

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 2 P.M. on Friday, the 26th March, 1943.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair ; the nine Hon'ble Ministers and forty-seven Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Realisation of Agricultural Income-tax

Mr. BAIDYANATH MOOKERJEE asked :

- *82. Will Government be pleased to state—
- (a) The total amount realised as Agricultural Income-tax during the years 1940-41 and 1941-42 ?
 - (b) The total amount of such tax assessed for the above period ?
 - (c) The total amount of such tax assessed from Tea Estates during the said period ?
 - (d) The number of tea estates assessed of such tax during that period ?
 - (e) The number of Zemindars assessed of such tax during the said period ?
 - (f) The amount of such tax realised from these Zemindars during the period ?
 - (g) The amount of such tax realised from other assessees during the aforesaid period other than tea estates and Zemindars ; and the number of such assessees ?

The Hon'ble Maulavi ABDUL MATIN CHOUDHURI replied :

82. (a)—Rs.39,20,143 in 1940-41 and Rs.27,11,730 in 1941-42. [The above figures have been taken from the 'Actual' column of the printed Budgets for 1941-42 and 1942-43 and include for 1940-41 :
- (i) arrear collections for 1939-40, current demand and advance collections for 1940-41 ; and for 1941-42 :
 - (ii) arrear collections for 1939-40 and 1940-41 and current demand and advance collections for 1941-42. There is a difference of about Rs.12 lakhs between the two figures and the larger collection in 1940-41 is accounted for by the fact that the major portion of the revenue for 1939-40, i.e., Rs.13,77,855 (after 50 per cent. remission in this year) was collected in this year].
- (b)—Rs.29,84,998 for the assessment year 1940-41 and Rs.24,92,038 for 1941-42 up to 31st January 1943. [As the assessment, specially of tea concerns, cannot be completed during the year, proceedings usually hang on for years together].

(c)—Rs.20,98,887 during 1940-41 and Rs.13,94,188 during 1941-42.

[The said amounts represent the *actual demand made* and has no reference to advance collections]. The details are given in a statement laid on the table.

Statements referred to in reply to starred question No.82(c)

Period	Tax assessed		
	Rs.	a.	p.
In 1940-41 {	for 1939-40	11,85,895	0 0
	for 1940-41	9,12,992	0 0
		<hr/>	<hr/>
		20,98,887	0 0
In 1941-42 {	for 1939-40	63,124	0 0
	for 1940-41	8,70,002	0 0
	for 1941-42	4,61,062	0 0
		<hr/>	<hr/>
		13,94,188	0 0

(d)—The number of tea estates or assessecs cannot be easily ascertained. The number of tea assessments made during 1940-41 and 1941-42 was, however, 523 and 370 respectively.

The details of these figures are given in a statement laid on the table.

Statement referred to in reply to starred question No.82(d)

Period	No. of Estates	
In 1940-41 {	for 1939-40	302
	for 1940-41	221
	<hr/>	523
In 1941-42 {	for 1939-40	7
	for 1940-41	140
	for 1941-42	223
	<hr/>	370

[It may be that the same tea estate and owners thereof may have been assessed during the same year for different years and it is not possible to give the number of tea estates or of the assessecs without a minute examination of all the records. Further, an assessee may have several tea estates covered by one assessment].

(e)—The number of Zemindari for 1940-41 was 191 and for 1941-42, 120. The number of Zemindars or Zemindaries assessed during the above periods cannot be easily ascertained.

For reasons see the note under the preceding reply. The details are given in a statement laid on the table.

Statement referred to in reply to starred question No.82(e)

		Period	No. of Zemindars
In 1940-41	{	for 1939-40	90
		for 1940-41	101
			191
In 1941-42	{	for 1940-41	12
		for 1941-42	108
			120

(f)—Rs. 83,999 during 1940-41 from 191 Zemindari assessments and Rs. 2,11,703 during 1941-42 from 120 assessments. The details are given in a statement laid on the table.

Statement referred to in reply to starred question No.82(f)

		Period	Tax realised		
			Rs.	a.	p.
In 1940-41	{	for 1939-40	42,293	0	0
		for 1940-41	41,706	0	0
			83,999	0	0
In 1941-42	{	for 1940-41	1,10,951	0	0
		for 1941-42	1,00,752	0	0
			2,11,703	0	0

[The higher figure for 1941-42 is accounted for by the fact that the major portion of the revenue for 1940-41 was realised in 1941-42 and there was no 50 per cent. remission as in 1939-40 dues of which were realised in 1940-41.]

(g)—Number of assessments—amount realised. (non-tea and non-Zemindars.)

1940-41	...	14	...	Rs.	a.	p.
1941-42	...	16	...	360	6	0.
				409	1	0.

Mr. BAIDYANATH MOOKERJEE: From the reply it is found that Government has stated that it is not possible to give the correct figures. Why Sir? May I request the Hon'ble Minister that in future if such questions are asked, they will try to give us the exact number of estates that are being assessed?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: We have tried to be as accurate as possible. Not only we have given the figures in reply to Mr. Mookerjee's question, but we have also explained the variations wherever found.

Mr. BAIDYANATH MOOKERJEE: It is said that in course of 1940-41 an estate might have been assessed for 3 times for three years. In that case how can we ascertain the number of tea estates?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That is our difficulty. We cannot give accurate figures. We have given approximate figures as far as possible.

Mr. BAIDYANATH MOOKERJEE: In future will Government try to give us correct figures ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The implication is that accurate figures have not been supplied. We have made our best efforts to give as accurate a reply as possible.

Mr. BAIDYANATH MOOKERJEE: I want to know the number of assessees for that particular year.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That is difficult. It cannot be easily ascertained.

Mr. BAIDYANATH MOOKERJEE: Cannot this difficulty be removed ? I think it is very easy. I am ready to give my assistance gratis, Sir ?

B. T. Hostel, Shillong

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*83. (a) Will Government be pleased to state whether it is a fact that the Director of Public Instruction, Assam has allowed some non-B. T. students to reside in the B. T. Hostel at Shillong ?

(b) Is it a fact that those non-B. T. students organised a Saraswati Puja in the B. T. Hostel this year inspite of the protest of the Muslim students of the Hostel ?

(c) Are Government aware that outsider students of different schools and colleges of Shillong including one Professor of a local college frequently visited the Hostel in large numbers in connection with the Puja ?

(d) Is it a fact that the matter was brought to the notice of the Director of Public Instruction and that he did not take any action ?

(e) Is it a fact that on the occasion of that Puja festival the Police had to intervene and disperse a large number of students including the non-B. T. inmates of the Hostel and a Professor of a local college for causing disturbance and assaulting Babu Pradyunna Kumar Datta, B. A. ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

83. (a)—Yes.

(b)—The Hindu students of the B. T. class and the St. Edmund's College organised the Puja in the B. T. Hostel with the consent of the Muslim students of the Hostel.

(c)—Only one Professor and some students of the St. Edmund's College visited the Hostel on the occasion.

(d) & (e)—As a result of a hitch between the Hindu students and Mr. P. K. Datta there was some disturbance in the celebration of the Saraswati Puja.

The Police who were on patrol duty appeared at the spot, but they did nothing in the matter. When this incident was reported to the Principal, he in personal discussion with the Director of Public Instruction made an enquiry into the matter and took disciplinary action against those students who were found guilty and settled the dispute.

Mr. BAIDYANATH MOOKERJEE : May I know what was the cause of that disturbance ? Was it stated that there was a disturbance between the Hindu and Muslim students ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No. The hitch was between the College students and a B. T. student who was a teacher.

Srijut ROHINI KUMAR CHAUDHURI : May I know if among these non-B. T. students, there were students of the St. Edmund's College ?

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

Srijut ROHINI KUMAR CHAUDHURI : Do I understand that Government have stopped non-B. T. students to reside there ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No. **Maulavi Dewen MUHAMMAD AHBAB CHAUDHURY** : Do the Government propose to stop the Puja in the B. T. Hostel where Muslim and Hindu students live together ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : The matter will be considered.

Srijut ROHINI KUMAR CHAUDHURI : Is it not a fact that the Saraswati Puja is being celebrated by the B. T. students for the last few years without any protest from any quarters ?

The Hon'ble the SPEAKER : Hon. Members are ignoring and going beyond the answer given. The answer is that the Puja was celebrated with the consent of Muslim students.

Madan Raja Estate

Mr. BAIDYANATH MOOKERJEE asked :

*84. Will Government be pleased to state—

- (a) The amount realised as Agricultural Income-tax from Madan Raja Estate in Habiganj Subdivision during the years 1940-41 and 1941-42 ?
- (b) The total realisation of the said Estate during 1940-41 ?
- (c) The total rent roll of the said Estate for 1940-41 ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

84. (a)—No amount of Agricultural Income-tax was assessed on the Madan Raja and Md. Natir Estates during the years in question.

(b)—The total realisation of the said Estates including current and back rents during 1940-41 comes to Rs. 14,530-3-5.

(c)—The total rent assessed on the said Estates up to 1940-41 amounts to about Rs. 14,348.

Mr. BAIDYANATH MOOKERJEE : May I know from the Government why no assessment was made for the years 1940-41 and 1941-42 ?

The Hon'ble Maulavi MUNAWWAR ALI : No amount of Agricultural Income-tax was assessed.

Mr. BAIDYANATH MOOKERJEE : Why, Sir, what is the reason ?

The Hon'ble Maulavi MUNAWWAR ALI : The amount did not come within the purview of the minimum.

Mr. BAIDYANATH MOOKERJEE : What is the minimum, Sir ? Is it not Rs. 3,000 ?

The Hon'ble Maulavi MUNAWWAR ALI : It seems that is known to the hon. Member more than I do.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister take it from me that the minimum assessable income is Rs.3,000? In this case Rs.14,530-3-5 were realised and excluding 15 per cent. for collection and other local charges as well as revenue and local rates we think the amount was certainly more than Rs.3,000. So, why no assessment was made in this case?

The Hon'ble Maulavi MUNAWWAR ALI: That was not for a particular year but it included the previous year's arrears also. Moreover, as indicated in the main replies the amount represented the incomes of two different estates jointly.

Mr. BAIDYANATH MOOKERJEE: Whatever is realised during the particular year, it does not matter whether it is for that year or for 20 years before. I think, the Hon'ble Minister also knows about the Section regarding this and the recent ruling on the point.

The Hon'ble Maulavi MUNAWWAR ALI: May I know from the hon. Member when that ruling was given?

Mr. BAIDYANATH MOOKERJEE: The ruling has been referred to in several cases by the Government.

The Hon'ble Maulavi MUNAWWAR ALI: The hon. Member referred to a recent ruling and I want to know the date of that ruling from him, Sir.

Mr. BAIDYANATH MOOKERJEE: All right, Sir, I shall supply the date of the ruling but in that case, will the Hon'ble Minister be pleased to see that this Estate is assessed?

The Hon'ble Maulavi MUNAWWAR ALI: Certainly that estate will be assessed if law allows that.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Establishment of Agricultural Banks

Babu LALIT MOHON KAR asked:

61. Will Government be pleased to state—

(a) Whether they are aware that private money-lending business has almost ceased to exist in rural areas of the Province, and the agriculturists are the worst sufferers?

(b) Whether they propose to establish agricultural banks in different rural areas for ameliorating the condition of the agriculturists?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

61. (a)—Government are prepared to concede that in the present abnormal times there is a good deal of truth in the hon. Member's statement.

(b)—It is not clear what the hon. Member has in mind. If he means Co-operative banks, such societies already exist in all rural areas of the Province. The present number of such societies is almost 1,200. The Co operative Department is alive to the necessity of helping the agriculturists with finance and is trying to organise societies in suitable localities where arrangements for financing such societies exist. Government have already taken up a scheme for the rehabilitation of the movement.

Appointments beyond cadre made in Provincial Services

Babu KAMINI KUMAR SEN asked :

62. Will Government be pleased to state the number of appointments made during 1942-43 in different Provincial Services beyond their normal cadre with the names, designations and scales of pay of such officers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

62.—A list is laid on the Library table.

Maulavi ABDUR RAHMAN: The reply to question No.62 is that 'a list is laid on the Library table'. May I enquire of the Hon'ble Minister why it is laid on the Library table ?

The Hon'ble the SPEAKER: The hon. Members will always forget what is repeatedly stated on the floor of the House. The Library table means the table just to my left on the floor of the House.

Sale of food-stuffs at Sachnabaz.

Babu KARUNA SINDHU ROY asked :

63. Will Government be pleased to enquire and state—
- Whether they are aware of the complaint that the prices of food-stuffs have risen abnormally beyond the capacity of purchase by average consumers ?
 - Whether they are aware of the other complaint that the big shop-keepers of Sachnabazar in Sunamganj Subdivision do not sell articles of food-stuffs at Government controlled rate ?
 - Whether they are aware of the complaint that these shop-keepers prefer to refuse consumers on the plea of having no stock to sell articles at controlled prices ?
 - Whether it is a fact that the big shop-keepers of Sachnabazar have been deliberately refusing to sell mustard oil from the 15th February, 1943 on the plea that they had no stock ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

63. (a)—Yes, prices have gone up in the case of most food-stuffs.
 (b)—There were complaints of profiteering in Sachnabazar. Three merchants of that Bazar were prosecuted and convicted.
 (c) and (d)—Government have no such information.

Re report on the Jorhat Jail incident

***Srijut ROHINI KUMAR CHAUDHURI:** Mr. Speaker, Sir. May I again request the Hon'ble Prime Minister to read out to the House the report on the Jorhat Jail Inquiry, if received?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. In pursuance to my promise that I made yesterday on the floor of this House, I was myself going to mention about this. I telephoned to the Chief Secretary about this but he replied that he has not received the report up till now. I again inquired of him just now before entering this Hall and he informed me that he has not received it. I told him that my hon. Friend Srijut Rohini Kumar Chaudhuri has returned from Jorhat with the information that the Deputy Commissioner's report has been submitted. The Chief Secretary said that the report in that case may be with the Commissioner. I have asked the Chief Secretary to telephone to the Commissioner that the report should be sent soon, if it be with him.

***Srijut ROHINI KUMAR CHAUDHURI:** Sir, an inquiry was made under certain section of the Jail Manual. That is not exactly a Judicial Inquiry and that section of the Jail Manual says that the report shall be sent to the Inspector-General of Civil Hospitals. In that rule there is no mention of the report being sent to the Government. So I think, the report may be with the Inspector-General of Civil Hospitals. I hope the Hon'ble Premier will kindly inquire of him also.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, Sir, I will again speak to the Chief Secretary to inquire from the Inspector-General of Prisons.

Complaint about the Scarcity of Water Supply in Shillong

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir. May I, with your permission, please refer to a matter of urgent public importance. The matter, though most urgent, I regret to say has been so for several years, and has more than once been raised on the floor of this House. I refer to the Shillong water supply, which has long been a source of public discontent and inconvenience. As an example of what is happening yesterday there was no water in Pinewood Hotel from 7 a. m. until nearly 7 p. m.

The population of this Capital town of Shillong has been expanding for the past several years, and there has been no effort to expand the water supply in ratio to the increased population.

The inconvenience to the public, and the dangers to health, arising from this position are obvious, and there is no need for me to dwell on them. I will therefore close with the request that Government will insist on the Shillong Municipality improving matters and if necessary assist them to obtain necessary materials, and in any other way they can, to the end that this grievance may be immediately resolved.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir. I am sorry to learn from my hon. Friend Mr. Blennerhassett that the water supply was stopped yesterday in the Pinewood

**Speech not corrected by the hon. Member,*

Hotel from 7 A.M. to 7 P.M. This is of-course a very unusual event. We all know, Sir, that here in Shillong, the Municipality cannot supply water throughout the whole day and night because we have got only three sources from where the water is supplied to the different localities. Under the present arrangement, they cannot supply water throughout the whole day; they have to stop it for certain hours a day. I understand, Sir, during the dry season, the water is stopped in almost all the places from 11 A.M. to 4 P.M. and in other seasons it is stopped in five or six different localities from 12 o'clock to 4 o'clock in the afternoon. Sometime ago the Shillong Municipality drew up a scheme for which a very big amount was estimated. In fact, it was practically beyond the competence of both the Municipality and also Government to finance and so, that was dropped. Now Sir, as regards the stoppage of water in the Pinewood Hotel yesterday I shall certainly make an enquiry from the Chairman of the Municipality, and I shall be only glad to inform the hon. Member who raised this question why the water was stopped. I shall also try to see that this inconvenience is not repeated in future. There may be something wrong in the line for which water could not be supplied to that area in particular. I shall bring this fact to the notice of the Municipality and will let Mr. Blennerhassett know what was the cause.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir. I would like to make it quite clear to the Hon'ble Minister that I did not complain about yesterday's incident. I just gave it only as an example of what is happening and I am very grateful for his assurance of assistance and also for his very able corroboration of all I said about the water supply.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir. In Shillong the water is supplied directly from the source.

There should be no hours for stopping water supply here because water comes directly from the natural sources. In Tura, there are no hours of stoppage of supply because there too water comes direct from the sources.

Re Condolence Motion

The Hon'ble the SPEAKER: I am to inform the hon. Members that Mrs. Nani Dutta, widow of late Srijut Sonaram Dutta, has sent to me expression of her heart-felt gratitude for the condolence Motion, which the House adopted, on the death of her husband.

Resolution *re* recruitment to the Assam Civil Service

The Hon'ble the SPEAKER: Now, the House will take up further discussion of the Resolution moved yesterday, *viz.*, "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".

There is an amendment to this Resolution tabled by Maulavi Maqbul Hussain Chaudhury. I would request the hon. Member to move it like this: For the original Resolution the following be substituted.

"This Assembly is of opinion that 50 per cent. of recruitments to the Assam Civil Service be made direct and the remaining 50 per cent. of the appointments, permanent or temporary in the said cadre, be made by promotion from amongst the deserving members of the Assam Junior Civil Service".

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I beg to move that for the original Resolution No. 1, the following be substituted:—

“This Assembly is of opinion that 50 per cent. of recruitments to the Assam Civil Service be made direct and the remaining 50 per cent. of the appointments, permanent or temporary in the said cadre, be made by promotion from amongst the deserving members of the Assam Junior Civil Service.”

Sir, it appears that the intention of the hon. Mover, Maulavi Abdur Rahman, is to close the doors of recruitment to the Assam Senior Civil Service against fresh graduates and Law graduates. His intention is that without doing away with the Senior Civil Service, all the recruitments to the Senior Service be made from the Junior Civil Service. Sir, I admit that there are competent and brilliant officers in the Assam Junior Civil Service, but at the same time I cannot forget that there are equally competent and brilliant graduates who can be employed direct to the Assam Senior Civil Service. If the principle laid down in the Resolution, as moved by my hon. Friend, be accepted, then some day or other the clerks of different offices may come forward with the demand that as they run the administration quite efficiently all the recruitments to the Assam Junior Civil Service be made from them and the doors of recruitment be closed to the rest of the graduates and Law graduates. Sir, we have experienced that graduates who are directly recruited to the Assam Civil Service get the training in judicial work not less efficiently than the officers who are recruited from the Junior Civil Service, because the officers in the latter cadre spend a considerable period of their service in works other than judicial, and therefore they require as much training as is required by the new entrants. I am of opinion that new recruits, *i.e.*, those who are recruited direct to the Senior Civil Service, can efficiently pick up the work as those recruited from the Junior Civil Service. If the Senior Civil Service is not done away with, the policy of direct recruitment should be allowed to continue. I am therefore of the opinion that in order to give a fair share of recruitment in the Assam Senior Civil Service to the officers of the Junior Civil Service the ratio should be divided as fifty fifty, and with this view in mind I have moved this amendment. By this amendment I keep the door open for the competent graduates and Law graduates and do not close the door as intended by the hon. Mover.

With these few words, Sir, I move my amendment for the consideration of the House.

The Hon'ble the SPEAKER: Amendment moved:

“That for the original Resolution, the following be substituted:—

“This Assembly is of opinion that 50 per cent. of recruitments to the Assam Civil Service be made direct and the remaining 50 per cent. of the appointments, permanent or temporary in the said cadre, be made by promotion from amongst the deserving members of the Assam Junior Civil Service”.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir, I think the original Resolution is objectionable for some reasons, and the present recruitment system is feasible for the time being.

Not only in the Assam Civil Service, Senior or Junior, but also in other services, *viz.*, the Assam Educational Service, the Assam School Service, etc., we find that there are some officers who have been in service for some years but who act as a stumbling block to the progress of the

institutions concerned. I need not name particular persons, but we want to get rid of those officers. On the other hand, there are smart, intelligent and qualified youngmen fresh from colleges or universities, who can very well replace the old, useless officers. There are some cases like this. Here also, *i.e.*, in the Assam Civil Service, Senior or Junior, there may be cases like that. I therefore, oppose this Resolution.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise to support the original Motion and to oppose the amendment.

Sir, the arguments put forward by my hon. Friend Maulavi Maqbul Hussain Chaudhury do not seem to me very sound. Sir, I cannot understand why the doors will be closed to the brilliant graduates and Law graduates altogether. The simple question is this that there should be only one source of recruitment, and officers of some experience and proved ability will be promoted to the senior grade. This is the simple point. Let the law graduates and other graduates enter the service as Sub-Deputy Collectors or Sub-Deputy Magistrates as the case may be. And when after a few years, say 5 or 7 or 8 years, as the case may be, after they gather experience, let Government promote from amongst the experienced officers who will prove their mettle to the senior grade. What do we find now? We find that even applicants of superior calibre and qualification do not get the advantage of getting the senior service. Sir, that has caused a great deal of dissatisfaction amongst the officers of junior cadre. If I remember aright, there was a recommendation of the Retrenchment and Resources Committee to this effect that no direct recruitment should be made to the senior provincial service and there should be only one source of recruitment and, as has been said by the original Mover, promotion should be made according to the scheme laid down by him. I think it is high time that the Government should very carefully think whether this can be done without any further delay.

Another point raised by my hon. Friend Mr. Maqbul Hussain Chaudhury is that the Sub-Deputy Collectors generally spend several years on such works which will be of no use for judicial purpose. (Maulavi Muhammad Maqbul Hussain Chaudhury: I did not use the word 'useless') But if the Executive and Judiciary are made separate and at the very beginning the work is distributed in this way then that difficulty will also be overcome. With these words, Sir, I support the original Resolution.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the proposal made in this Resolution looks very simple at its face value, but when it is considered deeply it will be found that this system will not either be more efficient than the present system or help all the communities that are entitled to service. Our Provincial Civil Service is divided into senior and junior sections and the recommendation made by this Resolution is that henceforth there should be only one recruitment, that is to the junior service and any one who is found qualified should be promoted to the senior service after a few years. In the first place, this will block the prospects of candidates from the minority communities from getting into the senior service for a long time to come. The minorities like the Scheduled castes or Plains tribal and some hills tribal, have their opportunity to get into the senior as well as the junior service thrown open to them only from 1937 when they were given separate representation by this august Assembly. They had, barring the very advanced Khasi Hills, very little opportunity to be recruited to the senior service. But since 1937, by the assiduous labour of their representatives in this Assembly, the doors of the senior service

have been opened to them. Some members from those categories have been recruited both to the senior as well as junior service but their numbers are very few. If now we stop recruitment to the senior service, what will be the effect? These minority communities will not get a chance for about 20 years to get their share of representation in the senior service, because all their candidates will be in the junior service and if we promote a man, say, with five years' experience, to the senior service simply because he came from a particular community, there will be a cry of discontent amongst the senior members of the junior service. This, therefore, will greatly and adversely affect the chance of the minority communities of getting their share in the Senior Provincial Civil Service.

Then again, if we recruit every one to the junior service, what will be the effect? Our normal ratio of recruitment in the senior service who generally do magisterial work and, in the Assam Valley, also Munsiff's work, is in the neighbourhood of 3. If we do not recruit any one to this Extra Assistant Commissioner's cadre we will have to recruit everybody to the Sub-Deputy Collector's cadre. But in order to make for the deficiency in the Extra Assistant Commissioner's cadre those recruited to the junior service shall have from the very start, to be given two different trainings, (1) the training of Sub-Deputy Collectors pure and simple, *i. e.* revenue and miscellaneous work and (2) the training in magisterial work. How to make a differentiation at the start? If, as my hon. Friend, Mr. Mookerjee, has recommended, every one should be kept on their normal work, that is, revenue work for Sub-Deputy Collectors and then they should be promoted to the senior service.....

Mr. BAIDYANATH MOOKERJEE: On a point of explanation, Sir. That was not my idea. I clearly stated that at the very beginning it should be decided who should do executive work and who should do judicial work. Therefore, the difficulties that have been anticipated by my hon. Friend, Mr. Maqbul Hussain Chaudhury, will not stand. That was my idea.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am obliged to my hon. Friend for this personal explanation. Then he has demolished his own case and has nullified his support to the original Resolution. His present case is that although every one will be recruited as Sub-Deputy Collector from the start, the selected candidates should be classified into two categories. One should be termed Sub-Deputy Magistrates and will be given only magisterial work and the other should confine themselves to revenue and miscellaneous executive works. Well, if that is the idea, that is an absolutely new and a very sound proposal, *i. e.*, give up entirely senior service, henceforth have only one service called Sub-Deputy Collectors and the Sub-Deputy Magistrates. That will surely give monetary relief from extra commitment but whether we will be able to draw the right type of men if we confine our magistracy to be drawn from the Sub-Deputy Collectors, that is the question. If on the other hand, as my Friend Mr. Abdur Rahman suggests that let everyone be trained in revenue work for a few years and after seeing how they shape, they should get promotion to the senior service. Now in the criminal court or in the civil court; therefore the judicial work, either in the revenue matter will be wasted. The functions of these two services being entirely different, I think, the more practical point of view is what has been recommended by my Friend Mr. Maqbul Hussain Chaudhury. He says that keep the door for direct recruitment open and at the same time, in order to encourage good work and efficient discharge of duty of the junior branch of the same service let 50 per cent. of the vacancies be

filled up from this source by promotion. Although we have not any definite rule on this point, yet this has been the practice in the Assam Government ever since I have taken charge of the Home Department from 1929 on—half of the vacancies of the superior service has been filled up by promotion and half by direct recruitment. So, if the House wants to adopt the amendment to the Resolution, Government will have no objection whatever to accept that because that principle is already being followed by Government.

My learned Friend Mr. Mookerjee mentioned that there is a recommendation of the Retrenchment Committee to the effect that henceforward every recruitment should be confined to the Sub-Deputy Collector's grade. I remember a discussion to that effect but not having the report of that Committee before me at the present moment, I am not in a position to say what conclusion the Committee arrived at. But my earnest request to my hon. Friends will be that this question of bifurcation at the start should be kept open for a few years more as I have promised already that as soon as I get a little more leisure and we come to the normal time, I am promised bound to carry out the separation of judiciary from the executive and in that case we will have 2 branches of service from the start—one will be called executive officers and the other judicial officers. In this way we will solve the difficulties which my hon. Friends find to confront them.

I hope I have placed the Government point of view before the hon. Members and have also pointed out certain difficulties which will come in the way if we accept the original Resolution. In fairness to the minority communities and those communities who have very recently got their entrance but not their full share in the administration of the Government services, I request my hon. Friends to consider that Resolution from that point as well.

The Hon'ble the SPEAKER: No other hon. Member is going to speak. Then the hon. Mover may give his reply.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, I am surprised to find that in the whole House no other hon. Member is coming forward either to support or to oppose the Resolution which is to me a very simple one.

Sir, yesterday while I moved the Resolution I forgot to make mention of one fact that so far as I knew previously the practice of the Assam Government was to make recruitment mostly in the Junior Civil Service. Many of the magistrates who retired after attaining their full length of service and after being promoted to the listed posts, entered into service in the cadre of Junior Civil Service. Sir, that practice was discontinued not very long ago. I may make mention of one of our Colleagues—the Hon'ble Khan Bahadur Mufizur Rahman. He entered as a Sub-Deputy Collector but rose upto listed post.

Sir, from the reply to a question put during this Session a statement was placed on the table by Government which showed that as many as 10 Sub-Deputy Collectors are now mainly engaged in doing judicial work and I am confident that these people are not discharging their duties in any inferior way. If that be the case, Sir, I do not understand why Government should not accept the principle which is very strongly pressed in this Resolution. Now, Sir, I have got to answer two points. The first is the one which the Hon'ble Premier has said from the Government point of view. He has said that if this Resolution be accepted by the House or if it is accepted by Government then the minority communities may be affected. But Sir,

the minority communities will get their due share in this service. In that case I do not find any reason as to how the question of the minority communities comes in. Suppose, Sir, as he has said, from 1937 the minority communities are getting their representation in Assam Civil Service and he also said that their number will be very few, but are those who have entered into the senior service, likely to be interrupted or interfered with? I don't think so. If the spirit of the Resolution, or if the recommendation of the Resolution is accepted, their quota remains as it is.

The Hon'ble Premier has said, if this Resolution is accepted then within next 20 years minority communities will not get a man in the Senior Civil Service. They were given representations from 1937 only and by this time a very few of them have been taken in the Assam Civil Service. His argument is that only persons employed from other communities will get chance of promotion to the Assam Civil Service from junior service as the representation of minority communities in the junior service is too small. If these few people of minority communities can show a bit of sacrifice the Province will then derive a greater benefit. Now, Sir, according to the present system the senior service people may pass to the scale of more than one thousand rupees. Even some time while they occupy the listed posts they go over Rs.2,000 but if this Resolution is accepted think, Sir, these people can be satisfied with Rs.750. If the scale is like this that after they get into the senior service the highest scale will be provided for Rs.750. Thus, the Province makes a lot of saving. Sir, money is not the only criterion by which the efficiency can be judged. If the judicial work can be done by promotion why the Province should pay such a huge amount towards the payment of these senior service men? Now we find that the senior officers who occupy the listed posts are entitled, according to the present arrangement, to draw a very big salary which our poor Province cannot afford to pay. If the question of minority representation can be solved or if the hon. Members of this House from minority communities can be satisfied that by a very small sacrifice they can render a very big service to the country, I do not find any other objection from the Government side not to accept the Resolution.

As for the amendment which my hon. Friend Maulavi Maqbul Hussain Chaudhury has moved, he does not altogether oppose the principle of my Resolution but his main point is that half and half arrangement should be made. He also wants to keep open certain percentage, say about 50 per cent. posts for the senior service. Sir, if he accepts the principle that all the posts in the senior service should not be recruited direct, *i.e.* only half of the present requirement, then I cannot actually follow him on what principle he moves his amendment. He said, Sir, he did not oppose my Resolution. It is no good keeping open 50 per cent. just to embarrass the country with a financial commitment. With these few words I commend my Resolution to the acceptance of the House.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
Mr. Speaker, Sir, either my Friend, Mr. Abdur Rahman, did not catch the point that I raised about the difficulties to the minority communities or English not being my mother tongue, my expression must have been faulty. I could not convey probably in proper English, the objection that I had raised. I wanted to make out this point, Sir, that according to the Resolution the senior service will remain. The Resolution does not recommend that the senior service should be done away with. He says that senior service should remain but the recruitment to that service must be limited to the junior service and by

promotion only. The point that I wanted to make out on behalf of the minorities is this. Under the present system which the Government have adopted we are giving proportionate representation to all the communities inhabiting this Province into these services provided suitable candidates are available. These minorities have got a chance to enter into the senior service from 1937. Now, if we programme to stop all direct recruitments to the senior service, then the minority communities who have to make a large lee way will be precluded from getting their share of appointments in the senior service. If in order to satisfy that objection, my Friend argues that they would not object to the promotion of the very junior officers coming from these communities then I meet his argument by pointing out that if junior men from the Sub-Deputy Collectors' grade were promoted to the Extra Assistant Commissionership on account of their nationality or their category, then instead of bringing any satisfaction to the members who are already in the junior service, there would be very great discontent, heart burning and dis-satisfaction. That point, my learned Friend has not seen at all.

Next, my learned Friend citing the case of our hon. Colleague Khan Bahadur Maulavi Mufizur Rahman has stated categorically that there was a time when every recruitment in the Provincial Service of Assam was limited to the junior service. I have consulted my Friend the Khan Bahadur and I have learned from him that in his time, *i.e.*, in the beginning of this century the majority were recruited as Sub-Deputy Collectors, but there were always a few recruited as Extra Assistant Commissioners. When I heard the argument from Maulavi Abdur Rahman that there was, in the old days nobody recruited to the Extra Assistant Commissionership, I thought he was referring to a period of three years when there was no recruitment to the Extra Assistant Commissioner cadre on account of retrenchment. Hon. Members probably are aware that the Province was passing through a great financial stringency somewhere between 1926 and 1928. About that time no recruitment was made to the senior executive service. But it was not a case of promoting only Sub-Deputy Collectors to the senior grade, but it was a case of postponement on account of the financial stringency, of appointing any one to the senior grade. Maulavi Abdur Rahman has put forth a very curious argument. He has said that the difference between his original Resolution and the amendment moved by our Friend Maulavi Muhammad Maqbul Hussain Chaudhuri, is the same on principle, only it is a question of degrees. Well, if that is his idea, I cannot help him. It is just the reverse of Euclid's postulate that a part is equal to the whole. My friend says that 50 per cent. is equal to 100 per cent. The main point that he has lastly advanced is one of retrenchment and economy. According to him it will economise the expenditure on general administration greatly, if recruitment is kept at Sub-Deputy Collectors only. To a certain extent he is correct provided the period of probation for promotion to magisterial or judicial work is kept at a very low figure. But if we have to follow the method advocated by one of his supporters, then there will be no economy at all. I will request my hon. Friend that he should advise the Service whom he represents here, to be satisfied with the 50 per cent. which they have got now and let them exert through their service association, as they do every year, with a very strong presentation of their case and probably some day their object will be achieved, *i.e.*, when there will be a separation of the judicial from the executive.

The Hon'ble the SPEAKER: I am putting the amendment to the House.

The question is that for the original Resolution the following be substituted:—

“This Assembly is of opinion that 50 per cent. of the recruitment to the Assam Civil Service be made direct and the remaining 50 per cent. of the appointment in the said cadre be made by promotion from amongst the deserving members of the Assam Junior Civil Service.”

The question was adopted.

The Hon'ble the SPEAKER: The Mover of Resolution No.2* is absent. The next one may be moved.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: The question was sufficiently discussed yesterday. Therefore, I do not like to move my Resolution† to-day.

Resolution re: representation of the Ex-garden labourers in the Legislature of Assam

Mr. BINODE KUMAR J. SARWAN: Sir, I beg to move that this Assembly is of opinion that the Government of Assam do move the Government of His Majesty the King Emperor that in view of the fact that the ex-garden labourers have not been represented in the Legislature of Assam, they may be given representation therein on population basis.

I beg to draw the attention of the House to the following:—

It is now about a hundred years that the tea gardens began to be opened in Assam and when Assam was in dire need of labour for the above purpose (or the opening of tea gardens), the Government helped to emigrate labourers from the regions of Chhota Nagpur, Bihar, Orissa, Central Provinces, Madras etc. from which the vast majority of tea labourers have continued to come and carry on the tea industry of Assam till this day. The descendants of the early tea labourers have either continued to form the tea population or have drifted to jungles and Government waste lands which they have turned into revenue bearing lands and homesteads. These people have continued to produce wealth for the Province, but in return they have received scant attention either from the Government or from those who have benefited by their labours. I call on this House not to forget that ex-garden labourers now form an important, though backward, section of the body politic of Assam.

In the last Census Report of 1931, we read the following appraisal of their condition and status. I am reading a portion of Mr. Mullan, i.c.s., who was the Census Superintendent at that time:—

“Coolies in Assam form, however, a separate class of population, no matter what caste or tribe they belong to, and hence it seems best to treat all cooly castes and tribes under one heading, for all have one common characteristic and that is that, in Assam, a “cooly” is always a “cooly” and whether he works on a garden or whether he has left the garden and settled

*2. Babu Lalit Mohan Kar This Assembly is of opinion that immediate steps be taken to establish Agricultural Banks in rural areas with a view to afford facilities to the agriculturists at the time of their needs in securing long term loans at a low rate of interest.

†3. Maulavi Muhammad Maqbul Hussain Chaudhury. This Assembly is of opinion that the Government of Assam do provide adequate sum of money by a supplementary grant in order to raise the pay of Primary School Teachers from Rs.12 to Rs.30 per mensem,

down as an ordinary agriculturist his social position is nil. Indeed from many points of view the social position of coolies and *ex-coolies* is worse than any class in the Province; they are educationally terribly backward, they have no recognised leaders or associations to press their claims or to work for their social advancement, they are foreigners to the country and as a class they are much addicted to liquor."

The coolies directly connected with the tea gardens have some sort of representation now, but what about the *ex-garden* coolies? Admittedly they are backward, at least as backward as Miris, Mikirs, Garos and scheduled castes. Do the hon. Members of this House desire to perpetuate the pitiable condition of these people by refusing to give them the only means of representing their needs and grievances, their pains and aspirations? I am sure there is not one member in this House that will refuse to do the just thing for those people, the labourers, who have done so much for the commercial progress of this Province. Refuse them representation in the Assembly and you thereby doom them to perpetual ignorance and vice. The *ex-garden* labourers have made Assam their home. Treat them as natives of the soil as you do the other backward classes of Assam and you will find that the Assamese people will readily be able to absorb a population that has no other home than Assam, and whose interests are bound up with the progress of Assam. But in the meantime an arrangement for the protection of the security and interests of the *ex-garden* labourers is incumbent and vitally necessary. Since the publication of the last census, I mean of 1931, which stated that they had no recognised leaders or Associations to press their claims or to work for the social advancement, they have formed an Association called the Bengali Coolie Sabha or Assam Tea Labourers' Association.

The labourers residing in the tea gardens have already been given representation in the Assembly, but those who have left the tea gardens and have settled on Government lands in the villages or bustee, have no special representation in the Assembly to voice their grievances or give expression to their aspirations. The case of these should be immediately taken up and such steps taken as will enable them to send their representatives to the Assembly. Nor is this claim absurd or impossible, if so, the claim of the Mikirs, the Miris, the Kacharis, the Garos and the scheduled castes would fall to the ground. Rejection of this claim of the *ex-garden* labourers would be tantamount to saying—"We want you to be where you are—remain in perpetuity a class of scavengers or mere hewers of wood and drawers of water, while the rest of Assam is forging ahead with their plans of social and economic betterment." The *ex-garden* labourers claim representation on the ground of their backward condition and on the ground that they form a large section of labouring population of Assam equal in number to all the backward tribes combined. Reference may be made to the census report of 1931 of Mr. C. S. Mullan, I.C.S.

I call on the sympathy of the House for the *ex-garden* labourers. I ask them to give their vote in overwhelming numbers as a mark of sympathy and goodwill. Nothing will draw the hearts of these homeless *ex-garden* labourers as this gesture on the floor of this House.

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

The Hon'ble the SPEAKER: Resolution moved:

"That this Assembly is of opinion that the Government of Assam do move the Government of His Majesty the King Emperor that in view of the fact that the *ex-garden* labourers have not been represented in the Legislature of Assam, they may be given representation therein on population basis."

Maulavi BADARUDDIN AHMED: Mr. Speaker, Sir, I want to add a few words to what has been said with regard to this Resolution. I have seen *ex-garden* labourers in my part of the Subdivision. Their lot is very sad indeed. There is none to look after their interests. I find the lot of the garden coolies is better than the *ex-garden* labourers. The garden coolies have got their representatives in the Assembly. At the same time the garden coolies have got their planter masters to look to their interests. But *ex-garden* labourers have no one to look after them. Their lot is very sad. So far as my information goes, their number in the Province is about 4 to 5 lakhs. This class of people is there in our Province but their grievances are not looked after by anybody. It appears that the class has been merged in the caste Hindus. If the law permits and the Government of India Act allows it, their case should be recommended by the Government to the British Parliament so that they can get separate representation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, this Resolution is not new to the House. Mr. Sarwan gave notice of such a Resolution in the year 1939. There is one little difference between the Resolution which was then submitted by my Friend and the present one. The Resolution of 1939 ran thus: "This Assembly is of opinion that the Government of Assam do move the Government of His Majesty the King Emperor that in view of the fact that the *ex-tea* garden labourers or as they call themselves in Assam—Chota Nagpuris—who have no representation in Assam, may immediately be given representation therein on a population basis." Probably my Friend thought that by omitting the words Chotanagpuris, he would advance his cause; therefore these words are not to be found in the present Resolution.

There are three difficulties in my way in accepting this rather vaguely worded Resolution. In the present Resolution the words occur '*ex-garden* labourers'. These are not qualified. Everyone knows that under the Tea Districts Labour Control Act, it is the right of the labourers that are recruited from outside, to be repatriated at Company's cost at any time they like, say after one, two or three years. Any one who has served even for one year in a tea garden, if he goes back to his native country he becomes an *ex-garden* labourer. Unless my hon. Friend reads in his Resolution '*ex-garden* labourers who have remained in Assam' his Resolution is much too wide to be accepted by the House. In that case, people who have got no domicile in Assam, will get enfranchisement. This is contrary to the whole scheme of the Government of India Act. In the original, I mean 1939 Resolution, that limitation was there that they live in Assam and call themselves as 'Chota Nagpuris'. Probably my hon. Friend was confronted with other difficulties for the number of 'Chota Nagpuris' is not the same as my Friend will like us to believe. I find, Sir, on a reference to Volume I of the Report of the Indian Delimitation Committee which is a few years old, that in the census of 1931, the labour population of tea gardens was distributed as follows:—Bihar and Orissa—4,72,000; Central Provinces and Berar—82,000, United Provinces.—68,000, Madras—58,000, Central India Agency—15,000 or a total of 6,95,000. There was no word used in that report as 'Chota Nagpuris' and if we are to include the population of the whole of Bihar and Orissa as 'Chota Nagpuris' then their number will be about 50 per cent. or little more than the labour forces that serve in the gardens. My hon. Friend has therefore been compelled to remove this word from his Resolution but as I have already stated before the House, the *ex-garden* labourers are not limited to those who have settled in Assam only. This is my first objection. My second objection is that the Resolution gives an entirely wrong statement. Therein it is asserted that the *ex-garden*

labourers have not been represented in the Legislature of Assam. That is not so. The Delimitation Committee had referred to this in their Report and it is also wellknown to every hon. Member who has contested his election in the areas where the *ex-garden* people are settled. I find, Sir, that paragraph 549 of the same Volume of the Report of the Indian Delimitation Committee has stated like this, "As regards the *ex-tea* garden population many of these will be qualified having taken up land to vote in a general constituency." As a matter of fact, they have exercised their votes and have sent their representatives to this House.

Then Sir, the last objection that confronts me as well as the Mover of the Resolution, is that we cannot increase either the number of the seats in the Legislature or carve out a new constituency in India. The whole thing shall have to go before the House of Parliament for an amendment of the Act. Whether this will be done, I cannot say but as I mentioned the other day, the British Government is engaged in a life and death struggle just at the moment and as there has been some promise made by the proper authorities that there will be change in the Constitution after the war is over, I think, the hon. Members will agree that it is not the proper time for the Government of Assam to move in this matter. Every body expects that the war may end this year or next year or at most in 1945. So it is very doubtful whether His Majesty's Government would take up this small matter at this time of their trial and tribulations. Then, Sir, before coming to the House in 1939, my hon. Friend Mr. Sarwan and his brother who is the President of the 'Chota Nagpuris' Association, submitted a memorial to Government in 1938 and as then also I was at the Head of the administration, they saw me and I promised that their memorial would be sent up to the higher authorities. All I can promise now is that I will send up this debate to the higher authority at Delhi.

Mr. BINODE KUMAR J. SARWAN: Mr. Speaker, Sir. May I point out one thing? I hope that the Hon'ble Premier will agree that the *ex-tea* garden labourers are those who have settled down permanently in Assam, and made Assam their home.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It ought to be in the Resolution.

Mr. BINODE KUMAR J. SARWAN: Sir, the *ex-tea* garden labourers are those who have settled down permanently here and they have all hopes and aspirations here. Now in view of the hope that has been given by the Hon'ble Premier, I beg to withdraw my Resolution.

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

Resolution re release of security prisoners and other political prisoners

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir. I beg to move that this Assembly is of opinion that the Government of Assam do take necessary steps to forthwith release the security prisoners detained in prisons of Assam and other persons undergoing imprisonment for offences connected with political movement.

Sir, first of all, I shall deal with the case of security prisoners. In reply to a question of mine the other day Government had stated that there were as many as 227 security prisoners, out of whom 29 were in the meantime released on some sort of undertaking. As regards other prisoners I have tabled a question but the reply to that has not been received. Now

Sir, I don't understand what connection there is between the security prisoners and the sabotage activities which had unfortunately taken place in the Province since last year.

Sir, scrutinising the list of the acts of sabotage which had been committed in the Province and the date of the arrest of the security prisoners, I have found that the acts of sabotage had been mostly committed after the arrest of these persons. Take for instance the case of Srijut Lakhesvar Barooah of Dibrugarh ; he was arrested on the 9th August 1942, and from the list I find, Sir, that the first act of sabotage committed in the Sadar subdivision of the Lakhimpur district was on the 13th September 1942 where three Central Government's sheds were burnt down at Tinsukia ; this was more than a month after he was arrested, and was the first and the only act of sabotage in that subdivision as far as I could find from the list. Now, this gentleman was released on the last occasion by the Government headed by the present Prime Minister, on account of ill health. But before any act of sabotage was committed in the Province he was arrested again, and the only act of sabotage in his Subdivision took place more than a month after his arrest.

Then, Sir, I come to the case of Srijut Sarvesvar Barua ; he was arrested on the 8th September 1942, and the three acts of sabotage alleged to have been committed in his Subdivision were : the first was on the 15th September 1942 when the Local Board primary school in Bihpuria was burnt, the second was on the same date when the Dhakuakhana forest office was burnt down, and then on 8th September 1942 in the Bihpuria police station a small bamboo bridge was damaged ; a small shed at Dhalpur was burnt on 8th September 1942, *i.e.*, on the day of his arrest. These are the acts of sabotage committed in the North Lakhimpur Subdivision.

As I told the other day, and I think the Hon'ble Prime Minister will agree, that nobody can by any stretch of imagination think that men like Srijut Gopinath Bardoloi, Mr. Fakhruddin Ali Ahmed, Srijut Sarveswar Barua, Srijut Lakhesvar Barooah, or for the matter of that, any Member of the Assembly, who are held as security prisoners, would directly or indirectly encourage or be involved in any act of sabotage. Sir, I would repeat what I recently stated, *viz.*, what the Punjab Government were doing. They have appointed an officer to find out who amongst the security prisoners were really anti-Fascist. According to its programme, the Congress is definitely anti-Fascist, but if Government have any doubt whether these security prisoners are anti-Fascist and if Government consider any enquiry necessary, such an enquiry should be forthwith held by responsible officers. If the Hon'ble Prime Minister has got any doubt, I would suggest that he should go round and visit the different jails and try to find out from his conversation with the prisoners whether there is any reason to suspect that they have Fascist sympathy. If that course is not acceptable to the Hon'ble Prime Minister, I would suggest that he might call a small conference of district officers, revise the whole list of the security prisoners, consult with them and consider whether it is necessary, in the interest of the peace of this Province, to detain them any longer.

Sir, I have carefully scrutinised the list and have tried to compare the dates of arrest of these leaders with the dates on which incidents of sabotage took place in the Province, and I have found that the incidents mostly took place after the arrest of these leaders. If the Hon'ble Prime Minister kindly goes through the list he will find that my statement is amply borne out. Let us take the case of Srijut Debeswar Sarmah, for instance ; he was arrested on the 9th August 1942, and the only act of sabotage in the Jorhat Subdivision took place on the 8th September 1942 when the wall and the notice

board of the Titabar post office were damaged. This is the only incident of sabotage committed in the Jorhat Subdivision. Yet our Friend Srijut Debeswar Sarmah, who was arrested a month before the incident, is still detained as a security prisoner; no offence has been alleged against him.

Then, Sir, I cannot understand the reasons behind this policy. Many acts of sabotage were committed in the Sibsagar Subdivision, but fortunately for us it has not been considered necessary to detain any Member of this Assembly as security prisoners. I do not know of any leader being arrested there excepting Srijut Padmadhar Chaliha, who has all along been aloof from the Congress movement, or rather has been on the side of the anti-Congress activities. I do not understand why he has been arrested and detained as a security prisoner.

Then, coming to the district of Nowgong, all the Hindu M.L.As. have been arrested and substantial sentences have been imposed on them. The sentences are rather exemplary. They have all been sentenced to two years' rigorous imprisonment. Messrs. Mahi Chandra Bora, Purna Chandra Sarma and Haladhar Bhuyan—all of them have been punished for substantial offences. But all the same I find from the list that they have also been detained under Rule 38 of the Defence of India Rules. I think Government will detain them as security prisoners after the expiry of their sentences.

Coming to the Kamrup district, Sir, I find all the M.L.As. and the leaders of the public were arrested before the middle of August 1942. The first act of sabotage in the Kamrup district was committed on the 28th August 1942. The first batch of leaders, *viz.*, Srijut Bishnuram Medhi, Dr. Harekrishna Das, who is a retired Civil Surgeon aged 70 and whose pension was once confiscated but restored by the Hon'ble Prime Minister himself, Mr. Fakhruddin Ali Ahmed, Maulavi Tyebulla and others were taken as security prisoners on the 9th August. The first act of sabotage was committed on the 28th August after all the leaders were arrested, *i.e.*, after the arrest of Srijut Gopinath Bardoloi and Srijut Siddhinath Sarma on the 15th August.

Then in the case of Goalpara there were some arrests. Of course Dhubri Subdivision is entirely free so far as acts of sabotage are concerned.

In Barpeta Srijut Kameswar Das has been arrested and detained as security prisoner. He is as far remote from any such act of encouragement to sabotage as any body can be. I have dealt with these particular cases about whom I have personal knowledge. I think there are other cases which stand on the same footing. But my point is this: they have been kept under detention for a long time on mere suspicion and it is high time that they should be released. I asked the Government to give a list of the sabotage since 1942 and I am supplied with a list of the acts of sabotage only up to 26th September 1942. Stray cases of sabotage may have happened after that, but I think the country is now more quiet and peaceful and we want all the leaders, that is the Congress M.L.A's. who represent 32 out of 47 general seats, to be released. I should like to add that these Members of the Assembly and other important leaders whose services can be very much utilised at this critical hour of the country when apart from war efforts, we must take organised measures for supplying food, for growing more food, for giving cloth, for producing more yarns and so forth, should be forthwith released. With all my opposition to the Congress party in this House and outside I must admit in fairness to the Congress Congress leaders are the persons who can give us sufficient help in the matter of growing more food, in the matter of producing more yarns and

producing more cloth for our people which are just now the primary needs of the country. So, I suggested the other day that the Hon'ble Premier may release at least some of the security prisoners and other prisoners in whom he has confidence and let us see for a month or so what steps they take. Let them be released unconditionally, let them be given sufficient liberty to move about and let us see what they tell the people, let us see whether or not they discourage the sabotage movement and then we shall draw our own conclusion. They were arrested long before any movement was set afoot. Let them get liberty now and let us see what they preach to the people, whether they discourage sabotage movement or not, whether they take steps in the grow-more-food campaign or not, whether they take step for having more spinning wheels and more yarns which is a part of their programme. If they really follow their programme there is no reason for the Government of the day, to quarrel with them. Let them have a chance. The country is fortunately at the present moment more peaceful and quiet and this is the time when we should give them an opportunity. I appeal to the Hon'ble Premier in whom I have this confidence that he will not do anything rashly or in any vindictive spirit. I hope that what I have said in this House will be duly considered by him and that we shall see the early fruition of my hope.

The Hon'ble the SPEAKER: Resolution moved:

“That this Assembly is of opinion that the Government of Assam do take necessary steps to forthwith release the Security prisoners detained in prisons of Assam and other persons undergoing imprisonment for offences connected with political movement”.

Mr. A. WHITTAKER: Mr. Speaker, Sir, in the interest of accuracy I should like to recall to Mr. Chaudhuri his remark that sabotage ceased at the end of September 1942. I should like to ask him now if he would kindly reconcile the fact that since September 1942 there have been a number of very serious derailments of passenger train and goods train in the Province of Assam, the last of which, as far as I remember from the statement by the Hon'ble Premier, occurred on 27th January 1943, in which no fewer than 11 persons lost their lives. Is it a part of Mr. Chaudhuri's case that in this Province sabotage ceased in September last and the Province is quieter than before September 1942?

Srijut ROHINI KUMAR CHAUDHURI: As I said I put a question (Starred question No.62) in this House to the following effect: “Will Government be pleased to state the incidents of sabotage which had taken place in Assam since August 1942...” and this is the reply. I have also said that stray cases of sabotage may have taken place after September 1942. Acts of sabotage are not published in the papers, I can only go by the information that is placed before the House. Here is the statement which gives dates of incidents. There may have been stray cases of sabotage, but that the general atmosphere is more peaceful than it was last year, will have to be admitted.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, my hon. Friend Mr. Chaudhuri in his usual way—should I say with his usual tactics—has appealed to my better reason and has made a very graceful reference to my methods of administration. He has asked me to ponder over two suggestions that he has made, namely, one of following the Punjab, and appointing a special officer to enquire who are anti-Fascists and the other, of asking the Deputy Commissioners to review the cases of political prisoners who could be released without detriment to the cause of peace and order in the country. I wish he had tabled his Resolution in the same spirit of moderation. As against that, we find that his Resolution is far too general and sweeping; he wants, without any

rhyme and reason that every one who has been detained or punished for political offences since August last should be forthwith released. Whenever any recommendation is made it is usual for the Mover of the Resolution to give reasons why he makes that recommendation. In the present case, Sir, I listened in vain for any such reason which should compel the Government to accept the recommendation made therein. Beyond making certain statements the hon. Mover of the Resolution has not advanced any argument. In his opinion cent. per cent. of those people who have been put in prison are innocent. On the other hand, before the Ministry came into existence most of these arrests mentioned by my Friend took place, *i.e.* before the 26th August 1942 when the Ministry started to function. The then Government thought that the unfettered existence of these people is a source of great danger to the safety of the Province. Since I assumed charge, I have proclaimed both in this House and outside, in my conversation with these unfortunate Friends of ours who are now behind the prison bars, our intention to release from detention or restriction such persons as may give undertakings that they will keep away from anti-Government movement and from subversive activities and whose words can be trusted. Beyond this, I do not think, I can go at the present moment.

My Friend assures the House that all the Members of the Congress Party are anti-Fascist and therefore they would not have either encouraged or allowed any acts of damage which has since disfigured the country. But I have seen reports of the sayings and doings of some of those very hon. Members which are in the Government files that the administration of the time had very sure grounds to suspect that the presence of these people without any restriction whatsoever would be a great encouragement for the enemy to invade Assam.

My Friend has advanced a very curious argument. An able advocate as he is, I never heard a more weak argument than what was advanced by him. He tried to establish that there was no connection whatsoever between the arrests of these people and the starting of the sabotage movement. But anyone could very well see that my Friend has given away the whole of his case when he wanted to draw the conclusion he has drawn. In other words, this sabotage took place only after the leaders were arrested. I will put it in the natural context that these leaders knew the people of the gang who were going to do these acts of violence, acts of arson and murder and if the restraining hands of the leaders were there, they would keep them in check and when that restraint was removed by the arrests of the leaders, the party with whom the leaders were in contact went out of their hands and started this carnage.

Sir, I have been touring the country and have heard public opinion—Hindu, Muslim, Official, non-Official—and there can be no doubt whatsoever that at least some of those who have been put behind the prison bars have been very rightly placed there. It was said to me at certain place that one of these prisoners who have been convicted to 2 years imprisonment openly boasted in a public meeting that “I have got 500 guns in my hands and whenever I wish I can raze the whole town to dust”. This statement was confronted to that particular gentleman by myself. There was no denial to this. It was met with a grim smile of satisfaction.

From official records I find, Sir, that among the security prisoners there are men who are known to have instigated the campaign of sabotage which has caused loss of so many lives and so much sufferings. There are many who are believed on very good grounds to have taken an active part in such activities but they succeeded in avoiding penalty of

their crimes because they and their associates have been able to terrorise all witnesses by means of cowardly methods of burning the houses and threatening the lives of their relatives. One police officer has disappeared for many months in circumstances that give ground to believe that he has been murdered, but the campaign of suppression among his relatives is going on, and they are also ignorant how or where he has been done away with. Ultimately, police has got sufficient evidence and a case has been lodged in a criminal court.

Sir, if I remember aright, my hon. Friend at one time stated before this House that the Government has done their best to keep the Opposition away but I am glad to find to-day that he has not tarred us with the same brush and he has admitted that although.....

Srijut ROHINI KUMAR CHAUDHURI: I never said that, Sir. I said even if the Hon'ble Prime Minister wanted to release them, he could not do that. I never said that he has kept the Opposition away.
“বত দোষ নন্দ যোষ”

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: But I am glad that he has today admitted that although cases of arson and sabotage have taken place in Sibsagar division, none of the leaders, not even the Member of Legislative Assembly of that place was arrested or detained. The same is the case with Goalpara, my Friend has admitted. My Friend also stated that the country is quiet and we should take a chance of releasing some of these our friends who have been arrested or kept as security prisoners so that they may use their influence in the country for the sake of peace and order, for the sake of grow-more-food campaign, or, in other words, for peace and plenty. We have released quite a number of such persons on parole. Up till now none of these gentlemen have shown any real inclination to or done any act in the way, which my Friend advocates, they will act as soon as they are released.....

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir. While on parole why all the political prisoners are not allowed to move freely to make any kind of propaganda against the sabotage movement?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: While on parole these members have got full liberty to do constructive work. They could advocate all kinds of condemnation for the subversive movement but up till now we have not heard that any of those gentlemen who have been released have taken the least trouble to act in the way which my hon. Friend Mr. Rohini Kumar Chaudhuri thinks that they will. Sir, for the information of the hon. Members of this House, I need mention a few suggestions that my Friend has made—first, to find out who are anti-Fascist as his categorical assertion is that every congressman is an anti-Fascist. We have some time last year seen the press statements or the proceedings of the Congress Committee which the police took away from the headquarters of the Congress Organisation, Ananda Bhavan at Allahabad. We have heard their opinion whether that party were anti-Fascist or not. Although there was majority of opinion that the Congress party as a whole should remain anti-Fascist, there were very influential persons who were and are of opinion that the Japanese should receive their sympathy and support.

Lastly, Sir, my Friend has advised the holding of a conference of all the Deputy Commissioners to revise the list of security prisoners. I will consider that suggestion and if possible, Sir, I will see what can be done. I again assert as I have said many times that if these gentlemen are really anti-Fascist, if they condemn these acts of sabotage what prevents

them from saying that "I carry no truck with such movement and I will do my level best to oppose any such activities."

My Friend mentioned the case of Srijut Sarbeswar Barua, who, I found, Sir, is one of those with moral courage. He says "why should I be ashamed of proclaiming anything which I hate from my heart, *i.e.*, acts of violence." I think other hon. Members may follow the example of Srijut Sarbeswar Barua.

Babu NIRENDRA NATH DEV: Mr. Speaker, Sir, I like to speak a few words on this Resolution. I heard the Hon'ble Premier say that as soon as these leaders were snatched away or taken away the followers took to sabotage work.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not stated any such thing, Sir. That is not my statement.

Babu NIRENDRA NATH DEV: I am sorry, Sir. I stand corrected. As I have been watching the acts of the saboteurs and the arrest of leaders by the Government my impression has been, Sir, that the arrests came long before any act of sabotage did really take place in the country and so to connect these leaders with such sabotage movement or the encouragement of the sabotage movement is, to my mind, rather a misapprehension of the whole affair. Mr. Chanda was arrested perhaps even before he could know that Mahatma Gandhi was arrested or other All-India leaders were arrested. I will refer to one case, *viz.*, Babu Purnanendu Sen Gupta and Mr. Whittaker may be interested to know that this Purnanendu Babu did his level best in connection with the work of the Burma refugees who passed through Badarpur, Kulaura and other places of the districts of Sylhet and Cachar. This gentleman has passed long 20 years in connection with the constructive movement of the district of Sylhet. This movement was successful only for this gentleman. From my personal knowledge I can say that to connect Purnanendu Babu with any act of sabotage movement is a down right lie and nothing else. Then, Sir, Srijut Purnanendu Sen Gupta was arrested just on the day perhaps on which Mahatma Gandhi was arrested in Bombay and to say that he was connected with any sabotage movement in the district of Sylhet is totally incorrect.

About grow-more-food work and other constructive work just now demanded from leaders by the Government and by the people I can say Babu Purnanendu Sen Gupta was giving in the district of Sylhet the best of services that any selfless worker can give. It was he who organised the kerosene rationing work in the Subdivision of Maulvi Bazar very successfully, in Kulaura thana and in other places. It was through his effort that self-sufficiency movement and self-defence movement in the villages were started in our district. Sir, I am sure if he is released to-day he will do nothing but these sorts of works. Judging the whole thing from this one case, Sir, I can say the Government has completely mishandled the situation and has muddled the whole affair. With these few words, I support the Motion.

Khan Bahadur Maulavi KERAMAT ALI: I have indeed very great respect for my hon. Friend, Babu Nirendra Nath Dev, because I find that of all the Congressmen he, whenever he speaks, always puts in some constructive suggestions. I am however not sure whether his statement to the effect that in many instances he watched the acts of sabotage, was made seriously. His exact words are "in many instances I watched the acts of sabotage". Sir, if he had watched these acts of sabotage, may I know from him whether, as a Congressman who stands for non-violence, he ever tried to prevent those people who were engaging themselves in sabotage, from taking recourse to such violent methods?

Babu NIREDRA NATH DEV: I may inform the hon. Member that by saying "acts of sabotage" I refer to the Press reports that are open to every hon. Member of this House. As for what I have done to prevent acts of sabotage, I may inform the hon'ble Khan Bahadur that in my humble capacity as Editor of the weekly 'Janasakti'—a paper of no mean importance in my district, I have consistently been preaching against all acts of violence.

Khan Bahadur Maulavi KERAMAT ALI: I heard him say, Sir, that he was watching acts of sabotage. But now he says that he watched Press reports of acts of sabotage only.

Mr. BAIDYANATH MOOKERJEE: I must congratulate the Khan Bahadur for his humour.

Babu KARUNA SINDHU ROY: I also appeal to the hon. Members of the Cabinet to effect the unconditional release of all anti-Fascist prisoners at once. By anti-Fascist I mean the workers of the political organisations—Congress, Jamiat-ul ulema, Communist party, Kisan Shabha, Students Federation, and Trade Union. Now it is an established fact that the last political struggle was not launched by Congress leaders. Mahatma's fast has revealed to the world and the people of India that Congress did not stand for sabotage, has proved that the Fifth Columnist and saboteurs' claim to represent Congress was baseless and has expressed that it was the interested propaganda of the bureaucracy against the national organisation and has also revealed to the world that the bureaucracy was responsible for the present political crisis. Even after Mahatmaji's fast the imperialistic Government has attacked Congress by publishing the Tottenham pamphlet—"Congress Responsibility for the Disturbances"—which was full of contradictory statement, assertions without facts and allegations without evidence. It fails to establish any charge against the Congress except the one of being a patriotic organisation and demanding a national Government to defend the country. The programme of struggle shown in the appendices can never be one which can come from Congress and there is no evidence to prove that they are coming from Congress Committees. One has been shown as coming from Andhra Congress Committee, at page 56, which concludes with a warning:—"But please also take note that no movement should be launched or any overt act done till Mahatmaji decides. After all he may decide otherwise and you will be responsible for a great unwarranted mistake." By publishing the letter at page 70, shown as coming from Jai Prakash, the Central Government has done more harm than good to the cause of checking Fifth Columnist activities. The so-called revolutionary greetings could not have probably reached the Fifth Columnist, had the letter not been published in the pamphlet. The Fifth Columnist saboteurs—disorganised, demoralised—Japanese agents will be inspired and cheered by the greetings. By attacking Congress in the pamphlet and denying power to the Indian people the Government has attacked the organised strength of Indian patriotism to destroy morale of the people and to speed defeatism. When Congress leaders were imprisoned, leaderless mass upsurge that took place owing to the patriotic indignation of the people, was organised into acts of anarchy and sabotage by the Fifth Columnists. It is imperialistic bureaucracy which created a mass basis of the Fifth Columnists to operate upon. The Government pelted the patriots in the name of defending India and the patriots pelted the Government in the name of freeing India and the communist party cried hoarse and struggled hard to draw away the patriots from sabotage movement organised by the Fifth Columnists, to be taunted, sneered and assaulted by desperate stragglers

and arrested, imprisoned, detained and interned by the imperialistic Government. Now the situation has changed, as the courage and fortitude exhibited by the communist workers of the Province have led the situation to triumphant issue and real Congress patriots have withdrawn from the movement. But Assam has been still continuing its repressive policy even towards the communist workers. The reason is obvious. The communists have been struggling hard to bring about the national unity acting as the bridge between the premier political organisations of our people, the Congress and the Muslim League. The communist party seeks nothing for itself to be acclaimed as worthy young brother party discharging its patriotic duty in the hour of trial. At the present moment when the country is passing through acutest economic and national crisis, every political organisation of the country is realising the extreme necessity of national unity. Right of self-determination of minorities will now be accepted by them all ; so the Congress-Muslim League unity is at sight. To effect national unity all the anti-Fascist prisoners must be set free at once. Though I know it is very difficult for the Hon. Members of the Cabinet to shake off the influence of the bureaucratic officials, I urge upon them to work hard to effect the unconditional release of anti-Fascist political leaders. Srijut Gopinath Bar-doloi, Mr. A. K. Chanda, Mr. Fakhruddin Ali Ahmed and other Congress M. L. A.'s are genuine Congressmen and are therefore anti-Fascist leaders and that the communists are anti-Fascist is hardly required to be explained. Most of the Members of the House know how courageously the communists of the Surma Valley faced the last struggle at the risk of their lives, jumped in the middle of enraged people and whenever there were disturbances, communists were present to put a check to mass upsurge. Now they have come out triumphant. Real patriots who joined the movement thinking it was really the Congress movement are now being won over by our workers. I have myself won over many of the strugglers who would have killed me, and who are now working with me.

Now I appeal to all sections of the House to show their sincerity and support the Resolution.

Srijut GHANASHYAM DAS: Mr. Speaker, Sir, I should like to speak a few words in this respect. I heard with rapt attention what has been said by the Hon'ble Premier. I for myself know it very well that these acts of sabotage are not in the Congress programme. There are many of my friends who stood against these acts of sabotage and who spoke distinctly that these acts of sabotage were not included in the Congress programme. But pity is this, Sir, that our leaders have been arrested and our mouths have been sealed by Government methodically by prohibiting all public meetings. So we cannot utter a single word in public platform. We are pursued by the people of the Criminal Investigation Department lest we speak anything anywhere and thus we cannot speak before the public. Sir, sometimes the people are misled by these saboteurs. They bring some sort of programme and hold it before the public saying "These are the revised leaflets of the All-India Congress Committee". And our youngsters are guided by those false programme. If Government allows us to speak freely before the public and gives us protection, we can speak openly to the public ; but it is not. We have not been given that opportunity. I think, Government should not seal our lips in this way. They should give us some chance to ventilate our ideas.

I want to give some suggestions to the Hon'ble Premier. Some Congress leaders who can command confidence of the public should be set at liberty and they should be given an opportunity to speak openly throughout the whole valley. If after that this act of sabotage still remains, Government

may imprison them. We would not grudge that ; but leaders have not been able to express their views to the public and still they have been arrested. Somebody does this act of sabotage and Congressmen are arrested. This is the position, Sir. I hope the Government will kindly look to this. Moreover, Sir, some Criminal Investigation Department people have been set on the Congressmen and some prejudicial leaflets are placed without their knowledge in their reading room and policemen harass the Congressmen. I do not know what has led these Criminal Investigation Department people to harass us in this way. I hope that Government will look to that also.

With these words, I resume my seat.

Mr. BAIDYANATH MOOKERJEE : May I add a few words, Sir ?

The Hon'ble the SPEAKER : Yes.

Mr. BAIDYANATH MOOKERJEE : Sir, I am one of those who condemn this sabotage movement and the subversive activities. I can gather from the speech of the Hon'ble Prime Minister this much that there are some who have been kept behind the prison bars, have been kept rightly, thereby, Sir, he admitted that there are some who have been kept there without any justification. So far as those persons are concerned about whom nothing has been proved against their characters and who have been kept there without any trial or without any definite allegation whatsoever, I shall be glad if the Hon'ble Premier will kindly see that at least these persons are released.

Maulavi ABDUR RAHMAN : Sir, through you may I put a question to Mr. Mookerjee ? Is it an All-India question or a provincial question—whether this sort of detention is taking place in all other provinces ?

Mr. BAIDYANATH MOOKERJEE : Sir, I think that the Hon'ble Premier will understand what I mean and that will serve my purpose.

Sir, Mr. Chaudhuri asked a question—starred question No. 65—whether the Government propose to set up a tribunal in Assam to review the grounds on which each of the security prisoners was arrested and has been since detained. The answer was one simple word 'no'. Can we not expect all these informations from the present-day Government ? Every honest man will think that those whose guilt has not been proved should not be detained for an indefinite period. Is it too much to expect, Sir ? I think that the present trouble is due to the over-zealousness on the part of the Government. The illiterate mass became restless when they heard that the well known people of the country were put inside the jails without any reason whatsoever. They became very much nervous. Some of them became enraged, and some mischievous persons took advantage of the situation. They moved in such a way that some of these illiterate persons thought that by this subversive movement they will be able to bring independence to India. Sir, I am at one with the Hon'ble Prime Minister when he says that it is not the right move by which independence can be gained, but at the same time, I request him to consider my argument that whether because of reckless arresting this movement was set in by some mischievous persons or not ? Again I appeal to the Hon'ble Premier that at least those persons whose guilts have not been proved or there is no definite allegation against them, they should be released and their movement, if Government so desire, may be watched. They should be given an opportunity to work and speak among our people regarding this subversive movement. One of my hon. Friends who belongs to the much condemned Congress group—much condemned by Government, Sir,—said that even when he is not behind the prison bars, he has not got the opportunity to do anything which may assist the Government in preventing these subversive activities. I will not take much time of the House and I hope the Hon'ble Premier will sympathetically give a reply to what we have sincerely and honestly placed before him for his consideration.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, it is with a heavy heart that I rise to reply. I must confess straightway that I have been sadly disappointed by the position which has been taken by the Hon'ble Prime Minister. He has said that I have put forward no reason whatsoever for release of the security prisoners. But I put this question to him: has he adduced any reason for the arrest of the leaders of the Congress? Most of these leaders were arrested long before he assumed charge of the Province. Has he taken care to review the grounds on which they were arrested? Has he taken care to read the report that led to their arrest? The Criminal Investigation Departments have reported. Has he taken care to examine the correctness of these reports? Has he taken care to see if there is any veracity in them? Sir, in August 1942 the atmosphere was entirely different. The Congress was declared unlawful before they could publish their programme. There was the unfortunate speech of Mr. Amery. There was a certain programme for the Congress movement which was never disclosed; there was that fateful record of Andhra Congress office which said that sabotage may be one of the programmes of the Congress. There was a general impression specially amongst some of the supporters of the Congress that the whole programme might have been changed. There was doubt about it then but that doubt has been entirely dispelled by the release of correspondence that passed between Mahatma Gandhi and the Viceroy: Is there any body in India to-day who has any sincerity, and who can say that Mahatma Gandhi had after all encouraged or abetted in this commission of these acts of violence? I think, the reply will be in the negative. Sir, there are Fifth Column activities everywhere—there may be Fifth Columnists even among the Police and even among other Government servants. Even the people of England was not entirely free from this. There may be, of course, in certain wings of the Congress Fifth Columnists; but is that the reason why men of influence who can really lead the people should be kept under detention? There might have been some justification in the beginning of this movement when the Police did not actually know what was in the mind of these Congress Leaders, but now when the atmosphere has been cleared, is it not the duty of the Government to find out whether there is any justification for the detention of all these prisoners? My hon. Friend the Premier said that a brief conversation that he had with Srijut Sarveswar Barua, persuaded him to grant his release. I say, Sir, that if he follows this course with regard to most of the leaders, he will come to the same conclusion but he avoids that and he does not give us any assurance to that effect. Perhaps he feels that he will be persuaded by his sense of honesty and by his sense of reasonableness to release most of these prisoners and that may be a course which may bring him in disagreement with the Governor and that may lead to the dissolution of his Cabinet. That is why he avoids it and he does not also give us any assurance that he will try to visit at least the leaders in the jails and find out from them whether there is any truth that they are anti-Fascists. Sir, in Bengal, I heard that a Tribunal was set up to review the grounds on which they were made security prisoners. I suggested that in my question but the reply that I received was a blunt 'no'. Sir, I asked him to consult the Deputy Commissioners, some of whom, I believe, though they are still in service, will have the courage to tell at least confidentially that most of these prisoners who have been kept under detention for a long time have absolutely nothing to prove either directly or indirectly that they were connected with the sabotage movement. By taking that step, at least some of the prisoners could be released. Sir, that was my cry—a suggestion in a spirit of utter helplessness though I knew that that would not really solve the situation. But that would at least go a great way in palliating

the public feeling. On the other hand, Sir, I find that the Hon'ble Premier is determined to continue the bondage of the security prisoners.

I would also ask him, Sir, is it humane on his part to grant such a meagre allowance to the families of the security prisoners? Is Rs.100 a month which Members of the Legislative Assembly get as the salary as legislator, sufficient to maintain the families of the Congress leaders like Mr. A. K. Chanda, Mr. Bardoloi and others? They are the trusted leaders of the people and only because of the nervousness of the Government, they have been kept under detention. Government ought to have paid suitable allowances to the families of those who have been detained without any trial and merely on suspicion, for such a long time. I don't know what is the exact amount of allowance that is given to Mr. Tayabulla, the President of the Congress Committee. I think, it may be Rs.25 or Rs.40 which is hardly sufficient to maintain his family but still no step whatsoever has been taken by Government to increase it. Sir, I know of a teacher who was the Head Master of a school, who has written to me a letter from the Sylhet Jail. He was drawing Rs.80 per month in a private Aided School but he has been given an allowance of only Rs.15 per month, which I should say, is less than the pay of a menial. Is that Rs.15 sufficient to maintain his family? His name is Santiram Lahkar. If the Hon'ble Premier will neither release these prisoners who have been detained merely on suspicion, nor puts them on open trial, nor gives suitable allowances to their families, then, I would be compelled to say that Government has acted with cruelty which has been hitherto unknown to this Province. It was quite a different thing under Section 93 regime. Should 93 administration be perpetuated by the present Ministry at the head of which is Sir Muhammad Saadulla of wide repute in India? Will he be in that position for ever? Should he merely follow the advice of the Police Officers and the Governor? If that is the position which Sir Muhammad Saadulla wants to maintain always, I can only say that there is no hope for this country.

There is another thing to which I should draw the attention of the Hon'ble Prime Minister is that, some prisoners who were found after trial as innocent, were forthwith arrested and put as security prisoners. There is a number of juvenile students in the Jorhat Jail who were arrested immediately after they were declared not guilty by the trying Magistrate and they were all put as security prisoners because they were suspected. Things are moving in a vicious circle. First of all, they are arrested merely on suspicion and detained in the jails. But after trial if they are found to be not guilty and released, then again they are put as security prisoners. If they are sentenced and sentence expires they are detained as security prisoners. There is no way out for them. He will be arrested if the acts of sabotage are committed when he is outside the jail but if he is arrested before acts of sabotage are committed it will be said that he had in his mind the idea of sabotage. Then where is the remedy for them? There is no way out of it excepting that he should have a whiter skin on his face and have a nice European dress on—that may be the only way of an escape.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, then may I tell the Mover of this Resolution the proper way out? By giving wholehearted support to the prosecution of the war, instead of arguing about the release of Congress leaders; by stopping this nonsensical debate.....

The Hon'ble the SPEAKER: Order, order. The hon. Member is not at all justified in using the words "nonsensical debate".

Mr. F. W. BLENNERHASSETT: I withdraw that, Sir, but I would ask the hon. Member to maintain some sense of proportion in his speech.

Let us get on with this war and win it, *then* compose our political differences afterwards.

Srijut ROHINI KUMAR CHAUDHURI: I would not take notice of what Mr. Blennerhassett has said. He is very easily excited and I would pass over his remarks.

The Hon'ble the SPEAKER: He has perhaps taken exception to what you said about wearing a white skin.

Srijut ROHINI KUMAR CHAUDHURI: My hon. Friend Khan Bahadur Keramat Ali said that such and such people did not do anything to stop the acts of sabotage. Well, if those people went to see what had happened they would have at once been arrested. Of course my hon. Friend Khan Bahadur belongs to a particular community, and so he might escape, but any one who went to the spot to say anything was immediately arrested. That was the position at the beginning. After the Hon'ble Prime Minister has taken over charge of the administration things have changed a bit for the better. If I had not thought the things would continue to change like this I would not have taken the trouble of bringing this Resolution before this House. I know what happened in those days when things were left entirely to the counsels of men like Mr. Blennerhassett.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I will not emulate the way in which the last speaker has ended. He wants to create an atmosphere of peace and tranquillity, so that the honest anti-Fascist workers of the Congress and the leaders may come out and preach to the country that the way of the saboteurs is leading the country to destruction. But in this matter he should seek the co-operation of everyone, instead of flinging gibes, rather cheap gibes, at this or that person, at the Ministry and the Members of the European Group.

The main point in this Resolution is that we have been asked for a free jail delivery of all those people who have been either detained as security prisoners or convicted of some political offence. In my first speech I said that if my hon. Friend had framed his Resolution on the lines of the speech he delivered that would have been far more reasonable. He has fallen foul of me because I said that he did not state any reason for this general and sweeping recommendation. Immediately he flared up and challenged me that I had not read any of the files of those people who had been arrested because they were arrested before my time. Sir, I won't give away to heroes like his, but, if, after closely collaborating with me for five years, he has come to the conclusion that I never read my briefs, I never go through my files, then we beg to differ. At the same time it appeared to me, from his peroration, that he still thinks there is some innate sense of honesty and justice in me or otherwise he would not have made that appeal. I am glad for this second assertion of confidence in me from my hon. Friend. I am glad that bit of confidence, he should leave the matter to be handled by me. Instead, he said I dared not visit the leaders in jail lest I am persuaded to release them in which case the Governor would surely jump upon me thus forcing me to resign from the Ministry. Sir, that is not the way of asking some one to do something. If there is really any sincerity in his feeling about my honesty, I would like him to withdraw that gibe against me.

Srijut ROHINI KUMAR CHAUDHURI: I withdraw that, Sir, but I did not think it would be construed in this way.

Mr. A. WHITTAKER: Will the hon. Member also withdraw the gibe against His Excellency the Governor. Is it not out of order to criticise the action of His Excellency the Governor in this House?

Srijut ROHINI KUMAR CHAUDHURI: I am referring to the Governor in the exercise of his responsibilities ; so I am not going to withdraw that

The Hon'ble the SPEAKER: He was only hinting that there might be a difference of opinion between His Excellency the Governor and the Ministry. There was really no criticism.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: For once I find my hon. Friend has been magnanimous ; he has withdrawn the little bit of taunt and raillery at my cost. My hon. Friend can rest assured that I am going through the files of all the persons whose cases have been brought to my notice. Probably yesterday, I mentioned about the Communist Party, that my hon. Friend Babu Karuna Sindhu Roy as well as the Secretary of the Communist Party had been recommending cases of different persons of their party for release. I have gone through the cases, along with the police reports, of almost all persons whose cases were brought to my notice and I hope my Friend Babu Karuna Sindhu Roy will agree with me that I have released at least three of them after going through their files. (Babu Karuna Sindhu Roy:—There are 35 cases.) Yes, three have been released out of 35. I have also made a certain reservation, and that is to watch whether they really act as anti-Fascist workers as alleged by their leader. Sir, had the situation really come to normal, I would not have the least hesitation to release quite a large number of persons who have been detained or convicted. I will go one step further than Mr. Whittaker when he said that the last act of sabotage committed was the derailment of a train on the 27th January. I am sorry my hon. Friend was absent when I mentioned about four days ago that the last derailment occurred on the 9th March, *i.e.*, after this Session commenced, near about Rangiya when two people were killed outright and the driver is lying in a precarious condition. There is definite evidence that it was an act of sabotage inasmuch as one length of the rail had been removed. I also mentioned about that plague spot of Darrang district, Sootia, where there have been as many as four cases of arson only a few days ago while we were sitting here. I get daily reports, and I can say, Sir, that in certain areas this method of destruction has flared up again, but in those areas where people have very nearly come to the normal condition of political life I have asked the Deputy Commissioners to review the cases, and probably in a particular district I will be able to release almost 50 per cent. of the people who have been detained. I would therefore appeal to my hon. Friends that if they have got any confidence in me they should leave the matter in my hands. I will consider the suggestions they have made but they should also use their influence, as I said on another occasion, for checking the activities of these miscreants who in the name of doing some good to the country are doing more harm to it.

My hon. Friend says that the Congress is an anti-Fascist organisation, that sabotage is not included in the Congress programme. I never said that the official programme of the Congress was wrecking of communications, setting fire to properties, whether belonging to Government, local bodies or the public, but I am constrained to say that some of the actual workers of the Congress have been found to be involved in the acts of sabotage and some of them have been convicted. I don't know whether my Friends will agree to the claim of the Santi Senas raised by the Congress as Congress people. If they are not, I stand corrected. But if they are, we have got judicial pronouncements against many Santi Senas, not in one district, but in many, where they were found to have taken active part in these acts of wrecking. I have heard a curious statement from my Friend Mr. Ghanashyam Das that though he is out of jail, his movements have

been so circumscribed by the Criminal Investigation Department that he feels as if he is behind the prison bars. He went a step further that some of the Criminal Investigation Department officers take the nefarious method of planting prejudicial leaflets in the house of some innocent people and then harass them. If my Friend can give me specific details of such cases confidentially, I will take proper steps to check these alleged illegal, irregular and highhanded actions of the Criminal Investigation Department. I must say that my Friend Mr. Mookerjee has made a very sentimental and appealing statement and although he is at one with me that these saboteurs must be properly dealt with, he believes that a revision or reconsideration of the cases of Congress leaders will be worth attending to. I will give proper consideration to all these suggestions that have been made from different quarters. One more word and I will finish: it is with regard to my hon. Friend Mr. Karuna Sindhu Roy. First, he said that his life was in jeopardy because he broke away from the Congress party and started his communist party. Later on, he said that this intimidation came from the saboteurs whom he has now converted into anti-Fascist workers. I congratulate him on his success, but at the same time I am very much pained to say that although he knows who are the saboteurs yet he won't disclose their whereabouts to us.

Srijut ROHINI KUMAR CHAUDHURI: As I said more than once that I have confidence in the Hon'ble Premier so far as this matter is concerned, I beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: I hope the hon. Member has leave of the House to withdraw his Motion.

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

Adjournment

The Assembly was then adjourned till 11A.M., on Saturday, the 27th March, 1943.

SHILLONG :

The 12th May 1943.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.