarter			Third quarter			Fourth quarter				Total	Total of columns 2, 7 and 12		
	8	9	10	11	12	13	14	15									
	House	Water	Light	House	Latrine	Water	Light	House	Latrine	Water	Light	House	Latrine	Water	Light		
Demand or balance from last month	..																
Collection during the month—																	
Circle No. 1	..																
Ditto 2	..																
Ditto 3	..																
Etc.																
Total collection of the month	..																
Collections up to the end of last month																	
Grand total of collections	..																
Remissions during the month	..																
Circle No. 1	..																
Ditto 2	..																
Ditto 3	..																
Etc.																
Total remission of the month	..																
Remissions up to end of last month																	
Grand total of remissions	..																
Grand total of collections and remission	..																
Balance	..																

N. PHUKAN,
Deputy Secretary to the
Govt. of Assam in the Edn. & L. S.-G. Depts.

APPENDIX 'D'

The 16th June 1942.

No.LML.185/42/7.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendments in Form No 1 in Appendix I as introduced by correction slip No. 16 in Part III of the Water Works Rules of the Assam Municipal Manual :—

Add the words "Electrical Equipments," between the word "the" and the word "Engines" in the heading of the Form.

Add the following at the beginning of the Form just below the heading :—

Electrical equipments

1. Are the motors clean and dry and bearings properly lubricated ?
2. Are the commutators (or slip rings) in good order ?
3. Are the cables in good order ?
4. Are the safety-earth leads in good order ?
5. What is the resistance-to-earth of them, in ohms ?
6. What is the insulation-resistance figure of the windings, in Meg-ohms ?
 - (i) Between windings (across the commutator segments, or slip rings) ?
 - (ii) Between commutator segments (or slip rings) and the frame ?
7. Is the switchgear clean and dry ?
8. Are all fuse-holders in good condition ?
9. Are all contacts clean and in good condition ?
10. Are all bushes and securing screws and handles secure and cable-conduit in good order ?
11. Are all safety-earth connections in good order ?
12. What is the resistance to earth of them, in ohms ?
13. Are the settings of the overload and no-volt release trips correct ?
14. What are the "settings" (figures) for each ?
15. Are the Electric Meters in good order ?
16. If not when was a report made to the Licensee (Supply Company) ?
17. What is the dial reading at date of Report ?
18. What was the last Report-date reading ?
19. Are the ammeters and voltmeters (if fitted) working and in apparent good order ?
20. Are the aerial lines and their poles (if existing) in good order ?

N. PHUKAN,

*Deputy Secretary to the**Govt. of Assam in the Edu. & L.S.-G. Deptts.*

APPENDIX 'E'

The 19th June 1942.

No.LML.203/42/44.—In exercise of the powers conferred by section 296(2) (i) of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, and in modification of the Notification No.4369-L.S.-G., dated the 27th October 1936, the Governor of Assam is pleased to make the following rule for the division of the Tezpur Municipality into wards and for fixing the number of members to be elected for each of such wards of the said Municipality.

TEZPUR MUNICIPALITY

The Municipality shall be divided into four wards with the following boundaries :—

Number of elected members for each ward.....3.

WARD NO. I

North—The northern boundary of the municipality from the north-west corner of *dag* No. 2 of Tezpur Town, mouza Mohabhairob to the junction of the northern boundaries of *dags* Nos 2100 and 2452.

East—A line running along the eastern boundaries of *dags* Nos. 2100, 1398 and 1434 upto the cadastral pillar on the eastern boundary of *dag* No. 689 and thence crossing the said *dag* to the north-west corner of *dag* No. 688, thence southern boundary of *dag* No. 736 and eastern and southern boundaries of *dag* No. 737, eastern boundary of *dag* No. 738 northern, eastern and southern boundaries of *dag* No. 744, eastern boundary of *dag* No. 2565, northern and eastern boundaries of *dag* No. 754 and eastern and southern boundaries of *dag* No. 755 to the north-east corner of *dag* No. 757, thence eastern boundaries of *dags* Nos. 2564, 2563 and 530 and thence to the north-east corner of *dag* No. 471 and then along eastern boundaries of *dags* Nos. 471, 759 and 477 to the south-east corner of *dag* No. 477 and thence along the northern boundary of *dag* No. 473 to the north-east corner of *dag* No. 473 and thence to the cadastral pillar at the north-east corner of *dag* No. 474, thence along the eastern boundary of that *dag* and thence along the eastern boundary of the imaginary line drawn at right angles to the south-western boundary of *dag* No. 474 to the midstream of the river Brahmaputra.

South—From the point last mentioned in the mid-stream of the river Brahmaputra along the mid-stream up the point at right angles to the imaginary line drawn from the south-west corner of *dag* No. 2584 to the mid-stream, *viz.*, mid-stream of the river Brahmaputra.

West—From the point last mentioned an imaginary line drawn at right angles to the mid-stream of the river Brahmaputra upto the south-west corner of *dag* No. 2584, thence a line running straight north along the western boundaries of *dags* Nos. 387, 386, 384, 385, 383, 382, 380, 379, 320, 318, 316, 315, 314, 313, 310, 2412, 309, 2409, 299, 17, 14, 13, 2402, 10, 2404, 9, 6 and 2 of Tezpur Town, mouza Mohabhairob, district Darrang.

WARD NO. II.

North—The northern boundary of the Municipality from the junction of northern boundaries of *dags* Nos. 2100 and 2452 to the cadastral pillar at the north-west corner of *dag* No. 2207.

East—From the cadastral pillar at the north-west corner of *dag* No. 2207 south ward along the eastern boundaries of *dags* Nos. 2179, 1519, 1615, 1049, 1179 and 832 to the south-east corner of *dag* No. 832, thence along the eastern boundary of the imaginary line drawn at right angles to the south-western boundary of *dag* No. 832 to the mid-stream of the river Brahmaputra.

South—From the point last mentioned in the mid-stream of the river Brahmaputra along the mid-stream upto the point at right angles to the imaginary line drawn from the south-west corner of *dag* No.474 to the mid-stream, *viz.*, mid-stream of the river Brahmaputra.

West—From the point last mentioned an imaginary line drawn at right angles to the midstream of the river Brahmaputra up to the south-west corner of *dag* No. 474, and thence along the eastern boundary of Ward No.I.

WARD NO.III.

North and East—Starting from the north-west corner of *dag* No.2207 a line running along the eastern boundaries of *dags* Nos.2151 and 1899 to the point where it meets the northern boundary of *dag* No.1849, then along the northern and eastern boundaries of *dag* No.1849, thence along the eastern boundary of *dag* No.1800 and across that *dag* to the north-east of *dag* No.116, thence along the north-eastern boundaries of the said *dag* and eastern boundaries of *dags* Nos.1117 and 1118 to the point where it meets the north-east corner of *dag* No.1119, thence along the eastern and southern boundaries of that *dag* and the eastern boundary of *dags* Nos.2398 and 1144 to the point where it meets the north-west corner of *dag* No.1227 ; thence crossing *dag* No.1144 to the cadastral pillar on the northern boundary of *dag* No.1146 and crossing straight the said *dag* and *dags* Nos.2572, 1147 and 2573 to the point where it meets the north-eastern corner of *dag* No.1211 and thence along the eastern boundary of *dag* No 1211 to the mid-stream of the river Brahmaputra.

South—From the point last mentioned in the mid-stream of the river Brahmaputra along the mid-stream upto the point at right angles to the imaginary line drawn from the south-west corner of *dag* No.832 to the mid-stream of the river Brahmaputra.

West—From the point last mentioned an imaginary line drawn at right angles to the mid-stream of the river Brahmaputra upto the south-west corner of *dag* No. 832 and thence along the eastern boundary of Ward No. II.

WARD No. IV.

North—From the cadastral pillar at the corner of *dag* No. 2207 and thence along the northern boundary of *dag* No. 2210 and eastern boundary of *dag* No. 2212, thence along the northern boundary of *dag* No. 2213, and eastern boundary of *dags* Nos. 2213 and 2214, to the cadastral pillar at the south-east corner of *dag* No. 1908, thence along the eastern boundaries of *dags* Nos. 1909, 1910, 1912, 1913, upto the cadastral pillar at the north-east corner of *dag* No. 2566, thence along the northern boundaries of *dags* Nos. 1863, 1860, thence by the east of *dag* No. 2446 to the cadastral pillar at the north-west corner of *dag* No. 1926, thence running along the northern boundary of *dag* No. 1926, and the western boundaries of *dags* Nos.1924, 1921, 1918, 1917, 1916 and 1915 to the cadastral pillar at the north of *dag* No. 1915 of Tezpur Town, thence along the northern boundaries of *dags* Nos. 416, 417, 418 and

419 upto the cadastral pillar on the north of the last mentioned *dag*, thence along the eastern boundaries of *dags* Nos. 419, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 454 (of Barika Chubri) to the cadastral pillar of the Tezpur Town at the south-east corner of *dag* No. 1951 (Polo field), thence along the southern boundaries of *dags* Nos. 1951, 2581, 2580, 2579, 2578, and the eastern boundary of *dag* No. 1954 and northern boundaries of *dags* Nos. 1979, 1980, 1981, 1982, 2392, across the Nepalipatty road, and along the eastern boundary of *dag* No. 2392, and along the northern edge of Nepalipatty road (*dag* No. 2215), upto the cadastral pillar at the junction of Nepalipatty road and North Trunk road, thence along the north-western boundary of the North Trunk road (*dag* No. 2247), to the junction of the North Trunk road and Mental Hospital road at the corner of *dag* No. 2252.

East—From the point last mentioned a line running along the eastern and southern boundaries of *dag* No. 2294 to the cadastral pillar by the side of the Mental Hospital road and thence along the eastern boundaries of *dags* Nos. 2323, 2322, 2324, 2326, 2349, 2350, 2352, 2353, 2354, 2355, 2359 and 2360 and the southern boundaries of *dags* Nos. 2360, 2361, 2362 and 2363 and eastern boundaries of *dags* Nos. 2334, 2365, 2435, 2436, 2521, 2520, 2366, 2367, and across the Pumping station road to the cadastral pillar at the north-east corner of *dag* No. 2400, thence along the eastern boundary of the last named *dag* to its south-east corner and thence along the eastern boundary of the imaginary line drawn at right angles to the south-western boundary of *dag* No. 2400 to the mid-stream of the river Brahmaputra.

South—From the point last mentioned in the mid-stream of the river Brahmaputra along the mid-stream upto the point at right angles to the imaginary line drawn from the south-west corner of *dag* No. 832 to the mid-stream, *viz.*, mid-stream of the river Brahmaputra.

West—From the point last mentioned an imaginary line drawn at right angles to the mid-stream of the river Brahmaputra up to the south-west corner of *dag* No. 832 and thence along the eastern boundary of Ward No. III.

N. PHUKAN,

*Deputy Secretary to the
Govt. of Assam in the Edn. & L.S.-G. Depts.*

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