

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 A.M., on **Thursday the 25th March, 1943.**

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair ; the 9 Hon'ble Ministers and 43 Members.

QUESTIONS AND ANSWERS

Short Notice Questions Nos. 2, 3, and 4 standing in the name of Maulavi Md. Abdus Salam lapsed as the questioner was absent.

STARRED QUESTIONS

(to which oral answers were given)

Total acreage under Paddy cultivation

Mr. BAIDYANATH MOOKERJEE asked :

*72. Will Government be pleased to state—

- (a) The total acreage in the Province which was under paddy cultivation and the quantity of paddy harvested for the years 1941 and 1942 separately, Subdivision by Subdivision ?
- (b) The procedure according to which acreage under paddy cultivation and the quantity of paddy harvested is determined ?

The Hon'ble Mr. NABA KUMAR DUTTA replied :

72.(a)—Two statements are laid on the table.

Statements referred to in reply to starred question No.72(a) asked by Mr. Baidyanath Mookerjee at the Budget Session of the Assembly, 1943

Only district figures are available. It will take time to collect Subdivisional figures from the districts concerned

(i) Statement showing district by district the total acreage under paddy in the Province for :—

Districts	1941-42 Acres.	1942-43 (estimated) Acres.
Cachar	283,980	281,700
Sylhet	1,523,356	1,853,500

Districts	1941-42 Acres.	1942-42 (estimated) Acres.
Khasi and Jaintia Hills*	36,000	36,000
Naga Hills*	84,800	84,800
Lushai Hills*	56,100	56,100
Goalpara ...	421,622	393,000
Kamrup ...	874,315	834,500
Darrang ...	411,314	344,400
Nowgong ...	399,183	372,100
Sibsagar ...	485,701	449,100
Lakhimpur ...	365,824	318,600
Sadiya ...	10,093	7,700
Balipara*	2,300	2,300
Garó Hills ...	78,193	74,100
	<u>5,032,781</u>	<u>5,107,9007</u>

(ii) Statement showing district by district the quantity of paddy produced during 1941-42 and 1942-43 :—

Districts	1941-42 Tons.	1942-43 (estimated) Tons.
Cachar ...	163,700	149,900
Sylhet ...	788,800	881,900
Khasi and Jaintia Hills...	16,600	18,500
Naga Hills ...	36,000	34,700
Lushai Hills ...	37,000	34,800
Goalpara ...	218,100	217,000
Kamrup ...	390,100	376,200
Darrang ...	167,000	194,000
Nowgong ...	188,800	207,100
Sibsagar ...	259,400	240,100
Lakhimpur ...	253,900	190,800
Sadiya Frontier Tract	4,800	3,600
Balipara ,, "	1,000	1,400
Garó Hills ...	37,900	39,600
	<u>2,563,100</u>	<u>2,589 600</u>

(b)—The procedure is based on the statistical procedure laid down by the Government of India. Figures and estimates of area and production under different crops are supplied by the District Officers. These are calculated and published according to prescribed tables by the Director of Agriculture.

Mr. BAIDYNATH MOOKERJEE: May I know the difficulty which stood on the way of supplying figures, Subdivision by Subdivision ?

The Hon'ble Mr. NABA KUMAR DUTTA: The time was very short.

Mr. BAIDYANATH MOOKERJEE: May I know from the Hon'ble Minister when these questions were handed over to the Department ?

*Areas for these districts are estimated by the District Officer quinquennially.

The Hon'ble Mr. NABA KUMAR DUTTA: When these questions came to us, the time was very short to collect figures from the Subdivisions.

Mr. BAIDYANATH MOOKERJEE: I sent these questions in the middle of February ; so, was there not sufficient time to ask the District Officers to collect figures Subdivision by Subdivision ? It was quite easy, but may I take it that Government did not care to enquire of the District officers ?

The Hon'ble Mr. NABA KUMAR DUTTA: As a matter of fact we enquired, but the figures have not yet been received from the Subdivisional Officers

Mr. BAIDYANATH MOOKERJEE: What was the reply of the District Officers to Government's enquiry ? The subdivisional figures were then in their office otherwise how could they send district figures.

The Hon'ble Mr. NABA KUMAR DUTTA: No reply has yet been received.

Mr. BAIDYANATH MOOKERJEE: Do I understand then that Government called for the information from the District Officers and not from the Subdivisional Officers ?

The Hon'ble Mr. NABA KUMAR DUTTA: Yes, Sir, we called for information from the Subdivisional Officers, but we have not heard from them yet.

Mr. BAIDYANATH MOOKERJEE: Well, may I know, Sir, the date on which the Subdivisional Officers were asked for the information ?

The Hon'ble Mr. NABA KUMAR DUTTA: I want notice, Sir.

Mr. BAIDYANATH MOOKERJEE: When the Government say that time was very short, they should be able to give me some idea about the date on which information was called for.

The Hon'ble Mr. NABA KUMAR DUTTA: All that I can say is that we asked the Subdivisional Officers to supply these figures, but we have not received them as yet.

Srijut ROHINI KUMAR CHAUDHURI: Were the Subdivisional Officers told to send their report during the present Session of the Assembly ?

The Hon'ble Mr. NABA KUMAR DUTTA: Yes, Sir, we wrote to them that the matter was very urgent.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister kindly enquire and inform us to-morrow, on which date the information was called for from the Subdivisional Officers, so that we may know whether the time was sufficient or not ?

The Hon'ble Mr. NABA KUMAR DUTTA: All right, Sir.

Starred questions Nos. 73—75 standing in the name of Babu Bipin Behari Das were not put and answered as the questioner was absent.

Contract works on the Sylhet-Fenchuganj-Brahmanbazar Road

Babu NIRENDRA NATH DEV asked :

*76. (a) Is it a fact that Public Works Department contracts are usually distributed by the District Executive Engineers ?

(b) Is it a fact that Mr. Ali Ahmed, the present Chief Engineer, Assam, himself distributed the contracts for earthwork and gravel collection on the Sylhet-Fenchuganj-Brahmanbazar Road ?

(c) Is it a fact that the Chief Engineer has allotted the work for 3 miles of the said road to one Mr. Nurur Rahman ?

(d) Is it a fact that no other contractor has got more than a mile as his share of work in the said road ?

(e) Are Government aware that a son of the present Chief Engineer, Assam, is a partner of Mr. Nurur Rahman ?

*77. (a) Is it a fact that "The Builders and Traders and Company" got a contract for supplying shingles on the Shaistaganj-Chunarughat Teliapara road at Rs.59 per 100 c.ft.

(b) Is it a fact that the Chief Engineer later on raised the rate to Rs.80 per 100 c.ft. without calling for any fresh tender ?

(c) Is it a fact that the Chief Engineer granted an advance of Rs.41,000 to the Builders and Traders and Company ?

(d) Is it a fact that the Chief Engineer arranged with the Military authorities to supply 2 lakhs of c.ft. of shingles for the Shaistaganj-Chunarughat-Teliapara Road from their stock collected at Karimganj to the Public Works Department at Rs.29 per 100 c.ft. ?

(e) Is it a fact that the Public Works Department handed over the shingles thus received to the Builders and Traders and Company ?

(f) Is it a fact that the Builders and Traders and Company were allowed to draw at the rate of Rs.80 per 100 c.ft. for the 2 lakhs c.ft. of shingles they received from the Military authorities through the Public Works Department at Rs.29 per 100 c.ft.

(g) Are Government aware that Mr. Nurur Rahman and a son of the present Chief Engineer, Assam, are partners of a firm "The Builders and Traders & Company" ?

*78. Do Government propose to suspend the present Chief Engineer from service and hold an enquiry into the matter ?

*79. (a) Will Government be pleased to state whether distribution of contracts for earthworks for improving the Sylhet-Fenchuganj-Brahmanbazar Road has been completed ?

(b) If so, by whom ?

(c) If the answer to question 79(a) above is in the affirmative, will Government be pleased to state the total number of tenders received, the names of the contractors whose tenders have been accepted, showing the length allotted to each such contractor, the rate quoted by each of them and the rate accepted by Government in each individual case ?

(d) Will Government be pleased to state whether all these tenderers whose tenders have been accepted are recognised contractors of the Public Works Department ?

(e) If not, what are the reasons for rejecting the tenders of the recognised tenderers ?

(f) If the answer to question 79(d) above is in the affirmative, will Government be pleased to state separately for how long these contractors are executing works in the Public Works Department ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

76. (a)—Public Works Department contracts are awarded by all Officers from the Chief Engineer down to Subdivisional Officers and their powers are as given in the Assam Public Works Department Code.

(b)—The award of contracts was made by the Executive Engineer, Sylhet, after consultation with the Chief Engineer.

(c)—Yes.

(d)—Yes.

(e)—Government are assured that the statement is false.

Mr. BAIDYANATH MOOKERJEE: In reply to question No.76 (b), Government say that the award of contracts was made by the Executive Engineer in consultation with the Chief Engineer. Again, in reply to question No.76(c), viz., "Is it a fact that the Chief Engineer has allotted the work for 3 miles of the said road to one Nurur Rahman?", Government said "Yes". So, do I understand that in this case it was personally the Chief Engineer who gave away the contract?

The Hon'ble the SPEAKER: The implication is this of course.

Mr. BAIDYANATH MOOKERJEE: Is it not contradictory, Sir?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: There is no contradiction, Sir. The answer is with reference to (b), that the award of contracts was made by the Executive Engineer in consultation with the Chief Engineer.

Srijut ROHINI KUMAR CHAUDHURI: Is there any pecuniary limit up to which the District Executive Engineer can distribute contracts?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir, I think it is Rs.20,000.

Srijut ROHINI KUMAR CHAUDHURI: Is it a fact that beyond this amount the sanction of the Chief Engineer is necessary?

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

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

77. (a)—The Builders and Traders got a contract for supply of gravel for Shaistaganj-Balla Road. The rates were Rs.59 for delivery at Shaistaganj and Rs.67 at Chunarughat.

The Defence Department changed this route to Shaistaganj-Teliapara-Dharmagarh at a later date.

(b)—No. A supplementary contract for additional material was given at this rate at a later date for carriage to different stations.

(c) An advance on the security of materials was granted under rule 274(c) of the Assam Financial Rules on actual measurement of gravel received, with the concurrence of the Finance Department.

(d) & (e)—As wagons for transport could not be given by the Bengal and Assam Railway at Sylhetghat Railway Station and the material was urgently required, the C. R. E. offered part of the material stock at Karimganj in exchange for the quantity collected at Sylhet, and this was made over to this contractor.

There was no question of payment for the gravel at Karimganj. (f)—They will receive payment at the contract rates for any gravel supplied by the Military at Karimganj in respect of which they have surrendered gravel at Sylhet.

For any quantity in excess of the amount surrendered at Sylhet, they will receive payment for transport.

(g)—Mr. Nurur Rahman is a member of the firm. Government are assured that no son of the Chief Engineer is a member of this firm.

Babu NIRENDRA NATH DEV : With regard to question (b) the answer is that a supplementary contract for additional material was given at this rate at a later date. May we know if any tenders were invited for this supplementary contract ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No.

Srijut ROHINI KUMAR CHAUDHURI : With regard to question (g) may we know who gave this assurance ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Government made some inquiry into the matter and are satisfied that no son of the Chief Engineer is a member of this firm.

Srijut ROHINI KUMAR CHAUDHURI : Is it a registered firm ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I could not say that.

The Hon'ble the SPEAKER : It must be.

Srijut ROHINI KUMAR CHAUDHURI : Did the Government enquire at the office of the Registrar of the Joint Stock Companies to find out who are actually the partners of this firm ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No enquiry was made.

Srijut ROHINI KUMAR CHAUDHURI : The Hon'ble Minister has said that some enquiry was made into the matter. May I know what sort of enquiry was made and through whom ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : The enquiry was made through our officer.

Srijut ROHINI KUMAR CHAUDHURI : The Chief Engineer ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No, there is another Chief Engineer.

Srijut ROHINI KUMAR CHAUDHURI : Did Government enquire on what materials the other Chief Engineer came to this conclusion ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : We do not know on what materials he came to that conclusion, but the result of the enquiry was communicated to us.

Srijut ROHINI KUMAR CHAUDHURI : In view of this, will they enquire at the office of the Joint Stock Companies to find out who are the registered partners of this firm ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, if the hon. Member desires, we can have the enquiry made.

Maulavi MUHAMMAD AMJAD ALI : During the enquiry by the other Chief Engineer, was there anything to suggest that he went out of his way in distributing the contracts ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
No, Sir.

Maulavi MUHAMMAD AMJAD ALI: Then what is the necessity of a further enquiry ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
That is with regard to the enquiry to be made from the office of the Registrar of the Joint Stock Companies. That enquiry can be made.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN
replied :

78.—Government have examined the case and see no ground for any such action.

Babu NIRENDRA NATH DEV: Do Government propose to suspend the present Chief Engineer from service and hold an enquiry into the matter ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
Government have examined the case and see no ground for any such action.

Srijut ROHINI KUMAR CHAUDHURI: As regards question 78, may I know who held the enquiry ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: As I have already said, Government made an enquiry through their officer.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN
replied :

79. (a)—Yes.

(b)—By the Executive Engineer.

(c)—The total number of tenders received was 316 and work was distributed as shown in the statement laid on the table, the rates are also noted.

Statement referred to in reply to starred question No. 79(c) asked by Babu Nirendra Nath Dev at the Budget Session of the Assembly, 1943

Serial No.	Name of contractor	Length of mile allotted	Rates quoted originally		Accepted rate
			Rs.	a. p.	
1	Md. Arkum ..	1 mile ..	15	0 0	Per thousand c.ft.
2	Md. Raisuddin ..	1 mile ..	15	0 0	
3	Babu Satya Ranjan Deb ..	$\frac{1}{2}$ mile ..	15	0 0	
4	Md. Abdul Majid ..	$\frac{1}{2}$ mile ..	15	0 0	
5	Md. Aktar Hussain ..	1 mile ..	15	0 0	
6	Babu H. Dutta ..	1 mile ..	16	0 0	
7	Maulavi Nurur Rahman ..	3 miles ..	15	0 0	
	Chowdhury.		to		
			17	6 0	

Serial No.	Name of contractors	Length of miles allotted	Rates quoted originally	Accepted rate
Rs. a. p.				
8	Hazi Abru Mia ..	1 mile ..	18 0 0	Per thousand c.ft.
9	Md. Mantaz Ali ..	1 mile ..	16 0 0	„
10	Md. Majid Ullah ..	1 mile ..	15 0 0	„
11	Abdul Hamid Jan ..	1 mile ..	18 0 0	„
12	Madaris Ali ..	1 mile ..	17 0 0	„
13	Md. Jahir ..	$\frac{1}{2}$ mile ..	22 0 0	„
14	Hafiz Watir Ali ..	$\frac{1}{2}$ mile ..	15 0 0	„
			to	
			16 0 0	
15	Mohit Kumar Nag ..	1 mile ..	16 8 0	„
16	Kumud Behari Gupta ..	1 mile ..	15 0 0	„
17	H. K. Chakravarty ..	$\frac{1}{2}$ mile ..	15 0 0	„
18	Abdul Rouf Chowdhury ..	$\frac{1}{2}$ mile ..	15 0 0	„
19	Ranadhir Kar ..	$\frac{1}{2}$ mile ..	15 0 0	„
20	Monowar Islam ..	$\frac{1}{2}$ mile ..	14 0 0	„
			to	
			16 8 0	
21	Robindra Kumar Das ..	1 mile ..	18 0 0	„
22	Abdul Rob Chowdhury ..	1 mile ..	17 0 0	„
			to	
			20 0 0	
23	Umesh Chandra Das ..	1 mile ..	16 0 0	„
24	Rakesh Ranjan Dutta ..	1 mile ..	14 14 0	„
25	Abdus Sattar Chowdhury	1 mile ..	13 0 0	„
			to	
			15 0 0	
26	Abdul Malik Chowdhury	1 mile ..	13 0 0	„
			to	
			15 0 0	„
27	Sachindra Ch. Datta ..	1 mile ..	16 0 0	„
28	Ajit Kumar Chowdhury	$\frac{1}{2}$ mile ..	16 8 0	„
29	Rabindra Nath Das Gupta	$\frac{1}{2}$ mile ..	16 8 0	„
30	Suruj Ali ..	1 mile ..	16 8 0	„
			to	
			18 8 0	

Accepted at a flat rate of Rs. 16 per thousand C.ft.

(d)—If by the term recognised contractors, contractors of long standing in the Public Works Department is meant, the reply is that some contractors who are not of long standing were also selected.

(e)—As the call for tenders was an open one and not restricted to the contractors of long standing only, persons considered most suitable were selected.

(f)—Does not arise

Babu NIRENDRA NATH DEV: With regard to question (e) the answer is “persons considered most suitable were selected.” May we know what are the considerations made about the selection?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The consideration is that the contractor must have sufficient number of labour at his command to do the work with expedition.

Sylhet-Brahmanbazar Road

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked:

- *80. (a) Is it a fact that the existing Sylhet-Brahmanbazar road is going to be broadened this year ?
 (b) Is it a fact that in the existing road there are many openings and breaches due to previous successive floods ?
 (c) Are Government aware that the areas by the eastern side of the said road from Sylhet to Fenchuganj are affected very badly by floods and failure of crops every year ?
 (d) Is it a fact that the floods and failure of crops are due to the fact that the present openings do not properly drain off the rain water in time ?
 (e) If the answers to questions (a)–(d) above or any one of them are in the affirmative, do Government propose to keep sufficient openings in the proposed road and not to narrow down the openings further ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

80. (a)—Earthwork in raising and widening the road was taken up at the instance of the Military Authorities, but a telegram recently received from them has asked for the work to be stopped, and this is being done

(b)—Yes.

(c)—Some areas are adjacent to a haor and are liable to be affected by the overflowing of the river Kushiara.

(d)—No.

(e)—This does not arise as the work on the road is being closed down.

Mr. BAIDYANATH MOOKERJEE: May I know whether any reason was given by the Central Government for stopping this work ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

Mr. BAIDYANATH MOOKERJEE: Has the work been stopped temporarily or for good ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: It is not known to us.

Selection Grade in the Assam School Service, Class III

Mr BAIDYANATH MOOKERJEE asked :

*81. Will Government be pleased to state what action they have taken on the following resolution passed in the tenth session of the Assam Educational Conference held at Shillong in May 1940 ?

“(b) This Conference reaffirms Resolution No. 11 (Service) passed in the 9th Session of the Conference held at Sylhet in 1935, viz. : This Conference strongly recommends that the Director of Public Instruction be pleased to move Government to provide a selection grade, as in Medical Junior Service, Registration Service, and Subordinate Police Service, for officers in Class III of the Assam School Service who by reason of fewer appointments in Class II cannot expect promotion to this class”.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

81.—Government have not received any such resolution and so the question of action does not arise.

Maulavi DEWAN MUHAMMAD AHBAB CHAUDHURY : May I know from the hon. questioner whether this was an official Conference, or it was organised by private persons ?

Mr. BAIDYANATH MOOKERJEE : I shall give this information to the hon. Member outside this House, Sir.

Maulavi ABDUR RAHMAN : What is the difficulty in giving it inside the House ?

Mr. BAIDYANATH MOOKERJEE : I am not bound to give any explanation, Sir.

Maulavi DEWAN MUHAMMAD AHBAB CHAUDHURY : When the Hon'ble Minister replies that he has not got any information, what was the necessity of convening the Conference at Shillong ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : This was a private Conference, and Government had nothing to do with it.

Re : report on the enquiry about the Jorhat Jail incident

Srijut ROHINI KUMAR CHAUDHURI : Before the proceedings of the day commence, may I request the Hon'ble Premier to read out to the House the report on the enquiry about the Jorhat Jail incident which, I hope, has been received by the Government ? My information is that the enquiry has been completed and the report was sent to them about 22nd of his month.

t The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I have not received the report as yet, but I will enquire of the Chief Secretary if he has received it.

Srijut ROHINI KUMAR CHAUDHURI : If the report has been received, will the Hon'ble Premier read it out to the House ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The relevant portions of the report may be placed before the House.

The Assam Nurses', Midwives and Health visitors' Registration Bill, 1942

The Hon'ble the SPEAKER : The next item is, consideration of the Assam Nurses', Midwives' and Health Visitors' Registration Bill, 1942, clause by clause.

Clause 4

Mr. A. WHITTAKER : To assist the House in consideration of the amendments to clause 4, will it be possible to take Mr. Abdur Rahman's Motion with Mr. Mookerjee's ? It does affect the constitution of this Council. It will be difficult for me to reply to Mr. Mookerjee's Motion unless I know what is going to happen to Mr. Rahman's Motion.

The Hon'ble the SPEAKER: Yes, I will allow all these Motions to be moved and then there will be discussion on all the amendments.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg to move that after the words "Medical Council" occurring in the last line of item (8) of clause 4, the following shall be added:—

"and the Secretary of the Red Cross Society, Sylhet Branch, Sylhet."

Before the Bill was sent to the Select Committee I raised this point amongst others that the Board as it was constituted in the Bill, had no representative from the Surma Valley. Sir, though some improvement has been made by the Select Committee still I find that only one representative will be nominated by the Medical Council of Assam. I think in the fitness of things there should be another representative of the Surma Valley and so far as this institution is concerned, I mean the Red Cross Society, Sylhet Branch, Sylhet, there are lying-in wards and Dhai training centre etc. I think there will be no difficulty in accepting my suggestion. In any case there will be only two representatives of the Surma Valley people, whereas these words I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved: "That after the words "Medical Council" occurring in the last line of item (8) of clause 4, the following shall be added:—

"and the Secretary of the Red Cross Society, Sylhet Branch, Sylhet".

Is there any objection?

Mr. A. WHITTAKER: Mr. Speaker, Sir, naturally I can have no objection to the inclusion of a Secretary from the Red Cross Society but this question does not lie entirely in my hands. Any proposal to increase the strength of the Nursing Council seems to me to require the concurrence or at least the statement of the views of Government as Government will be involved in the extra expenditure.

The second point which I would ask Mr. Mookerjee to consider is that the Sylhet Red Cross Society is now a strong body but there is no guarantee that after the war it will continue to have its present lively existence. I am reluctant, Sir, to add other local considerations in determining the constitution of this Council. Already the two other Motions, if accepted, will bring in additional nominees from the Surma Valley. I would like to suggest, Sir, that if the Red Cross Society is to be represented on this Council, the representation or nomination should come from the Provincial Society, the representative objection to the Red Cross Society securing a nomination but I have no particular is some objection about locating that nomination to one particular district. That is the point, I would like Mr. Mookerjee to consider before I am asked to say whether I accept the amendment or oppose it.

I would also like, Sir, with your permission, to hear what Mr. Abdur Rahman is going to say on the next amendment.

The Hon'ble the SPEAKER: At this stage may I enquire how this amendment fits in? It appears to me that there should be a separate item. Now, item No. (8) begins like this "one doctor from the Surma Valley to be nominated by the Provincial Government on the recommendation of the Assam Medical Council; and....."

Mr. A. WHITTAKER: It should be a separate item, Sir. I quite agree.

The Hon'ble the SPEAKER: So, Mr. Mookerjee should move his amendment in this way, "that after item No. (8) and deleting the word "and" after that item, a fresh item as item No. (9) be added to the effect...

Mr. BAIDYANATH MOOKERJEE: I beg, Sir, to move that the word "and" occurring in the last line of item No. (8) be deleted and a fresh item No. (9) be added as follows:—

(9) The Secretary of the Red Cross Society, Sylhet.

The Hon'ble the SPEAKER: The Motion moved is that the word "and" occurring in the last line of item No.(8) be deleted and a fresh item No.9 be added as follows:—“(9) The Secretary of the Sylhet Red Cross Society”.

Then I would ask Maulavi Abdur Rahman to move his Motion.

Maulavi ABDUR RAHMAN: I beg, Sir, to move that at the end of item 9, of clause 4, the following item shall be added as item No.(10).

“One Muslim doctor from the province of Assam to be nominated by the Provincial Government on the recommendation of the Assam Medical Council”.

The Hon'ble the SPEAKER: The present (9) will be (10.)

Mr. A. WHITTAKER: It will be No. (11), Sir, after renumbering.

Maulavi ABDUR RAHMAN: Sir, this at the very outset may sound a very parochial one but as things stand now, I have got to move it and be a bit communal because I find from the proposed constitution of the Council that the Muslim interest has hardly been represented. From the list, it appears, at present the Muslim case has no chance to be represented and so I beg to move that a Muslim doctor be taken.

The Hon'ble the SPEAKER: Amendment moved: “That at the end of item (9) of clause 4, the following item shall be added as item No.(10).

“10. One Muslim doctor from the Province of Assam to be nominated by the Provincial Government on the recommendation of the Assam Medical Council”.

Then Mr. Mookerjee should move his amendment No. 2.

Mr. BAIDYANATH MOOKERJEE: Sir, I beg to move that at the end of item (9) of clause 4, the following proviso shall be added:—

“Provided that a nominee from the Surma Valley shall be succeeded by a nominee from the Assam Valley and *vice versa*”.

Sir, my point is very simple because in item (9) you will find, that one registered midwife or health visitor to be nominated by the Provincial Government. My idea in moving this is that in alternate terms one midwife or health visitor should be nominated from each Valley and in this case, Sir, the point raised by my Friend Mr. Whittaker, so far as the financial side is concerned, will not stand in the way and I hope Government also will not grudge this amendment because I am just suggesting that in one term one from the Surma Valley and in the other term one from the Assam Valley should be nominated.

The Hon'ble the SPEAKER: Does this amendment really give the idea of Mr. Mookerjee?

Mr. A. WHITTAKER: There is only one situation, Sir, which it fails to meet. Supposing a nominee dies within a month of nomination it cannot be the intention that a particular nominee should be succeeded for the next three years by a nominee from the other Valley. That is the only point.

The Hon'ble the SPEAKER: Amendment moved:
“That at the end of item (9) of clause 4, the following proviso shall be added:—

“Provided that a nominee from the Surma Valley shall be succeeded by a nominee from the Assam Valley and *vice versa*.”

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Mr. Speaker Sir, I shall be very brief and shall speak only a few words.

As regards the amendment of Mr. Mookerjee, I may say that I support the views of Mr. Whittaker. If the nomination goes to the Red Cross Society then the district of Cachar will not get any benefit. So I pressed for a member from the Surma Valley and the Committee accordingly decided that the Council shall consist of the following *ex-officio* and nominated member, *i.e.*, one member from the Surma Valley should be nominated on the recommendation of the Government of Assam.

As regards the Motion of Mr. Abdur Rahman I also request the hon. Mover that he will kindly include the amendment of Mr. Abdur Rahman.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir, the Hon'ble Minister-in-charge of Medical Department could not attend the Assembly to-day. So, I am replying on behalf of Government. Sir, as regards the amendment moved by Mr. Mookerjee I think the matter has been explained by Mr. Whittaker. Government ordinarily might not have any objection, had there not been financial implication in this matter. We find in this Bill quite a large number of members and if any other member is appointed certainly it will involve further expenditure. As we study the Bill, Sir, we find that ultimately the whole burden will have to be borne by the Government. The Council will have very meagre receipt of its own. So, any proposal for further expenses certainly will not be favoured by Government.

Now, Sir, as regards his second Motion for including a proviso I don't see that there is any necessity for that. This also has been explained by Mr. Whittaker. Well, Sir, we are not proceeding on valley lines or anything like that. I think the members appointed to the committee will look to the interest of all communities. It is not the intention of the Government to put a Bill on valley lines.

Now, as regards the amendment of my Friend Maulavi Abdur Rahman I think my hon. Friend is quite right in bringing forward the demand of a particular community. But I find there are other difficulties in the matter. If we accede to this demand Government will certainly be put to a very difficult position because similar demands may come from Hindu community, from the scheduled caste, from the tribal and other people. So, it will be a very big body which Government certainly would not like to have. So, I think, Sir, it is not desirable that we should proceed in that line. So, I that in view of this fact and in view of the fact that the personnel that are suggested in the Bill will certainly look to the interest of all communities concerned, my Friend will see his way not to press this Motion. This is all what I have got to say as regards this amendment.

Mr. A. WHITTAKER: May I speak a few words on this Motion, Sir? In item (8) of clause 4 I should be prepared to accept the amendments to item 9 proposed by Mr. Mookerjee as it involves no additional expense to the Government of Assam. As regards the amendment moved by my hon. Friend Mr. Abdur Rahman I would ask you to recall rather pertinently that this eagle-eyed Member of the Assembly reproached me publicly on the last occasion for expanding this Council (*laughter*). The very same Member now comes forward with this amendment to day to increase the Council. I would draw his attention to this inconsistency.

My second point is that there is no room for communal ratio in the war against disease. This war surely, Sir, if anything ever can be, must be a joint effort.

As regards the Bill I am trusting the Government of Assam to finance the whole of this measure. Surely, my Friend Mr. Abdur Rahman can trust the Government of the day to see that the public—not one community but the public in general—is adequately represented. And finally, Sir, if we allow communal ratio to intrude into this Bill I must suggest that as the Nursing profession in Assam is predominantly made up of members from the hill districts I shall certainly be faced—or the Council will be faced—with an amendment asking for at least three additional members to represent the districts from which the nurses are mainly drawn. In view of these facts, Sir, I would appeal to Maulavi Abdur Rahman to withdraw his amendment.

Maulavi ABDUR RAHMAN: I admit that while I moved this amendment, I did not forget the opposition which I put the other day on the question of the extension of this Council. While I found that the House agreed to such a big Council, I had to accept it. Now, by moving my amendment I intend to add one more only. Sir, I want that my community should be represented in this Council. The hon. Mover of the Motion has appealed to me to withdraw my amendment. He said that the Council will represent each and every community. I make an appeal to the House that if they do not so desire that a Muslim should get a chance in the Council, well I do not like to press my amendment. I make my appeal to the House and to the Mover as well.

The Hon'ble the SPEAKER: The question is:

“That the word ‘and’ occurring in the last line of item (8) be deleted and a fresh item No. (9) be added as follows:—

‘(9) The Secretary of the Sylhet Red Cross Society’”.

The Assembly divided.

AYES—10

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| 1. Mr. Baidyanath Mookerjee. | 6. Babu Nirendra Nath Dev. |
| 2. Srijut Bepin Chandra Medhi. | 7. Srijut Purandar Sarma. |
| 3. Babu Karuna Sindhu Roy. | 8. Srijut Ram Nath Das. |
| 4. Babu Lalit Mohan Kar. | 9. Maulavi Abdul Aziz. |
| 5. Srijut Rohini Kumar Chaudhuri. | 10. Khan Bahadur Maulavi Mahmud Ali. |

NOES—33

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|---|---|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. |
| 2. The Hon'ble Mr. Naba Kumar Dutta. | 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 9. The Hon'ble Srijut Rupnath Brahma. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 10. Srijut Joges Chandra Gohain. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 11. Maulavi Abdur Rahman. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 12. Maulavi Dewan Muhammad Ahab Chaudhury. |
| | 13. Maulavi Dewan Ali Raja. |
| | 14. Maulavi Muhammad Amjad Ali. |

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| 15. Maulavi Badaruddin Ahmed. | 23. Mr. R. A. Palmer. |
| 16. Khan Bahadur Maulavi Keramat Ali. | 24. Mr. P. Trinkle. |
| 17. Maulavi Muhammad Maqbul Hussain Chaudhury. | 25. Mr. A. Whittaker. |
| 18. Maulavi Muzarrof Ali Laskar. | 26. Mr. Benjamin Ch. Momin. |
| 19. Maulavi Namwar Ali Barbhuiya. | 27. Srijut Bhairab Chandra Das. |
| 20. Mr. F. W. Blennerhassett. | 28. Srijut Bideshi Pan Tanti. |
| 21. Mr. E. H. S. Lewis. | 29. Mr. Binode Kumar J. Sarwan. |
| 22. Mr. C. W. Morley. | 30. Mr. C. Goldsmith. |
| | 31. Mr. Jobang D. Marak. |
| | 32. Srijut Karka Dalai Miri. |
| | 33. Srijut Rabi Chandra Kachari. |

The question was negatived.

The Hon'ble the SPEAKER : The question is :

“That at the end of item (9) of clause 4, the following proviso shall be added :—

‘Provided that a nominee from the Surma Valley shall be succeeded by a nominee from the Assam Valley and *vice versa*.’”

The Assembly divided.

Ayes—8

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|-----------------------------------|-------------------------------------|
| 1. Mr. Baidyanath Mookerjee. | 6. Babu Nirendra Nath Dev. |
| 2. Srijut Bepin Chandra Medhi. | 7. Srijut Ram Nath Das. |
| 3. Babu Karuna Sindhu Roy. | 8. Khan Bahadur Maulavi Mahmud Ali. |
| 4. Babu Lalit Mohan Kar. | |
| 5. Srijut Rohini Kumar Chaudhuri. | |

Noes—34

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|---|--|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 15. Maulavi Badaruddin Ahmed. |
| 2. The Hon'ble Mr. Naba Kumar Dutta. | 16. Khan Bahadur Maulavi Keramat Ali. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 17. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 18. Maulavi Matior Rahman Mia. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 19. Khan Bahadur Maulavi Mufizur Rahman. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 20. Maulavi Muzarrof Ali Laskar. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 21. Maulavi Namwar Ali Barbhuiya. |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 22. Mr. F. W. Blennerhassett. |
| 9. The Hon'ble Srijut Rupnath Brahma. | 23. Mr. E. H. S. Lewis. |
| 10. Srijut Joges Chandra Gohain. | 24. Mr. C. W. Morley. |
| 11. Maulavi Abdur Rahman. | 25. Mr. R. A. Palmer. |
| 12. Maulavi Dewan Muhammad Ahab Chaudhury. | 26. Mr. P. Trinkle. |
| 13. Maulavi Dewan Ali Raja. | 27. Mr. A. Whittaker. |
| 14. Maulavi Muhammad Amiruddin. | 28. Mr. Benjamin Ch. Momin. |
| | 29. Srijut Bhairab Chandra Das. |
| | 30. Srijut Bideshi Pan Tanti. |
| | 31. Mr. Binode Kumar J. Sarwan. |
| | 32. Mr. Jobang D. Marak. |
| | 33. Srijut Karka Dalay Miri. |
| | 34. Srijut Rabi Chandra Kachari. |

The question was negatived.

The Hon'ble the SPEAKER: The question is:

"That at the end of item 9 of clause 4, the following item shall be added as item No. 10.—'10. One Muslim Doctor from the Province of Assam to be nominated by the Provincial Government on the recommendation of the Assam Medical Council'."

(The Division bell was ringing).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, did anybody claim a Division?

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, I claimed the Division.

The Hon'ble the SPEAKER: I repeated thrice 'Ayes have it' and there was also a counter cry everytime 'Noes have it' and therefore I allowed the Division.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My point, Sir, is that if no body asks for a Division, then is it the duty of the Hon'ble Speaker to force a Division?

The Hon'ble the SPEAKER: The Hon'ble Premier has forgotten that the practice that has been followed all along is that, I repeat 'Ayes have it' or 'Noes have it', as the case may be, three times to indicate my verdict and if I find that every time there is a counter cry, then I allow a Division. That is the usual practice also followed in some of the other legislatures in India. It is not necessary that one should rise up and say that he claims a Division. The raising of a counter cry to my verdict "Ayes have it" or "the Noes have it", as the case may be, is considered as claiming a Division.

Khan Bahadur Maulavi KERAMAT ALI: In this case, I only heard one hon. Member saying 'Ayes'. I don't know whether anybody claimed a Division.

The Hon'ble the SPEAKER: No, there was a cry "Noes have it" for the third time to my verdict "Ayes have it."

The Assembly divided.

AYES—8

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|-----------------------------------|---|
| 1. Mr. Baidyanath Mookerjee | 6. Maulavi Dewan Muhammad Ahab Chaudhury. |
| 2. Srijut Bepin Chandra Medhi. | 7. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 3. Srijut Rohini Kumar Chaudhuri. | 8. Khan Bahadur Maulavi Mahmud Ali. |
| 4. Maulavi Abdul Aziz. | |
| 5. Maulavi Abdur Rahman. | |

NOES—28

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. |
| 2. The Hon'ble Mr. Naba Kumar Dutta. | 6. The Hon'ble Dr. Mahendra Nath Saikia. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty, | |

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| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 16. Mr. E. H. S. Lewis. |
| 9. The Hon'ble Srijut Rupnath Brahma. | 17. Mr. C. W. Morley. |
| 10. Maulavi Dewan Ali Raja. | 18. Mr. R. A. Palmer. |
| 11. Maulavi Muhammad Amiruddin. | 19. Mr. P. Trinkle. |
| 12. Maulavi Badaruddin Ahmed. | 20. Mr. A. Whittaker. |
| 13. Khan Bahadur Maulavi Keramat Ali. | 21. Mr. Benjamin Ch. Momin. |
| 14. Khan Bahadur Maulavi Mufizur Rahman. | 22. Srijut Bhairab Chandra Das. |
| 15. Mr. F. W. Blennerhassett. | 23. Srijut Bideshi Pan Tanti. |
| | 24. Mr. Binode Kumar J. Sarwan. |
| | 25. Mr. C. Goldsmith. |
| | 26. Mr. Jobang D. Marak. |
| | 27. Srijut Karka Dalay Miri. |
| | 28. Srijut Rabi Chandra Kachari. |

The question was negatived.

The Hon'ble the SPEAKER: The question is: "That clause 4 do stand part of the Bill".

The question was adopted.

Clause 6

Mr. R. A. PALMER: Mr. Speaker, Sir, I think, we should perhaps take up clause 8 before this clause because my amendment refers to the alteration to clause 8 as amended by the Select Committee.

The Hon'ble the SPEAKER: There is no amendment tabled to clause 8, so the clause as it stands is likely to be passed by the House. It will be taken up in the usual way.

Mr. R. A. PALMER: Very well, Sir.

I beg to move that in line 2 of sub-clause 1 of clause 6, the words "sub-section (1) of" be omitted.

Sir, this is merely a formal alteration, as clause 8 has now only one sub-section.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 2 of sub-clause 1 of clause 6, the words 'sub-section (1) of' be omitted."

Mr. A. WHITTAKER: I accept this amendment, Sir.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Government have no objection to accept this amendment, Sir.

The Hon'ble the SPEAKER: The question is:

"That in line 2 of sub-clause 1 of clause 6, the words 'sub-section (1) of' be omitted".

The question was adopted.

The Hon'ble the SPEAKER: Before I proceed to take up other amendments I wish to draw the attention of the hon. Members to what I consider to be a real defect in this Bill. This is with regard to the use of the pronoun "she" and its derivatives in various clauses of the Bill. The hon. Members will find that in sub-clause (2) of this clause it is stated "a nominated member shall be eligible for renomination at the end of her term of office". Under item (8) of clause 4, the hon. Members will find "one doctor from the Surma Valley to be nominated by the Provincial Government on the recommendation of the Assam Medical Council". Is that doctor also to be a lady doctor? Otherwise why use the pronoun "her" here? Of course in item 9 I find "one registered midwife or health visitor to be nominated by the Provincial Government". The hon. Members will easily understand that it creates some difficulty; one nominated member may be a male and

another a female. To meet such difficulties we have provision in section 13 of the Assam General Clauses Act, 1915 which states "In all Acts unless there is anything repugnant to the subject or context, the words importing the masculine gender shall be taken to include females, and words in the singular shall be taken to include the plural and *vice versa*", but there is no provision "that words importing the feminine gender shall be taken to include males". I have analysed all the clauses of this Bill and I think the pronoun "she" and its derivatives should be replaced by the pronoun "he" and its derivatives. The hon. Members will also find that in the Bengal Nurses Act they have systematically used the pronoun "he" and its derivatives, although there are provisions in the Act for nominating lady doctors, midwives, etc., to the Council.

When all the clauses are disposed of, I think, there should be an amendment to the effect that wherever the pronoun "she" and its derivative have been used the pronoun "he" and its derivatives should be substituted.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir, I draw your attention to our original drafting of the Bill. You will find there the word "he" and not "she".

The Hon'ble the SPEAKER: Yes, it is the Select Committee who substituted the pronoun "she" and its derivatives. I do not know, why?

Mr. A. WHITTAKER: The Select Committee were paying their own tribute to the growth of the feminine movement by substituting this pronoun, Sir (*laughter*).

Mr. BAIDYANATH MOOKERJEE: Perhaps the Committee was influenced by the Chairman.

The Hon'ble the SPEAKER: So, I am postponing putting this clause to the vote of the House till the suggested amendment is passed.

Mr. A. WHITTAKER: May I move that amendment now, Sir?

The Hon'ble the SPEAKER: Yes.

Mr. A. WHITTAKER: Mr. Speaker, Sir, I beg to move that the pronoun "he" and its derivatives shall be substituted for the pronoun "she" and its derivatives wherever they appear in this Bill.

The Hon'ble the SPEAKER: The question is:

"That the pronoun 'he' and its derivatives shall be substituted for the pronoun 'she' and its derivatives wherever they appear in the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 6 as amended do stand part of the Bill".

The question was adopted.

Clause 7

Mr. R. A. PALMER: Mr. Speaker, Sir, I beg to move that in line 1 of clause 7, after the word "any" the word "nominated" be inserted. This is also a formal amendment as the clause only refers to nominated members.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 1 of clause 7, after the word 'any' the word 'nominated' be inserted".

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir, the word 'nominated' is quite unnecessary because this clause does not apply to the *ex-officio* member whose vacancy will be automatically filled up by another such officer. I therefore request the hon. Member, in view of the grounds stated by me, to withdraw his Motion.

Mr. A. WHITTAKER: Mr. Speaker, Sir, if the exclusion of the word 'nominated' adds nothing to clarity of the clause, I have no objection to this amendment being withdrawn.

Mr. R. A. PALMER: Yes, I withdraw the Motion.

The Hon'ble the SPEAKER: Has the hon. Member got leave of the House to withdraw his Motion?

(After a pause).

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

Mr. R. A. PALMER: Mr. Speaker, Sir, I beg to move that in line 3 of clause 7, the words "sub-section (1) of" be omitted. This is the same amendment as in clause 6.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 3 of clause 7, the words 'sub-section (1) of' be omitted".

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This is a formal thing and Government have no objection to accept it.

The Hon'ble the SPEAKER: The question is:

"That in line 3 of clause 7, the words 'sub-sections (1) of' be omitted." The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 7, as amended do stand part of the Bill".

The question was adopted.

Clause 18

Mr. R. A. PALMER: Mr. Speaker, Sir, I beg to move that in the marginal heading to clause 18, for the words "in other parts of His Majesty's dominions", the words "outside Assam" be substituted.

It is not intended that the reciprocity should be confined to his Majesty's dominions. This amendment seeks only to make the heading into a correct interpretation of the text of the clause.

The Hon'ble the SPEAKER: Amendment moved:

"That in the marginal heading to clause 18, for the words 'in other parts of His Majesty's dominions', the words 'outside Assam' be substituted".

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Government have no objection.

The Hon'ble the SPEAKER: The question is:

"That in the marginal heading to clause 18, for the words 'in other parts of His Majesty's dominions', the words 'outside Assam' be substituted".

The question was adopted.

Mr. R. A. PALMER: Mr. Speaker, Sir, I beg to move that in line 9 of clause 18, between the words "in any" and the word "country" the words "province or" be inserted.

This amendment only seeks to remove ambiguity.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 9 of clause 18, between the words 'in any' and the word 'country' the words, 'province or' be inserted".

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY:
The amendment seeks to make certain improvement and I accept it.

The Hon'ble the SPEAKER: The question is:

“That in line 9 of clause 18, between the words ‘in any’ and the word ‘country’, the words ‘province or’ be inserted.”

The question was adopted.

The Hon'ble the SPEAKER: The question is:

“That clause 18 as amended do stand part of the Bill.

The question was adopted.

Clause 24

Mr. C. W. MORLEY: Mr. Speaker, Sir, I beg to move that in clause 24, for the whole of the marginal heading, the word “Appeals” be substituted.

If we put the word “Appeals” the rest of the explanation becomes redundant. So the amendment has been thought necessary.

The Hon'ble the SPEAKER: Amendment moved:

“That in clause 24, for the whole of the marginal heading, the word ‘Appeals’ be substituted”.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY:
I accept the amendment.

The Hon'ble the SPEAKER: The question is:

“That in clause 24, for the whole of the marginal heading, the word ‘Appeals’ be substituted”.

The question was adopted.

Mr. C. W. MORLEY: Mr. Speaker, Sir, I beg to move that in line 1 of clause 24, after the words “Any person” the words “or Institution” be inserted.

The object of this amendment is obvious, Sir.

The Hon'ble the SPEAKER: Amendment moved:

“That in line 1 of clause 24, after the words ‘Any person’ the words ‘or Institution’ be inserted”.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY:
Government have no objection.

The Hon'ble the SPEAKER: The question is:

“That in line 1 of clause 24, after the words ‘Any person’ the words ‘or Institution’ be inserted”.

(After a pause)

The question was adopted.

Mr. C. W. MORLEY: Mr. Speaker, Sir, I beg to move that in line 2 of clause 24, between the words “under sections” and the figures “18” the figures “16” be inserted; and in the same line between the figures “18” and “23” for the word “and” the word “or” be substituted.

The Hon'ble the SPEAKER : Should not there be 16 and a comma ?

Mr. A. WHITTAKER : Yes, Sir, it is 16 and a comma.

The Hon'ble the SPEAKER : Will the hon. Member please say 16 and a comma ?

Mr. C. W. MORLEY : Yes, Sir, the number 16 and a comma be inserted.

The Hon'ble the SPEAKER : Amendment moved :

“That in line 2 of Clause 24, between the words ‘under sections’ and the figures ‘18’ the figures ‘16 and a comma’ be inserted ; and in the same line between the figures ‘18’ and ‘23’ for the word ‘and’ the word ‘or’ be substituted.”

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : Government have no objection.

The Hon'ble the SPEAKER : The question is :

“That in line 2 of clause 24, between the words ‘under sections’ and the figures ‘18’ the figures ‘16 and a comma’ be inserted ; and in the same line between the figures ‘18’ and ‘23’ for the word ‘and’ the word ‘or’ be substituted.”

The question was adopted.

The Hon'ble the SPEAKER : The question is :

“That clause 24 of the Bill as amended do stand part of the Bill.

The question was adopted.

Clause 29

Mr. C. W. MORLEY : Mr. Speaker, Sir, I beg to move that in line 8 of clause 29, after the words “shall be punished” the words “on conviction” be inserted.

The Hon'ble the SPEAKER : Amendment moved :

“That in line 8 of clause 29, after the words ‘shall be punished’ the words ‘on conviction’ be inserted.”

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : I think, Sir, this amendment is quite unnecessary because no punishment can be meted out without any conviction and if there be any case that will be triable by a Magistrate. I think it is unnecessary because I don't know if in the Criminal Procedure Code the words ‘on conviction’ occur.

The Hon'ble the SPEAKER : Conviction and sentence, these are the two words used.

Mr. BAIDYANATH MOOKERJEE : There are instances where persons have been punished without conviction. So, Sir, it is necessary.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : If it is considered that it should remain, we have absolutely no objection. But we think that it is not necessary.

The Hon'ble the SPEAKER : The question is :

“That in line 8 of clause 29, after the words ‘shall be punished’ the words ‘on conviction’ be inserted.

The question was adopted.

The Hon'ble the SPEAKER : The question is :

“That clause 29 of the Bill as amended do stand part of the Bill.

The question was adopted.

Clause 34

Mr. C. W. MORLEY: Mr. Speaker, Sir, I beg to move that in line 4 of sub-clause (1)(f) of clause 34, for the words "affiliated to", the words "approved and recognised by" be substituted.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 4 of sub-clause (1)(f) of clause 34, for the words 'affiliated to', the words 'approved and recognised by' be substituted."

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: The second amendment may also be moved, Sir. It refers to the same thing.

The Hon'ble the SPEAKER: The hon. Member may move the second amendment.

Mr. C. W. MORLEY: Mr. Speaker, Sir, I beg to move that in line 3 of sub-clause (1)(i) of clause 34, for the word "affiliated" the word "recognised" be substituted.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 3 of sub-clause (1)(i) of clause 34, for the word 'affiliated' the word 'recognised' be substituted".

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, Government have no objection to both the amendments.

The Hon'ble the SPEAKER: The question is:

"That in line 4 of sub-clause (1)(f) of clause 34, for the words 'affiliated to', the words 'approved and recognised by' be substituted."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That in line 3 of sub-clause (1)(i) of clause 34, for the word 'affiliated' the word 'recognised' be substituted".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 34 as amended do stand part of the Bill."

The question was adopted.

I think there is no other amendment.

Now instead of putting each clause separately, I am putting in all the clauses together. So I am proposing the question.

The question is:

"That all other clauses of the Bills do stand part of the Bill."

The question was adopted.

The question is:

"That the title and preamble of the Bill do stand part of the Bill."

The question was adopted.

Mr. A. WHITTAKER: I beg, Sir, to move that the Assam Nurses', Midwives' and Health Visitors' Registration Bill, 1942, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Nurses', Midwives' and Health Visitors' Registration Bill, 1942, be passed."

Now before this Motion is put to the vote, I think, it is necessary to read out the message from His Excellency the Governor under section 82(3) of the Government of India Act which was in my hands even from before the Bill was introduced.

“Under the provisions of section 82(3) of the Government of India Act, 1935, I, Robert Niel Reid, hereby recommend to the Assam Legislative Assembly the consideration of the Assam Nurses’, Midwives’ and Health Visitors’ Registration Bill, 1941 which Messrs. D. B. H. Moore, F. W. Blennerhassett, C. W. Morley, P. Trinkle, N. Dawson, A. Whittaker and Dr. C. G. Terrell propose to move for leave to introduce”.

This is necessary under section 82(3) of the Government of India Act.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, before this Bill is passed, I think it my duty to thank the hon. Mover of this Bill for successfully coming to the stage of the Bill being passed into law. Sir, at the same time I feel it my duty to request the Government that they will take proper care so as to see that this Bill is passed without much delay by the hon. Members of the other House and when this Bill is passed by both the Houses and becomes an Act, Government will see that it does not remain only in the Statute Book and that the people may derive the benefit of this Bill by proper utilisation of the sections of this Bill.

The Hon’ble the SPEAKER: The question is: “That the Assam Nurses’, Midwives’ and Health Visitors’ Registration Bill, 1942 be passed.”

The question was adopted.

Motion re the increase of daily allowance of the Members of the Legislature.

The Hon’ble the SPEAKER: Maulavi Abdur Rahman, Maulavi Muzarrof Ali Laskar and Mr. Jobang D. Marak—is anyone of the hon. Members going to move his Motion?

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that the Government of Assam do take immediate steps to raise the daily allowance of the Members of the Legislature from Rs.5 to Rs.7-8-0 for the abnormal increase of the prices of commodities.

Sir, prices have risen up abnormally and this Rs.5 is meant to cover the actual expenses during the Assembly Session in Shillong. This allowance is quite inadequate to meet the necessary expenses. So the increase is absolutely necessary and I hope the House will accept my Motion.

The Hon’ble the SPEAKER: Motion Moved:

“That this Assembly is of opinion that the Government of Assam do take immediate steps to raise the daily allowance of the Members of the Legislature from Rs.5 to Rs.7-8-0 for the abnormal increase of the prices of commodities.”

Mr. E. H. S. LEWIS: Mr. Speaker, Sir, I rise to oppose this Motion on principle—not on the principle that nothing should be done to meet the increase in the cost of living but on the principle that we should not take advantage of our position in this House to vote ourselves more money while Government servants who are worse off are passing their days with difficulty. A few days ago, Sir, Members from various sections of the House made an impassioned appeal for the betterment of the pay of the Primary School teachers in Assam. The Hon’ble Minister-in-charge in his reply pointed out that the finances of this Province could not possibly afford the increase which was desirable for these poorly paid Government servants. Although the total amount of money that we are discussing under this Motion is very much less than the amount required to better the conditions of the Primary School teachers, the fact remains that if we do vote ourselves an increase in the allowance that money will come out of the Provincial exchequer and this leads to the fact that any possibility of being able to help those who need it most is further delayed. If, therefore, Sir, the Members of this House who pleaded the cases of the

really poorly-paid Government servants were sincere, and from the Motion which follows this one on the Order Paper we must assume they were, we do not see how with a clear conscience they can vote themselves more money which vote will delay any relief being given to those who need it most. In any case, Sir, if the general opinion of this House is in favour of this Motion there surely can be no justification to vote ourselves a 50 per cent. dearness allowance while Government servants on Rs 100 a month in Shillong get a dearness allowance of Rs.9 which is approximately 10 per cent. If this House, therefore, Sir, does feel that this Motion should be passed the most we could do with a clear conscience is to vote ourselves an increase from Rs.5 to Rs.5-8-0. It would be monstrous to vote ourselves a 50 per cent. dearness allowance while acquiescing in a 10 per cent. dearness allowance to others.

Babu NIRENDRA NATH DEB: I wholeheartedly support, Sir, every word that my hon. Friend Mr. Lewis has said on the Motion. It is rather strange that after we have passed about 16 or 17 days in discussing about the financial position of this Province and about the allotments the Government has made for various Nation Building Departments, we should try to enhance the rate of our own daily allowance in this way. Mr. Lewis has rightly referred to the question of Primary School teachers. It is a crying need of the Province and it is really very regrettable that the Provincial Government has not been able to do anything for the poor teachers as yet and in the face of these, Sir, it looks very odd that the hon. Members should try to get something more for themselves in this way. The Government has put forward the plea of shortage of funds on so many occasions and I don't see how the Government can now agree to bear this additional expenditure. With these few words, Sir, I oppose this Motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In this matter Government will be guided by the opinion of the House. If the House passes this Motion Government will see whether Government should not implement the vote of the House.

The Hon'ble the SPEAKER: Has Mr. Marak got anything to say in reply ?

Mr. JOBANG D. MARAK: Nothing particular to say, Sir. But when the hon. Members of this House are entitled to draw at the rate of one and half first class fare while travelling on train, why not also can they draw the daily allowance in the same ratio ? It is their legitimate and rightful claim to draw at Rs. 7-8 per day. For this reason I claim this allowance.

Mr. BINODE KUMAR J. SARWAN: Sir, I beg to support the Motion.

The Hon'ble the SPEAKER: The question is :

“That this Assembly is of opinion that the Government of Assam do take immediate steps to raise the daily allowance of the Members of the Legislature from Rs. 5 to Rs. 7-8 for the abnormal increase of the prices of commodities.”

The Assembly divided

Ayes—25

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| 1. Srijut Joges Chandra Gohain. | 13. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 2. Srijut Rohini Kumar Chaudhuri. | 14. Maulavi Matior Rahman Mia. |
| 3. Srijut Purandar Sarma. | 15. Khan Bahadur Maulavi Mufizur Rahman. |
| 4. Srijut Ram Nath Das. | 16. Maulavi Muzarrof Ali Laskar. |
| 5. Maulavi Abdul Aziz. | 17. Maulavi Namwar Ali Barbhuiya. |
| 6. Maulavi Abdur Rahman. | 18. Maulavi Naziruddin Ahmed. |
| 7. Maulavi Dewan Muhammad Ahab Chaudhury. | 19. Mr. Benjamin Ch. Momin. |
| 8. Maulavi Dewan Ali Raja. | 20. Srijut Bhairab Chandra Das. |
| 9. Maulavi Muhammad Amiruddin. | 21. Srijut Bideshi Pan Tanti. |
| 10. Maulavi Muhammad Amjad Ali. | 22. Mr. Binode Kumar J. Sarwan. |
| 11. Maulavi Badaruddin Ahmed. | 23. Mr. C. Goldsmith. |
| 12. Khan Bahadur Maulavi Keramat Ali. | 24. Mr. Jobang D. Marak. |
| | 25. Srijut Rabi Chandra Kachari. |

Noes—11

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|--------------------------------|------------------------|
| 1. Mr. Baidyanath Mookerjee. | 7. Mr. E. H. S. Lewis. |
| 2. Srijut Bepin Chandra Medhi. | 8. Mr. G. W. Morley. |
| 3. Babu Karuna Sindhu Roy. | 9. Mr. R. A. Palmer. |
| 4. Babu Lalit Mohan Kar. | 10. Mr. P. Trinkle. |
| 5. Babu Nirendra Nath Deb. | 11. Mr. A. Whittaker. |
| 6. Mr. F. W. Blennerhassett. | |

The question was adopted.

Adjournment

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

After lunch

Motion *re*: placing of funds to Local Bodies to grant dearness allowance to the Lower Primary School Teachers

The Hon'ble the SPEAKER: The next Motion stands in the name of Maulavi Abdul Bari Chaudhury and four other hon. Members.

Maulavi NAZIRUDDIN AHMED: Mr Speaker, Sir, I beg to move that this Assembly is of opinion that the Government of Assam do place adequate sums at the disposal of the Local Bodies in Assam to enable them to grant substantial dearness allowance to the Lower Primary School teachers.

Sir, it is needless to speak much on the subject, as I think, every hon. Member of this House keenly feels for the poor Lower Primary School teachers. The majority of these teachers are getting Rs. 12 only per month and I think, hon. Members will realise how difficult it is for them to maintain themselves now-a-days with this poor pay. Every Local Board has got at least 400 Lower Primary teachers and if any Board wants to give Re. 1 even per head as dearness allowance to these teachers, it will mean that each Local Board will have to incur an expenditure of Rs. 6,000 a year. Every Board has not got a balanced Budget and so they cannot afford to pay such a huge amount from their own funds. Government have very kindly given dearness allowance to their low-paid employees and so I would urge upon the Government to consider about these poor teachers and place sufficient funds at the disposal of the Local Bodies to enable them to give dearness allowance to these teachers.

The Hon'ble the SPEAKER: Motion moved:

“That this Assembly is of opinion that the Government of Assam do place adequate sums at the disposal of the Local Bodies in Assam to enable them to grant substantial dearness allowance to the Lower Primary School teachers.”

Mr. JOBANG D. MARAK: Mr. Speaker, Sir. Though it is an important Motion, I don't think, I can support it, because not only the Lower Primary School teachers and Government Servants are suffering but the whole country is suffering. The poor cultivators as well as some of the Members of Legislative Assembly are also suffering (*laughter*). At the same time, in the Motion it has not been mentioned at what rate this dearness allowance should be given; so it is ambiguous and vague. The mass people are also suffering and for them we cannot do anything and so they are not able to procure foodstuffs etc. If we give dearness allowance to these teachers and Government Servants, then we shall have to give this dearness allowance to the mass people also. For this very reason, Sir, I cannot support this Motion.

Mr. F. W. BLENNERHASSETT: Mr. speaker, Sir, may I be permitted to draw the attention of the House to the absolute inconsistency of what the hon. Member has just said with what he said this morning. This morning he was the Mover of a proposal that we should give ourselves more money in this Legislative Assembly. Mr. Lewis quite rightly opposed the proposal and did so, not because of the sum involved, but because of the principle. Mr. Marak has just said that he cannot support the Motion now before us because of the sum involved for he realises that a sum of such magnitude cannot be found from the exchequer of the Province.

Mr. JOBANG D. MARAK: I do not agree with that, Sir.

Mr. F. W. BLENNERHASSETT: I speak open to correction, Sir, but that is the position as I understand it to be. I would like to ask, though I suppose it is too late, that we consider again what we did this morning. As well as the question of principle there is the question of practicability to consider, but if the principle obtains here then quite clearly it obtains in the decision we arrived at this morning. We must support the spirit of this present proposal but if we are to see it enforced, then we must provide the money for it. On the other hand, because the sum involved was only in the region of Rs.10,000 we forgot all question of principle in what we did this morning.

Khan Bahadur Maulavi MUFIZUR RAHMAN: Mr. Speaker, Sir, I would like to speak a few words about the conditions of the North Sylhet Local Board. That Board has got 572 Lower Primary teachers of whom

411 are getting Rs.12 each per month for the last 12 or 15 years and even if the Board gives Re.1 per head as dearness allowance, an amount of Rs.6,864 will be required for the purpose. The Government employees getting pay below Rs.30 are given dearness allowance at the rate of Rs.4 per head; even if that rate be calculated, the Board will have to incur an expenditure of Rs.28,000. The Board is not in a position to meet this demand as it has been running with a deficit of Rs.14,000 every year for the last five years. This year the Board was given a compensatory allowance of Rs.10,000 less than the estimated amount. There is a deadlock in this Board due to the abnormal rise in the price of materials for bamboo bridges as 3,000 running feet are maintained every year by the Board. Unfortunately last year, Cholera broke out throughout the whole subdivision but as Government did not declare it an epidemic, the Board did not get any pecuniary help and at the same time the Board had to pay more than one thousand rupees. So the compensatory grant was given much less than what was required. An application was made to the authority for a special grant but it was turned down. Then the Board had no other alternative than to raise the local rate by four pies which will give an income of Rs.14,000. I am afraid, this amount will go to make up the Budget, not to speak of helping the poor Lower Primary teachers. Several times there were questions before the House to raise the pay of Lower Primary teachers, but up to now no help has been given. The other day we were given to understand by the Hon'ble Minister of Education, that half of the amount given for relief to the teachers would be met by Government, but I must say that the North Sylhet Local Board is not in a position to give any help to the Lower Primary teachers. So, their case deserves special consideration of Government.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
Mr. Speaker, Sir, I need hardly say that I am in sympathy with the object of this Motion. No one will deny that the lot of these Primary School teachers is most pitiable, and I realise that they are very much shabbily treated at present; their position is worse than that of the menials employed by the Government. Therefore, Government would have been very glad to accept this Motion had it been possible for them to do so within the resources at their command. But as it is, I have got to oppose this Motion on two grounds, *viz.*, on grounds of principle as well as the cost involved.

First of all, Sir, this Motion relates to the Lower Primary teachers under the Local Bodies. Lower Primary teachers are the employees of the Local Bodies; as such, it is the primary concern of the Local Bodies to pay the dearness allowance they are entitled to, and it is up to the Local Bodies to meet the cost involved therein.

Now, Sir, there are 8,534 teachers under the Local Boards and Municipalities. If we decide to pay dearness allowance to each of these teachers at the rate of Rs. 3 per month the cost involved will be Rs.3,25,584, and even in this year if it be decided to grant allowance from the month of August, as has been done in the case of other Government employees, the cost will be Rs.1,89,924.

I oppose this Motion on principle; on this ground that if it is decided to grant this concession to the teachers under the employ of Local Bodies then there are other employees under them who will come forward with such proposals, and it will be very difficult for the Local Bodies to resist the just demands of other employees. The Local Bodies are now pleading want of funds; so when other employees will come forward with such a

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demand they will put forth this plea with stronger reasons. It will, therefore, come to this that Government ultimately will have to meet the demands of all the employees of the Local Bodies. This is a position which Government cannot accept, because the Local Bodies are supposed to be self-supporting and Government will come to their help only when they find it difficult to manage their affairs.

Now, Sir, in the year 1940-41 the total income of the Local Bodies was Rs.50,50,000 of which the Government grant made to them from ordinary revenues was Rs.18,89,000. This shows that more than one-third of the total income was from the Government grant. Government grant in lieu of local rates etc., which are now-a-days credited first to the Government, was Rs.10,10,000 in round figures. It will thus be seen that Government have been quite liberal in the matter of grants to Local Bodies.

With regard to education, from the figures of 1940-41 it will be seen that the Local Boards spent on education Rs.16,39,046 and the Municipal Bodies Rs.1,78,265, out of which Rs.9,57,281 and Rs.53,228 respectively were received by them as grant from Government. It will therefore be seen, Sir, that Government are bearing more than half the expenditure on education by these Local Bodies, and they cannot possibly do anything more.

The second point is that it is up to the Local Bodies to increase their income if they want to help their own employees. The rate of local rates charged is one anna in case of all the Boards except Dhubri, Goalpara, Silchar and Habiganj. Dhubri and Goalpara increased their rate by 3 pies about 14 years ago, while Silchar and Habiganj did so about four years ago. It will be seen from the detailed statement of the Budget for 1943-44 that the estimate for contribution to the Local Boards in lieu of the local rates credited to Government is Rs.12,97,000. Now, this extra sum of Rs.3,25,584 required for giving dearness allowance can be easily met by raising the local rate by 3 pies in the rupee, or roughly 25 per cent. Now, if the Local Bodies say that they are not prepared to raise local rates so high, I think, I should suggest to them to raise the rates of the cart-tax levied by them by two pies in the rupee. It is a matter of common knowledge that carters are charging very high fares on account of the existing condition of transport brought about by the war situation. A little extra burden on them during the period of war will therefore not be unreasonable as they can easily bear it. Now as I have already said that it is the primary concern of the Local Boards to meet this extra cost involved. But, as I said the other day, Government is prepared to show some concessions in the matter if the Local Boards decide to increase their own source of income either by an increase in the rate of local rates levied or by increasing the cart-tax or any other tax. And if the Municipal Boards also similarly increase their revenue by increasing the rates of taxation, Government as a gesture of their solicitude for these ill-paid teachers will be quite willing to bear half of the extra cost involved in giving this dearness allowance.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, the same Motion is also standing in my name. I am quite at one with the hon. Mover and I have to oppose most part of the statement of the Hon'ble Minister which he has made on behalf of the Government.

Sir, first of all I will try to convince the House on the question which the Hon'ble Minister has raised with regard to the principle of accepting the spirit of the Motion. Sir, in explaining the principle, the Hon'ble

Minister said that if Government accede to the recommendation of this Motion to raise the pay of the Lower Primary teachers there is no knowing why the other employees of the Boards should not come with the same demand. The Hon'ble Minister may be assured that the number of other employees under the Local Bodies is very scanty in comparison to Lower Primary teachers. Just now the House has heard from one of the hon. Speakers—I mean hon. Khan Bahadur Maulavi Mufizur Rahman—who has spoken from his personal knowledge about North Sylhet Local Board, that that Board alone has to maintain 572 teachers and I am sure if the question of other employees in his Board is taken, the number will not go beyond 15 to 20. Sir, who are those other employees of the Local Boards? These are in the shape of Local Board doctors. Each Board cannot maintain more than 10 to 12 dispensaries and there are menials too attached to the Boards. But most of these doctors have to work outside the town and they have private practice too. There is the office establishment—clerks, but the number is very small. For the information of the Hon'ble Minister I may say that owing to the fact that the prices of the commodities have risen very high, each Board has already granted some sort of dearness allowance to the clerks and other office establishment. This question of granting any concession to the Lower Primary teachers did really come before the Boards but they found it extremely difficult to deal with it because each Board has to maintain a very large number of such teachers. I don't think that any of the Boards in the Province did not try to find out some means to meet the demand of their Lower Primary teachers, but having failed in their attempt they have come to the Government for their rescue. The Hon'ble Minister has said that Government also realise the extreme difficulty of these poor teachers. Then why should they not be a bit generous to find out some means so as to help the Local Boards with a considerable amount of money so that these poor teachers can be paid a little more money than what they are actually getting? The statement which my hon. Friend the Khan Bahadur made just now shows that out of the total number of teachers in each Board more than two-thirds are working on the same pay for more than twenty years. This is not only the case with the North Sylhet Local Board. If you look to other Boards, you will find similar conditions prevailing everywhere. The history of Lower Primary teachers is this. They are appointed on Rs. 12 per mensem. This is the case only in the Province of Assam. They are to serve on this Rs. 12 and they are to die on this Rs. 12. The question of promotion or payment of any extra remuneration to these people is far off. There are cases where the Boards are not in a position to increase their salaries by way of encouraging the efficient teachers.

Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. May I know what is the pay generally of the menials of the Local Boards?

Maulavi ABDUR RAHMAN: In most cases from Rs. 12 to Rs. 20 and in some cases it goes beyond Rs. 20. So far as my knowledge goes, in other provinces, the rate of pay of Lower Primary teachers is Rs. 20 to Rs. 30. In some provinces it is from Rs. 25 to Rs. 40. But it is only in Assam where the position is unique—a very small amount has been scaled for the Lower Primary teachers. I was just going to narrate before the House the history of these poor teachers. They are appointed on a very low pay and they are to retire on the same pay. And how are they paid by the Local

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Boards ? The Local Boards are not in a position to pay them regularly. In some cases you will find in every alternate month they are paid, one month's pay always remains in arrear.

Now for the income of the Local Boards the Hon'ble Minister said that the Local Board may tackle two ways—by imposing taxation on the raiyots. In proposing the taxation he has shown two means, one by increasing the local rates from the existing one and the other by increasing the cart tax. I do not know whether he is in possession of the information that most of the Local Boards in the Surma Valley cannot claim an income from cart tax of more than Rs. 4,000. The Habiganj Local Board wherefrom I come is one of the biggest Local Boards but its income from cart tax will not be more than Rs. 5,000 or so. It is only in the Assam Valley that some of the Local Boards' income from cart tax is a bit high. I know, that in Nowgong Local Board their income from cart tax is Rs. 30,000 to 35,000. Probably Dhubri Local Board stands first in this respect. Their income from this source will be about half a lac. I am however speaking subject to correction. Besides Dhubri Local Board no other Boards of the Province can claim such a big income from the cart tax. Suppose, Sir, if the cart tax is increased by 2 pies in the rupee, as has been suggested by the Hon'ble Minister, what help do we derive ? It will be simply a drop in the ocean.

As regards local rate, in Habiganj, we are getting by increasing the local rate now about Rs.4,500 or Rs.4,600. But, Sir, is this amount sufficient to cope with the demand of the Lower Primary teachers ? Sir, unless Government come forward with some extra amount, is it possible for a Board either by increasing the cart tax or raising the local rate to cope with the situation ?

Sir, the Hon'ble Minister has also said that it is not the primary duty of the Government to see how the employees of the Local Bodies are paid in a better way. He has also said that Government already bears more than half the amount spent for the purpose of education. Sir, if we look to the Local Self-Government Manual what do we find ? We do not find, Sir, that the Local Bodies are solely responsible for the maintenance of their own employees. I do not think, Sir, that there is any such provision throughout the whole Manual. The Manual empowers the Local Bodies to deal with their own affairs. But the Government is primarily responsible and has got control over them and it is only fair that they should make some more contributions for the maintenance of their employees. While Government is primarily responsible for the maintenance of the Local Bodies, I do not know why for the payment of the poor primary teachers, which is admitted by them, they should not make any extra contribution, say for a short period when we are passing through this abnormal time. Government has increased the pay of their own employees, it is not understood why they should not see their way to increase the allotment in respect of contributions to the Local Boards in the shape of educational expenses.

Sir, while we do admit the Government's responsibilities towards the upkeep of Local Bodies are not less, while we admit that Government have got their honest responsibility to see that the Boards' employees are also not negligently paid, Sir, I would beseech the Hon'ble Minister-in-charge to see that at least some kind of concession is made in this direction and the allotment for the educational expenses is increased.

Sir, I have probably explained to the House that the suggestions made for the increase of the income of the Local Bodies are not sufficient to cope with the situation and that it is only possible to give some allowance to our poor teachers if and when Government will come forward with some money.

The Hon'ble the SPEAKER : The hon. Member has exceeded his time limit.

Maulavi ABDUR RAHMAN : I am just finishing, Sir.

If I may be permitted, Sir, I may place one humble suggestion to the Hon'ble Minister-in-charge. The other day while questions were put in this respect and the Hon'ble Premier was replying to those questions as to whether Government considered it necessary to make some contribution to the Local Bodies for the increase of pay of the Lower Primary teachers, the Hon'ble Premier said, that he did not think that Government was responsible for the employees of the Boards but he on a supplementary question assured that if any Local Bodies would come to Government for taking loan for this purpose then the matter would be considered. Sir, if the Local Bodies are to come to the Government for taking loans for this purpose only I do not know what consideration will Government make but in that case also I do not approve of the idea which the Hon'ble Prime Minister laid before the House. I do not know how many Local Bodies will be willing to come to the Government for such loans. All the Boards, at least we have heard from one of the Chairmen of a Local Board, are already embarrassed because the sources of income which are left to the Board's discretion are very few. All the means at the disposal of the Boards have been exhausted. I am working in one of the Boards for the last 14 or 15 years and I did not spare any avenue by which the Board's income could be increased, even by taxing markets; but we have failed. There are as many as 11 tea estates in Habiganj and there are 4 representatives from the tea estates in the Board. Those members are likely to oppose the idea of increasing the cart tax because most of the tax will go to their shoulder. The people owning carts are very poor and if there is any more increase there will be clamour and I do not think any Board can take that responsibility. Sir, after receiving the suggestion from the Commissioner of Divisions, our Board has increased the local rate to some extent. But this is nothing in comparison with the amount required.

With these words, Sir, I would again beseech the Hon'ble Minister to make it a point at least to make some contribution to the Local Boards for this purpose only and that it may be given as a temporary measure.

Mr. BAIKYANATH MOOKERJEE : Sir, I rise to support this Motion. Government has admitted that the poor Lower Primary teachers deserve some increment of salary in some shape or other. Sir, we must see what are the duties of these Lower Primary teachers. The duties that have been entrusted with them are really very important. They impart education and train the young boys who are the future hopes of the country. Sir, one can easily understand the feeling of these Lower Primary teachers and whether there is any honest man who can think that this poorly paid teachers can have the time and mind to do the duties that they are expected to do. Sir, I expected in all fairness that the Government reply would be in this case as it was in the case with the Government to increment of our allowances and to leave the matter in the hand of the Members of this Hon'ble House to decide. But, Sir, I was really surprised to hear that Government opposed this Motion. Sir, it is not proper to shirk the responsibility of Government and to put all the responsibilities and blames and all other things on the shoulders of the Local Bodies. Sir, the scope that has been given to these Local Bodies for increasing their resources is very limited. The Hon'ble Minister who spoke on behalf of Government was able only to suggest two means whereby these Local Bodies

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could increase their resources. Sir, I think that these Local Bodies are doing the duties of the Government. Are we to understand in the 20th century that it is not the duty of any civilised Government to see that the young ones in the country get proper education? Sir, in this strain I also like to say that it is the duty of the Local Bodies as well to see if they can, without putting any pressure and unbearable burden on the poor villagers, increase their income. But, Sir, Government should come forward with their help so that Local Bodies can give dearness allowance to the extent of Rs.3 per month to their teachers. The money that will be required over and above the extra collection if any made by the Local Bodies will be met by Government and I hope, Sir, that the hon. Members before they pass their opinion would seriously think whether this is one of the most urgent cases that deserves our sympathy. With these words, Sir, I support this Motion.

Khan Bahadur Maulavi KERAMAT ALI: It is indeed very difficult to oppose a Motion like this. I think hon. Members of this House will agree with me when I say that a poor pay of Rs. 12 per month in these days to any Government servant, or a servant of a Local Board or a Municipality, is absolutely inadequate. Primary School teachers who receive a pay of Rs. 12 per month must have a family to maintain. Is it possible for one man to maintain himself in these days with Rs. 12 not to speak of maintaining the members of his family? Therefore, I say that this Motion should be accepted by the Government in some form. Sir, the Hon'ble Minister suggested that one way of increasing the income of a Local Board is to raise the cart tax. If cart tax is to be raised and any income comes from cart tax I would most strongly oppose that income (*hear, hear*) going to the pockets of the Primary School teachers. Income from cart tax should always be utilised for the improvement of roads (*hear, hear*) and not for any other cause. I am however tempted to ask one question both to the hon. Mover of this Motion and the Hon'ble Minister-in-charge: it has been said, Sir, that recently local rates of certain Local Boards were increased by 3 pies. At the time this was made may I know whether the Local Bodies had in their mind the miserable condition of these teachers? If so, did these Boards utilise the extra money thus found for increasing the pay of the teachers? If that was not done, I hope the Hon'ble Minister-in-charge will be justified in enquiring of these Local Bodies as to why that money was not utilised for increasing the pay of these teachers and give them necessary instructions for future guidance. Sir, what has already been done by the Local Boards after raising the local rates cannot be undone now; but all the same I think the Government will agree that now that the times are very difficult because of the war, the Local Board Primary School teachers should get something more than Rs. 12 per mensem and I would appeal to the Hon'ble Minister of Education to reconsider his position and see if something can be done to improve the poor lot of these teachers.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: I rise to support the Motion. The other day while discussing the education Budget I raised this question and the Hon'ble Minister-in-charge of Education gave a similar reply as has been given today. I think, Government cannot evade responsibility by saying that the Primary School teachers are the servants of Local Bodies. What are these Local Bodies? Are they independent for their action? Certainly not. They function under rules and orders of Government as part and parcel of Government. If a Local Body passes a resolution it is either to be approved or annulled by Govern-

ment. If they recommend anything for financial commitment it is to be forwarded through the Deputy Commissioner to the Commissioner and the Commissioner will forward it to the Chief Secretary and the Chief Secretary will place it to the Hon'ble Minister. This is the position of the Local Bodies in the Province of Assam. Under these circumstances Local Bodies do not, I can boldly say, enjoy any independence. So, Sir, it is useless to say that it is their responsibility alone. I venture to say that the responsibility lies with the Government as well. Because Local Bodies have no independent fund. Formerly the local rates used to be credited to the account of Local Bodies. But now-a-days local rates are credited to the Provincial revenues and Government distribute the money according to proportion to different Local Boards. So with regard to this income the Local Boards are to depend upon the Government. Though the employees work under the Local Boards they are directly or indirectly paid by Government. Therefore all the concessions that are shown to the Government officers should also be extended to the Local Board employees as well. In the Central Provinces, Sir, there are two rates of pay—one for ordinary Districts, and another for dear Districts. But in Assam the pay is almost universal, *i. e.*, Rs.12 per month. Now-a-days it is impossible to think how a man like a Primary School teacher can run his affairs with this small pittance. I am myself a villager and I know it very well that Primary School teachers are given shelter by some guardians of boys. They are being given free board and lodging and the teachers impart education in the schools. But, as the prices of commodities have gone high many of the guardians now refuse to give them any more shelter and free board and lodging. I personally know some of the teachers are contemplating to apply to the Chairman of Local Boards to allow them to resign their posts on condition that the Boards would allow them to withdraw their provident fund money. This is the condition of the Primary School teachers who constitute an important section of the population of Assam. It is this poorly paid teachers who have given a proper shape to the lives of many of the hon. Members of this House and also I believe, some of the Hon'ble Ministers of this Province. When I have stood up to speak on the Motion the pale and emaciated face of the Primary School teacher is before me. Every one knows how these Primary School teachers with their fed-up life educated the boys with fatherly affection and care, and tried to give a proper shape to the lives of their students. Now-a-days, Sir, all the Chairmen and Vice-Chairmen of Local Bodies have got dearness allowance. But when we come forward with proposal for these unfortunate section of our countrymen we are faced with the usual evasive reply that it is the duty of Local Bodies to consider. We have heard from the Hon'ble Minister that Rs.16 lakhs is contributed for imparting education. I speak subject to correction. What is the harm if this 16 lakhs of rupees is increased to 20 lakhs. Money is spent now-a-days like dust. But when we come forward with such a demand we are given the same disappointing reply. The Hon'ble Minister has said that after imposing taxes if the Local Boards find difficulty to meet the expenses let them come forward with a proposal to Government and Government will consider whether some concession can be given. I will ask the Hon'ble Minister-in-charge to take up the question dispassionately and think that with this Motion that is under discussion the Local Bodies, finding it difficult have come with the formal proposal for money. In the Motion, Sir, I find that among the signatories Maulavi Abdul Bari Chaudhury is the Chairman of Sunamganj Local Board, Maulavi

Naziruddin Ahmed is the Chairman of South Sylhet Local Board, Maulavi Abdur Rahman is the *ex-Vice-Chairman* and member of Habiganj Local Board, myself, a member of Sunamganj Local Board and Khan Bahadur Mufizur Rahman is the Chairman of North Sylhet Local Board, the most important Local Board in the Surma Valley. So, Sir, if the opinion of these 5 members be taken together we get the entire opinion of the Boards of, at least, the Sylhet District. The Hon'ble Minister has said that if any provision is made for the unfortunate teachers, these ill-paid and real Nation Builders, the torch bearers of civilization in rural areas, the other employees of the Local Bodies will come forward with similar demand. My Friend, the Hon'ble Education Minister, will perhaps be satisfied to know that the Local Bodies have not sat idle with regard to this demand. They have already given the dearness allowance to their employees other than these Lower Primary School teachers. As the number of such teachers is large, the Local Boards cannot meet the entire expense independently from their own fund. We have been told that the Boards are free to impose and levy taxes in the shape of increasing local rates and cart taxes. About cart taxes my hon. Friend Maulavi Abdur Rahman has said enough and Khan Bahadur Maulavi Keramat Ali has borne him out.

About local rates, Sir, I beg to say a few words only. In my Subdivision we have calculated that if we increase the local rate at 3 pies per rupee the amount will come to Rs.20,000 every year. But the benign Government was kind enough to give us this year an amount of Rs.21,000 less than what was given last year. So with this increased fund or with increased tax we cannot even meet the expenses of what we committed already. So, Sir, it will be useless to increase the local rates with a view to give help in the shape of dearness allowance to the teachers of Lower Primary schools, as the ordinary day-to-day business is suffering. Sir, we submitted petitions in November last to the Hon'ble Minister to this effect, but this proved fruitless. Now I would simply appeal to the Hon'ble Minister to see his way to accept this Motion. In the very first sentence of his reply the Hon'ble Minister said that he was in full sympathy with this poor section of our people. Where sympathy is not lacking, I think, kindness and generosity will also not be lacking, and the Hon'ble Minister will make it a point that he will come forward with a Supplementary Demand for this purpose. If this is not possible owing to the present financial crisis of this Government, I would ask him to approach the Central Government for this purpose. I speak this because the other day I read in the news papers that Mr. John Sargent, Educational Commissioner to the Government of India, suggested in his report that the low pay of the Primary School teachers should be raised up to Rs.40, and that if the Government of the different provinces cannot meet this expenditure, they should approach the Central Government for additional grant towards this.

Sir, I have said enough on this Motion. All the aspects of the Motion have been discussed by the different hon. Members of the House, and the only thing that remains is the final reply of the Hon'ble Minister-in-charge. I hope he will not disappoint us, and will give us such a reply that we will go with high hopes, and can give message to the unfortunate teachers that better days for them are coming. I am already in possession of telegrams from some 400 teachers.

With these remarks, I heartily support the Motion.

Babu NIRENDRA NATH DEB : Enough has been said on behalf of the Primary School teachers to-day and I think, on other occasions also on the floor of the House. I do not think I have much to add. To me it seems

a queer argument has been put forward by the Hon'ble Minister-in-charge of Education—the argument of responsibility. Whether it is the responsibility of the Local Boards or of the Government to look after the improvement of the financial condition of these poor teachers, it is not for me to say. If that is the real difficulty, Sir, I would at once request the Hon'ble Ministers and the Cabinet to take away the responsibility of primary education from the hands of the Local Boards to the hands of the Government as early as possible. It is high time that we should have given more attention to our primary education, if not for the poor teachers, if not for the country as a whole, at least for democracy, for the new world order, which we all expect to come after the war. Democracy must be based on education; it can be based on education only. If Government is really for democracy, the present Government of Assam must do something even from now for the cause of democracy. I do not think Government can put forward the queer argument that it is not the responsibility of Government to look after primary education. As I have said already, if that is the only difficulty in the way of doing something for the poor teachers let the Government take the whole responsibility of primary education at once into their own hands.

Maulavi NAZIRUDDIN AHMED: I want to know one point from the Hon'ble Minister of Education. He told me outside the Assembly Chamber that in one of his previous speeches, during this Session, he had assured the House, that if any Local Board would propose to give dearness allowance to the Lower Primary teachers from its own fund, Government would constitute an equivalent amount to that Local Board for the propose.

The Hon'ble the SPEAKER: He has said this to-day also.

Khan Bahadur Maulavi MUFIZUR RAHMAN: On a point of information, Sir. The Hon'ble Minister of Education probably said that if the local rates be increased, the Board will have sufficient funds to help the teachers. I must tell the House that the Board will not, even after the increase of local rates, be in a position to help the teachers because the income is every year dwindling.

The Hon'ble the SPEAKER: The hon. Member is speaking twice. He cannot introduce debatable matters.

Khan Bahadur Maulavi MUFIZUR RAHMAN: I was simply saying that even by raising the local rates we cannot meet our expenditure.

Maulavi ABDUR RAHMAN: One point by way of information. The Hon'ble Minister pointed out about the increase of local rates. This will involve a long time. People are dying now, and he suggests that the local rates should be increased.

The Hon'ble the SPEAKER: Order, order. The Hon'ble Minister will now reply.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The Hon'ble Premier will reply on my behalf.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, from the question of funds we have travelled to the question of fundamentals. That is, the question of the independence of Local Bodies and also the question of removing primary education from the purview of Local Bodies.

I have been requested by my Hon'ble Colleague to reply to this debate. The debate has run rather on emotional lines. It should be looked into from a practical point of view. My hon. Friend who has tabled this Motion made an impressive speech relating to Local Boards, but not a single hon. Member referred to the other branch of Local Body—I mean, the Municipalities—in their speeches.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:
Municipal teachers get increased pay.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
The Motion speaks of helping Local Bodies in Assam and it is well known to hon. Members that by Local Bodies both the Municipalities as well as Local Boards are covered. It has been said that Local Boards have already given dearness allowance to their other servants, but, on account of the largeness of the number of Primary School teachers, they have not been able to offer any relief to these sad and very humble workers. If education is a necessity, I do say that the health of the people is more necessary, and unless the conservancy staff of the Municipalities is first considered for dearness allowance, we should not consider the same question for educational services. If hon. Members will only project their minds towards the conservancy system of the Municipalities, to the number of sweepers that is employed, they will find that the question of giving dearness allowance to these people is beyond the finances of any Municipality. My Hon'ble Colleague, the Education Minister said that if we concede the principle of helping the Local Bodies to enable them to give dearness allowance to Primary School teachers, we cannot very well refuse to give dearness allowance to these other and more humble workers of the cause of civilized life. It is a great pity that the lot of Primary School teachers has been compared with that of the menials in Government Offices.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:
Mr. Sargent already compared this in his report.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
If my Friend will take Mr. Sargent's statement as his gospel, I have no quarrel with him. But I have got my own point of view.

If any hon. Member compares the lot of these two sets of humble workers and take into consideration the length of the time of service that is required from them, then he will find that a Chaprassi has got to work nearly 18 hours a day for his master, whereas a Primary School teacher has got to devote only 3 or 4 hours for his school work. Then again, almost all the Primary School teachers are drawn from the locality and generally they own their own holdings from which they produce their necessities of life especially staple crops. Besides these, Sir, they have got other avenues of income. My hon. Friend has already mentioned that these teachers have got a concession which, in Moslem parlance, is called 'Jagir' system, i. e., Teachers are given free board and lodging in lieu of giving private coaching to the wards of those who give this concession. (*A Voice*—There are very few Jagirs available). My hon. Friend interjects saying that there are very few Jagirs available; it may be so. It will be seen that every one of the hon. Members who has tabled this Motion comes from the Chairmanship or membership of the Local Boards and as has already been stated before the House, they may have intimate contact with the Primary School teachers. But I, as inaugurator of the Mass Literacy Campaign and as Leader of the National War Front, can relate my own experience about them. In the Mass Literacy Campaign, we have kept open for the Primary School teachers an extra source of income. For teaching the adults, a teacher is suitably compensated. If I remember aright, Sir, on a very modest computation, each of these teachers can add Rs.3 or more to his monthly income if he only takes the trouble of teaching some 30 adults in his neighbourhood. In the scheme which was started under the then Education Minister, Srijut Rohini Kumar Chaudhuri, we asked all

these Primary School teachers to come forward to give education not only to the children, but also to those unfortunate adults who for some reason or other remained illiterate.

Then again, Sir, we have introduced what is technically known in the 'National War Front Organisation' as 'Talkers', *i.e.*, the Primary School teachers are asked to talk on points of present war news and other burning questions of the day and also to talk to their village people how to save their own hearths and home. In the Surma Valley, at least, we have tried to induce the Primary School teachers to do this kind of propaganda work which is meant for the benefit of the people of the country, and as far as I remember, each Talker is paid Rs.6 per month. From these two avenues, Sir, they can very well replenish their main source of income, *viz.*, salary. One hon. Member has stated that the report of the Sargent Committee has recommended that the pay of the Primary School teachers should be from Rs.30 to Rs.40. It has also been stated that in certain provinces the pay is higher than what the Local Bodies in Assam have been able to give to their Primary School teachers. That statement is perfectly correct, but in fairness it should be mentioned to this House that in the neighbouring Province of Bengal, the pay which is given to these teachers is 50 per cent. less than what is given in the Province of Assam. Perhaps the hon. Members are also aware that primary education in Assam is given free whereas in the neighbouring Province the students have got to pay, if I remember aright, annas 4 each per month. Now I do not know whether the hon. Members will agree to impose a fee on each student of the Primary School in order to see the pay of the Primary School teachers improved. But I believe, the Member who has got in his mind the idea of spreading education, will not certainly like to put this burden on our children coming to the Primary Schools.

Then, Sir, the question arises that fund must be made available. The Resolution makes a recommendation that the entire cost of giving dearness allowance to the Primary School teachers of both Municipality as well as Local Board Schools be borne by Government. Now what is Government? By Government, we cannot mean the few white skinned officers who serve in this Province or His Majesty's Government at Home, for they do not contribute any sum towards implementing the meagre resources of the Province of Assam. By the Constitution Act itself, education is entirely a provincial matter and therefore we are precluded from approaching the Central Government for help as suggested by one hon. Member. The Budget which we have been discussing during this Session has been condemned as a deficit one by many hon. Members. Some hon. Members of course have given due credit to my Hon'ble Colleague, the Education Minister, for having wrested from the Finance Department a sum of over 2 lakhs of rupees for new schemes. If we require a sum of 3 or 4 lakhs of rupees to meet this demand, then Government or the Cabinet should be provided with that fund in some shape or other. It is not expected that the Ministers who, except the Ministers of the Congress regime, are most poorly paid should find this money from their own exiguous salary.

Therefore, Sir, I started by saying that we should consider this matter dispassionately, we should consider the question where from funds could be made available. It is not a question of emotion. My hon. Friend, the Education Minister, has been criticised because he said he had got every sympathy with the lot of the Primary School teachers. I will beseech every hon. Member of this House to strengthen our hands and give us some source of extra income, a part of which, I assure the House, will be transferred

immediately for bettering the lot of these people. If the House is satisfied, and I think it is satisfied, that the Budget of the next year is a deficit one, then the money should come from some other source. And as this recommendation comes from the Chairmen and members of the Local Boards who have taken interest on the subject for a long time, they should implement their recommendation by adopting the very sane adage, "God help those who help themselves". I therefore ask all those hon. Members who have moved this Motion to do a little retrospect, or other introspect, and suggest means for meeting their demand. My Hon'ble Colleague mentioned about the local rates and the cart tax. I think it, Sir, the height of ingratitude if hon. Members criticise Government's action in distributing the local rates. The entire source of income, at least 95 per cent., of the Local Boards is dependent upon local rates. Yet for collection of these local rates a negligible amount is spent by the Local Bodies. The local rates are realised by Government through their own agencies whom they pay by way of commission.

Srijut ROHINI KUMAR CHAUDHURI: The cost of collection is deducted from the total amount of local rates collected. Government do not pay it from their own revenues.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: But if the collection were left at the hands of the Local Bodies, the cost would have been much greater than what they now pay. Without spending anything from their own pocket, with only a small contribution deducted from the total amount of local rates collected by Government, they enjoy the benefit of the fund. And yet Government have been criticised that they have not done sufficiently well in distributing the local rates. Sir, there have been enterprising Local Boards who, in order to do justice to the charges that have been placed upon them, have raised the rate of local rates to the maximum that can be levied under the Act, whereas there are other Local Bodies who instead of raising the local rates have tried to increase their resources by some other method, for example, the cart tax. It may be argued, Sir, that the local rates, even if increased, would not meet the current demand of particular Local Bodies. For instance, in the second speech of my hon. Friend, Khan Bahadur Mufizur Rahman, he stresses that point of view. If he has been able to run his Board with a deficit of Rs.14,000 annually for the last five years, he can very well run it for a year or two more. If he can increase his income, that may be utilised for this purpose, *viz.*, the amelioration of the condition of the Primary School teachers.

Sir, I was very glad to hear the speech of my hon. Friend Babu Nirendra Nath Dev. He realised that the Government stand point was the correct one, *i.e.*, the Primary School teachers were not Government servants, they were primarily and principally the employees of the Local Bodies, and therefore in spite of his full sympathy with the lot of the Primary School teachers, he cried out in despair "For God's sake take away primary education from the Local Bodies". If we admit the proper status of these Primary School teachers there is no escape from the fact that Government are not responsible for their lot, the teachers are the servants of the Local Bodies and it must be primarily the concern of the Local Bodies to improve their lot. In this matter, I must say that though Government, on account of want of funds, have been unable to promise the full sum, they have made a very fair offer that those Local Bodies who can increase their resources to some extent and draw up a scheme of dearness allowance for the Primary School teachers Government would contribute equal amount for the aid of those Local Bodies. Government have already realised that certain Local Boards have

been raising local rates at the maximum that is allowed under the law and that therefore they cannot increase their income from that source. To those Local Bodies, I say, let them come out with a loan application—I do not state without reservation,—a loan application clearly defining how that loan is going to be repaid in instalments, the Government will then advance the sum provided that the loan is spent for this purpose which, according to most hon. Members, is a legitimate and necessary one. So, Sir, it is clear that Government instead of adopting any truculent or obstructionist attitude have placed all their cards before the hon. Members of this House, and have asked them to come to a dispassionate, definite and just finding and say where Government have failed. If hon. Members will give us funds by extra taxation on the general tax-payer, we are ready to adopt any recommendation. If at present, Government do not see their way to accept this recommendation, let the Local Bodies increase their income by however small an amount and show to Government that they had collected this amount, then Government would at once, in spite of the deficit, give them an equal amount. I think, Sir, nothing could be fairer than what Government attitude has been.

I began by saying that the question instead of being one of funds has gone far into that of fundamentals. My hon. Friend, Maulavi Maqbul Hussain Chaudhury, argued with not mere emphasis but as usual with him, with vehemence, that there is no independence of the Local Bodies, because the Local Bodies are to have their resolutions sent up to the Government and Government has the right either of approving or rescinding the resolutions and because the Budget of the Local Bodies has to be vetoed by the Commissioner of Divisions. He thinks that the Local Bodies have got no freedom of action or no independence, therefore he argues that it is a part and parcel of Government Department. I wish he had not spoken in this way, because we know why these provisions were entered into the Statute Book granting local self-government to definite areas. Originally when these Bodies were constituted, they were practically new to the job to which they were put. Government thought that for sometime they needed guidance and therefore these salutary provisions were made. If any of the hon. Members think that they have passed that stage of tutelage, that there should be no leading string to the constitution of the Local Bodies, it is up to them to produce a Bill either amending those sections or to introduce a Bill fairly recasting the constitution of the Local Bodies. But so long as that step is not taken, we have got to go by the present Act. As was stated by my Hon'ble Colleague, the Education Minister, that almost at every stage, Government has come to the help of the Local Bodies. Therefore if we ask this question very frankly and fairly to our inner self then the principle according to the popular adage, "He who pays the piper must order for the tune" must come into play. We have heard that for primary education, which according to the present Act is entirely a matter for the Local Bodies, Government contribute 60 per cent. of the total expenditure. Then those hon. Members who have taken part in this debate know full well that Government make an annual contribution to the Local Bodies in the shape of a communication grant. Government did not stop at that. They thought that the Local Bodies must be helped in their general administration and Government every year gives what is known as "general purposes grant." For education there is a grant, for communication there is grant, even for office and other establishment there is help from the Government. If Government gives all this kind of help to the Local Bodies, is it not fair that Government must have a say in the administration of the Local Bodies? Sir, if I heard aright my

irresistable Friend, Maulavi Abdur Rahman, they do not deny it. I am very glad of this admission. They fully realise the bare statement of facts and if my Friends are frank there must be the inevitable conclusion that Government must have a say in the matters of administration of the Local Bodies. Therefore it is no argument from my Friend Maulavi Maqbul Hussain Chaudhury to say that they enjoy no independence or that the responsibility is with the Government. Government has undertaken to come to the aid with their share, let us call it 50 to 50, of help, for the purpose for which this Motion has been introduced before the House. Another veteran Local Board Chairman sitting behind me has made a request to make it 60 per cent. and not 50 to 50. Well, I will concede to that. As our contribution for primary education is 60 per cent. of the total expenditure, let the Local Bodies bring out their schemes offering 40 per cent. of the extra expenditure and the rest 60 per cent. I, on behalf of Government, will secure and put it in the hands of the Local Bodies. But the initiative must come from the Local Bodies. If to this very fair proposal my Friends will agree, we will be very glad to come with a Supplementary Demand, call the House at an early session and produce the Supplementary Demand before the House and give the much talked of help to the Primary School teachers. I am obliged to you, Sir, for having given me such a long time and I am also obliged to my hon. Colleagues of this House who have listened to my exposition of the case with pindrop silence. (*Applause*).

Maulavi ABDUR RAHMAN: Before we close, may I ask the Hon'ble Premier one question? Supposing a Local Board decides to levy a certain tax and get the resolution passed in the Board's meeting and if they are to forward it to the Commissioner and Government for approval, this will take a long time and in the meantime we do not know what to do with our Primary School teachers. Supposing the Board want to give them something by way of fresh taxation, then how are they to come up to Government? This also requires some Government Circular.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I think the point on which my reply is sought by my hon. Friend Mr. Rahman is that the preliminary steps taking a long time, whether the Primary School teachers will get the benefit of the dearness allowance from the present moment. In answer, I can only say that whatever the time taken by the Local Board in coming to a conclusion, if they come with any definite proposal giving a reasonable dearness allowance to the Primary School teachers, Government will see that this concession is given from the 1st of April 1943, *i.e.*, it will be given with retrospective effect.

The Hon'ble the SPEAKER: Then I am going to put the question before the House.

Maulavi NAZIRUDDIN AHMED: After hearing the Hon'ble Premier, I beg leave of the House to withdraw my Motion.

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

MOTION *Re* CONSTITUTION OF A COMMITTEE TO DEVICE PLANS FOR STARTING COLLECTIVE FARMS ON CO-OPERATIVE BASIS

Babu KARUNA SINDHU ROY: As I shall be able to put forward my suggestion on the Motion of the Hon'ble Premier which is coming on the 27th, I do not like to move my *Motion now.

*This Assembly is of opinion that the Government of Assam do constitute a committee to device plans for starting, with improved mechanical methods and on co-operative basis, industrial and agricultural collective farms for consumers, immediately throughout the Province, in order to put an end to the acute food crisis through which it is passing at present.

RESOLUTION *Re* RECRUITMENTS TO ASSAM CIVIL SERVICE
BY PROMOTION FROM MEMBERS OF THE ASSAM JUNIOR
CIVIL SERVICE

Khan Bahadur Maulavi KERAMAT ALI: Sir, the Resolutions may be taken up to-morrow.

The Hon'ble the SPEAKER: To-morrow, there is no business except Resolutions. If the House likes to adjourn now, I have no objection.

Srijut ROHINI KUMAR CHAUDHURI: Let a Resolution be moved, Sir. There are about 20 minutes more and we shall save some time.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that all direct recruitments to the Assam Civil Service be henceforth discontinued and all appointments permanent or temporary in the said cadre be made by promotion from amongst the deserving members of the Assam Junior Civil Service.

Sir, while the sister Province of Bengal adopted a Resolution to fill up all vacancies or such number of them exceeding 50 per cent. as the Governor may direct, to the Bengal Civil Service by promotion from the Junior Civil Service we thought that the Government of Assam would find it more advantageous to adopt a similar Resolution on the subject and there will be no necessity for moving the present Resolution. Assam indulged in the recruitments of outsiders and retired officers to the great prejudice of the members of the existing services for works that could be done by the members of the Assam Civil Service or by the members of the Junior Civil Service. Are we to understand that members of the Assam Civil Service who are shortly to hold listed posts could not discharge the duties of the retired officers appointed to the listed posts?

Assam Government Press Note dated 22nd February tries to explain the reason. It runs as follows:—

“In order to safeguard the interest of candidates approved for appointment to posts or services under the Government of Assam, by selection or on the results of a competitive examination who take up military service before joining their appointment, it has been decided that such candidates should be afforded substantially the same opportunity to enter civil employment after the war is over, as they had at the time of taking up war service”.

It further adds that it had also been decided that the posts to which these candidates would have been appointed, had they not proceeded on such service, should not be filled up permanently. No one would grudge them this. But the question is, is the creation of more than two dozen appointments (temporary) on this plea warranted by facts? May we know who are the candidates, who being either selected or approved for appointments in the Assam Civil Service, had joined the war service?

Then, Sir, temporary appointments in the upper grade in all other services under the Government of Assam are filled up by the members of the corresponding lower services, but such a concession is denied to the members of the Junior Civil Service. They are often made to do the same members rather often they do much more than the new recruits, but are artificially paid less. They are neither given the status nor the pay. Is it not our common experience that a large number of Sub-Deputy Collectors are doing the same work and some of them are doing well and possess all the powers of a magistrate? Could they not even be appointed temporarily to these vacancies which are filled up by the outsiders and retired officers?

May we know the reasons behind this step-motherly attitude towards a section of the public servants?

Sir, every province has its own problem. So has Assam too. Appointments in this Province are allotted to different groups and any competitive test does not necessarily warrant that better candidates will find themselves in the Assam Civil Service. A better candidate of a particular community for which there is no reservation in a particular year, may go without any appointment at all or will have to be satisfied with an appointment in the Junior Service. One thus starts a life of disappointment being without any employment or with an appointment in the Junior Service.

Under the old system appointments were made by way of patronage. Then came the age of selection board and lottery played often its part then. Instances are not rare that a candidate failing to secure a job in the Junior Service, found himself in the Upper Service next year. One who was fortunate to secure a job in the Junior Service drags on the drudgeries of life, with a lingering hope of getting a promotion, while the other candidate finds that nothing succeeds like success in life and finds increased opportunities before him. Though the difference in pay, between the two classes of recruits at the start is a sum of Rs.50 only, in a few years, a wide gulf is created between the two in respect of pay and status. Instead of embarrassing the Government financially or otherwise, my Resolution aims at offering equal opportunities to all. I submit that all initial appointments should be made in the Junior Service and recruits may be watched at works and then selected according to their individual capacity. This will offer equal opportunities to all and will also remove the anomaly of the present system of recruitments.

Sir, it may be pointed out that if all appointments be made in the Junior Service, best type of recruits may not come forward to accept job in the Junior Service. Even now, there is hardly any difference between the two classes of recruits, besides the earlier chances of promotion will attract better men to it. In the past when there were earlier chances of promotions, it produced officers who eventually held listed posts. Given the chances there are officers even now in the Junior Service who are not likely to fall short of the said tradition. Only a fair and equal deal should be meted out to all. There are lots of Law graduates among the present members of the Junior Service and I therefore do not consider it at all necessary to reserve any quota of appointments, specially for the members of the Bar. Mere graduates in the Assam Civil Service did equally good as those recruited from the Bar. Appointment of some briefless lawyers for civil works is a mystery to us all. While the Government of Bengal appoint Munsifs on an initial pay of Rs. 175 per mensem what led our Government to appoint them on Rs.400 per month has been a mystery. Is the civil work so complicated that the recruits appointed on the recommendation of the Hon'ble High Court from among the distinguished Law-graduates could not do it? Could not the Extra Assistant Commissioners so long doing the civil works be absorbed and the vacancies be filled up by promotion from among those who are already vested with all the powers of Magistrates in the Province?

Sir, it may be pointed out that as the increasing number of listed posts are being thrown open to the members of the Assam Civil Service it is necessary to have direct recruitments. I submit that when a batch of officers be trained from the lowest rank, they will be more experienced and by adopting the policy enunciated in my Resolution Government can effect economy without sacrificing efficiency and without reducing even the maximum of the various grades. This will meet the popular demand for effecting economy in the administration.

At present even officers mostly doing file works find themselves at the top by virtue of their seniority. I do not believe in the number of years one might have put in but I believe in real merit and efficiency. Mere running of the organised machinery is not the real test. The so called efficiency bars frustrated the very purpose for which they were intended and even those who merely plod found themselves at the top. This should be remedied if really an efficient cadre of public service is to be maintained.

Sir, it may be pointed out, that my Resolution will deprive the Land Records staff of experienced officers. I submit that a batch of contented junior officers with an impetus for good work will render more meritorious services than those who simply drag on the drudgeries of a cheerless existence. Besides, if the Government be really desirous of keeping efficient gray hairs to this branch, it can be done by maintaining 12 Deputy Collectors in the different districts on the same scale of the upper service or by creating more selection grade appointments on Rs. 500 for the Junior Service.

Sir, without embarrassing the Government financially or otherwise my Resolution aims at removing the present invidious distinction and also aims at offering equal opportunities to all. The step-motherly attitude to a particular class should go. It should be borne in mind that contentment is the essential prerequisite to an efficient cadre. At this critical hour to create a discontent among the members of the existing services can hardly be approved. Government expect them to put their best and it should see that they are contented too. Essential Service Ordinance can make them work, but cannot make them to do their best. The present policy pursued is bound to produce a state of things which no body can approve.

Bengal in order to get the extra works done, thrown by the present emergency, created an Emergent Cadre of the Junior Service which is purely manned by promoted officers. This will combine efficiency with economy and will give an impetus for good works to the promoted officers. Assam with its limited resources could adopt the same policy with greater advantage, but it failed to do so.

Sir, these are the main points which I have got to press upon the Government in moving out this Resolution. Sir, there is a genuine clamour among the public of the Province that the system of the present administration is a very costly one. My humble opinion is that if the spirit of the present Resolution is carried into effect in creating the administrative service, the Province will be relieved from the heavy charges on administration. Sir, I remember that on each occasion most of the hon. Members of this House tabled questions and other Motions expressing their mind that the people of the Province did not approve of the present administrative policy of the Government and particularly during the last two Sessions I find most of the Members were vehemently not in favour of the present policy of the Government in matters of making recruitment in the Assam Civil Service. The very fact that some of the retired officers had to be recruited only in the name of emergency period was very very badly criticised by all sections of the House and the policy which Government have now been adopting in the name of this emergency period for recruitment in the various branches of services has also not been much favoured by the Members of this House. There was another fact which also was made mention in the House during the general discussion of the Budget in this Session that the judicial work of the Province is being deteriorated because of the fact that most of the senior and efficient Magistrates are being drawn to fill up the vacancies in the Secretariat or other branches owing to the war emergency. These are points which the hon. Members of the House have got to consider very seriously and I will urge upon the House as well as the Government

that they would make it a point not to allow the Province or the Government to indulge in making appointments without a popular policy and also not to allow our judicial side to suffer in any way.

With these words, I commend my *Resolution to the acceptance of the House.*

The Hon'ble the SPEAKER: Resolution moved:

“This Assembly is of opinion that all direct recruitments to the Assam Civil Service be henceforth discontinued and all appointments permanent or temporary in the said cadre be made by promotion from amongst the deserving members of the Assam Junior Civil Service.”

Adjournment.

The Assembly was then adjourned till 2 p.m., on Friday, the 26th March, 1943.

Shillong,
The 8th May 1943.

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

