



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

The Assembly met in the Assembly Chamber, Shillong, at 11 a.m. on Saturday the 13th March 1943.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the chair, the ten Hon'ble Ministers and fifty-one Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

**Present District Judge of Sylhet**

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY** asked :

\*13. (a) Are Government aware that there has been a strong public criticism against the present District Judge of Sylhet alleging him to be negligent in his official duties ?

(b) If so, what steps have Government taken on the matter ?

**The Hon'ble Srijut RUPNATH BRAHMA** replied :

13. (a)—No.

(b)—Does not arise.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY**: Will the Hon'ble Minister please state whether he enquired into matters that were brought before the House in the November Session by a Question put by Babu Bipin Behari Das ?

**The Hon'ble Srijut RUPNATH BRAHMA**: Yes, Sir, there was a discussion but that was with regard to a different matter—with regard to certain action of the Judge concerned, but not with regard to the negligence of his duties.

**Mr. BAIDYANATH MOOKERJEE**: Is it a fact, Sir, that the District and Sessions Judge of Sylhet is going to be transferred very soon ?

**The Hon'ble Srijut RUPNATH BRAHMA**: It is a new Question, Sir.

**Maulavi ABDUR RAHMAN**: Though it is a new Question the fact is known to the Hon'ble Minister and he may reply.

**The Hon'ble Srijut RUPNATH BRAHMA**: Transfers are generally made by the Hon'ble High Court.

**Posts in the Department of Physics of the Government Colleges**

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY** asked :

\*14. Will Government be pleased to state—

(a) How many posts of different grades are there in the Department of Physics in each of the Government Colleges in Assam ?



- (b) How many of them are held by Muslims and how many by non Muslims ?
- (c) Whether it is a fact that recently there was a vacancy in this Department and that it was filled up without any advertisement ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

14. (a)—Cotton College	...	...	...	1 Professor.
"      "      "	...	...	...	3 Lecturers.
"      "      "	...	...	...	1 Asst. Lecturer.
M. C. College	...	...	...	1 Professor.
"      "      "	...	...	...	3 Lecturers.

(b)—All by non-Muslims.

(c)—Under Regulation 33 an outsider was taken pending nomination by Public Service Commission.

**Maulavi ABDUR RAHMAN:** May I know the reason why all the posts have gone to the non-Muslims, Sir ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** I cannot say.

**Maulavi Muhammad MAQBUL HUSSAIN CHAUDHURY:** Was there no Muslim candidates available ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Probably not.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Will the Hon'ble Minister please assure whether he will consider the question if Muslim candidates are available ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Public Service Commission are asked to select candidates, if available, from the under-represented communities.

#### Shillong Government High School

**Mr. BAIDYANATH MOOKERJEE** asked :

\*15. (a) Will Government be pleased to state whether they propose to split up the Shillong Government High School in order to offer facilities to the Plains boys to receive instructions through the medium of their own vernaculars as required under the New Regulations of the Matriculation Examination ?

(b) If so, when ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

15. (a)—Yes.

(b)—In 1944-45, if possible.

(Starred Questions Nos. 16-18 were not put and answered as the Members concerned were absent.)

#### Agency for the supply of foodstuffs and other commodities in the Province

**Maulavi ABDUR RAHMAN** asked :

\*19 (a) Is it a fact that Government have appointed Messrs. Steel Brothers & Company, as their agent for the supply of foodstuffs and other commodities for the people of the Province ?



(b) Will Government be pleased to state the names of other concerns who were candidates for the same ?

(c) Will Government be pleased to state on what consideration Messrs. Steel Brothers & Company have been given the preference ?

(d) Are Government aware that during the last Session of the Assembly a feeling of disapproval was shown against the said Company ?

(e) Will Government be pleased to state in what way they want to supply the people of the Province with their daily necessities of life ?

(f) Do Government propose to establish controlled stores in the headquarters of each Subdivision of the Province ?

(g) If so, do Government propose to take very early and prompt steps in this respect ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

19 (a)—No.

(b) (c) (d) & (e)—Do not arise.

(f) & (g)—Government have started an experimental sugar shop at Shillong and if it proves successful they will consider the question of starting Government controlled stores in Subdivisional headquarters.

**Mr. BAIDYANATH MOOKERJEE** : Since when the sugar shop at Shillong has been started ?

\* **The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Fifteenth January.

**Mr. BAIDYANATH MOOKERJEE** : Is it not a sufficient period to come to a definite conclusion whether this scheme will be successful or not ?

\* **The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : My idea is to take stock after three months.

\* **Maulavi ABDUR RAHMAN** : May I know from the Hon'ble Premier which Company is now supplying rice, paddy and mustard oil in the Province ?

\* **The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Regarding mustard oil, there is no Government agency for it. When we get mustard seed in the locality our agents Messrs. Steel Brothers buy it and get it pressed in the oil mills that are in the Province. But the capacity of our mills is very limited. Therefore, recently we bought six thousand maunds of mustard oil through our Calcutta agents.

**Mr. BAIDYANATH MOOKERJEE** : Is it a fact that a large number of mustard seeds has been exported from this Province ?

\* **The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : The position of the mustard seeds is this. According to the report of the Agriculture Department mustard seeds grown in the Province will come to 15 lakhs of maunds. But we have not got sufficient oil mills in the Province to mill all our mustard seeds and unless that is exported out of the Province, our cultivators will lose.

\* **Maulavi ABDUR RAHMAN** : Is it a fact that Messrs. Steel Brothers are the recognised Government agents to supply paddy, rice and mustard oil in the Province at present ?



**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Not to supply but to buy on Government account and to supply to the military and the army projects.

**Mr. BAIDYANATH MOOKERJEE:** May I know from what source Government have come to know that there are not sufficient mills in the Province to mill mustard seeds that are produced in the Province?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Number of oil mills is known, Sir, and from them we can come to the conclusion that our mills will not be able to mill the mustard seeds.

**\*Mr. KEDARMAL BRAHMIN:** May I tell the House that at least 20 lakhs maunds of mustard seeds can be pressed in the Province?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That may be the normal capacity of all the mills but now with the shortage of coolies many mills are closed.

**Mr. BAIDYANATH MOOKERJEE:** Is it not a fact that many mills are lying idle for want of work?

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

**\*Mr. KEDARMAL BRAHMIN:** Are Government aware that many people have applied to the Government for transport facilities?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir, the hon. Member himself made a petition, the other day. The Government are handicaped as much as the private traders in this respect. We made a request to the Railway administration and it is up to them to find transport facilities.

**\*Maulavi ABDUR RAHMAN:** May I know from the Hon'ble Premier how long the present arrangements with Messrs. Steel Brothers will be allowed to continue as Government agents to buy paddy and rice?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As long as there is the necessity, *i.e.*, until we find cheaper agents.

**Mr. BAIDYANATH MOOKERJEE:** Have Government made any arrangements to get the exportable mustard seeds pressed into oil for consumption by the inhabitants of the Province?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Government have no machinery to compel outside mills.

**Mr. BAIDYANATH MOOKERJEE:** Will Government stop further export of mustard seeds from the Province when, as I have gathered from the answer of the Hon'ble Premier, thousands of maunds of mustard oil have been purchased from Bengal?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Not necessarily from Bengal, but from Calcutta.

**Mr. BAIDYANATH MOOKERJEE:** May I know how they are distributed?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** This is distributed according to the requirements of the Deputy Commissioners—Deputy Commissioners send lists of their requisition and they are accordingly supplied.

**Mr. BAIDYANATH MOOKERJEE:** Have Government fixed any price for it?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not aware of it.

**Mr. BAIDYANATH MOOKERJEE:** Are Government aware that mustard oil is sold at Re. 1-4-0 per seer?

\*Speech not corrected by the Hon'ble Minister or the Member concerned.



**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have no information.

**Mr. BAIDYANATH MOOKERJEE:** Will the Hon'ble Prime Minister kindly enquire about it and fix a reasonable price?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I will consider that.

**\*Maulavi ABDUR RAHMAN:** Is it a fact that during the last Budget session the Hon'ble Prime Minister assured the House that outside companies will not be appointed for the purpose of supplying rice and paddy in the Province?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I did not make such a categorical statement. What I said was that every endeavour will be made to get indigenous people to take to this line of employment as Government agents. We called for tenders and after considering all the tenders we found the tender of Messrs. Steel Brothers the best.

**\*Maulavi ABDUR RAHMAN:** Is it not a fact that last term of their contract terminated sometime in December last, and, if so, whether the same Company has been renewed?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir, the term terminated on the 15th December. But though it is renewed with the same Company the terms have not yet been put into writing, and the parties are working under certain conditions temporarily.

**Mr. BAIDYANATH MOOKERJEE:** Sir, in reply to one of my Questions yesterday, when the Hon'ble Premier was absent, the Hon'ble Finance Minister replied in the negative. My Question was "Whether tenders for purchasing foodstuffs inside the Province were called for?" (Voices: No, no.)

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Tenders were called for not only for buying rice, paddy and mustard seeds within the Province which is the domain of the Steel Brothers' operation but also for distribution of the imported foodstuffs that are bought through Shaw Wallace and Company.

**Mr. BAIDYANATH MOOKERJEE:** But, Sir, in my Question I requested to lay all the tenders on the table and in reply I was told that they had not yet been finally considered, so could not be placed on the table. That was a reply so far as (b) and (c) of my Questions were concerned, but so far as (a) was concerned the reply was that "No tenders were called for".

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am sorry if some mistake has been made in reply to the Question.

**\*Srijut ROHINI KUMAR CHAUDHURI:** Sir, in spite of the assurance given by the Hon'ble Prime Minister on the floor of the House that tenders would be invited for purchase of commodities outside the Province, such as sugar and other things, no tender was invited for that. That was the Question and the reply was "No."

**\*Mr. A. WHITTAKER:** Is it not a fact that the purchasing agents in Calcutta for last year have no longer a monopoly in 1943 since the new arrangements are going on, *i.e.*, in the case of sugar for this Province, the supply is made by the Government of India controlled factories, in the case of *dal*, it is made by direct negotiation between the Government of India



Supply Department and the receiving Government, and in the case of wheat, by the Food Department of the Central Government? In other words, Assam Government have no longer got any sole purchasing agents in Calcutta.

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** In reply to Mr. Rohini Kumar Chaudhuri's Question I can inform the House that after the assurance that I gave on the floor of this House I left a note to the Economic Advisory Board which was discussing these matters that tenders should also be called for from other purchasing agents at Calcutta for the Assam Government. I was absent from this meeting, as I had to go to Madras and Delhi on other important Government business. On return, I learnt that the Economic Advisory Board, after due consideration, had decided that it would not be expedient for the best interest of Assam to change the Calcutta buying agents, Messrs. Shaw Wallace & Co. who were also the distributing agents for Government for sugar coming from United Provinces and Bihar, i.e., from which provinces only we get our sugar. This Company was also the distributing agents of the Central Government for wheat which we get from them. On these considerations the Economic Advisory Board, in my absence, did not like to change our buying agents in Calcutta. Since then, new factors have emerged, as Mr. Whittaker has stated.

**Mr. BAIDYANATH MOOKERJEE :** Sir, one of my Questions of Question No.11 was "Whether Government propose to lay on the table a list of all the tenders received by them from the above mentioned three classes of Agents?" My first Question was "Who are the local Agents of this Government for purchasing foodstuffs inside the Province," second—"Who are the Agents of this Government for purchasing foodstuffs outside the Province," and third—"Who are the Agents of this Government for distributing the imported foodstuffs inside the Province?" To cover all these, my Question was "Whether Government propose to lay on the table a list of all the tenders received by them from the above mentioned three classes of Agents?" and the reply was, so far as (a) was concerned, "No tender was called for," and so far as (b) and (c) were concerned, the reply was "As they were not yet decided, Government is not in a position to lay the tenders on the table". I perfectly remember the reply, Sir, you may kindly ask the Hon'ble Minister in charge to repeat the reply. I now find a different reply given by the Hon'ble Premier. As the Hon'ble Premier was absent at the time of replying yesterday, may we expect to get the correct reply now?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Yes, I am prepared to reply now. Yesterday I had to be away from here in connection with an unfortunate adjournment Motion that was tabled in the Upper House where my presence was urgently required. The position is that so far as the third item is concerned, i.e., appointment of distributing agents for imported food-stuffs within the Province, no orders have yet been passed.

**Mr. BAIDYANATH MOOKERJEE :** What about my question No.(c).

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** All the tenders were joint tenders, so we cannot lay on the table tenders for one purpose. When the matter is decided then I will supply the information to the hon. Member.

\*Speech not corrected by the Hon'ble Minister.



\***Maulavi ABDUR RAHMAN**; In view of the fact that tenders were called for sometime in September last asking to supply indigenous goods, such as *dal*, rice, mustard oil, etc. in the Province, and imported goods, such as salt, sugar, etc. and in view of the fact that tenders, it is presumed, were submitted in time, may I enquire what has become the fate of these tenders, whether any final orders have since been passed on them?

\***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: I have just now replied that to my friend Mr. Mookerjee saying that regarding selecting of agents for distribution of imported food-stuffs, no final orders have yet been passed.

\***Maulavi ABDUR RAHMAN**: My Question No. (e) was "Will Government be pleased to state in what way they want to supply the people of the Province with their daily necessities of life"? The reply of the Hon'ble Premier was "No". Does it cover the Question?

\***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: I admit my hon. Friend is perfectly correct. I regret the omission on my part in not taking (e) separately.

\***Maulavi ABDUR RAHMAN**: The Question is in what way the Government want to supply the people of the Province with their daily necessities of life?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: Times without number and in reply to many Questions, it has been stated that this Government have taken the unusual step of entering into quasi-commercial adventures, and are using the money of the tax payers in buying large quantity of food-stuffs from outside the Province and bringing it to the door of the consumers.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: Sir, in view of the fact that my reply was challenged, may I read out from the proceedings of yesterday, as taken down by the reporters?

\***Srijut ROHINI KUMAR CHAUDHURI**: Sir, may I know why the agents are purchasing foodstuffs outside the Province and why no tender was invited for purchasing foodstuffs outside the Province?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: Because the present agency from which the Government is making these purchases was satisfactory.

\***Srijut ROHINI KUMAR CHAUDHURI**: But did not the Government give an assurance that tenders would be invited in respect of Question No. (b), in the last November Session?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: I do not think, Sir, that any definite assurance was given that tender with regard to this will be invited but with regard to distribution of food in the Province, tenders have been invited.

\***Srijut ROHINI KUMAR CHAUDHURI**: I was asking as regards 11(b) as to why in spite of the assurance given in this House, no tender was called for?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: I am not quite sure, Sir, that assurance was definitely given to this effect.

\***Maulavi ABDUR RAHMAN**: Was not that fact fairly demonstrated on the floor of this House that so far as possible people of the Province will be given facilities to take contract of the foodstuff.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI**: Sir, it was in pursuance of that policy that tenders were invited for distribution of foodstuff.

\*Speech not corrected by the Hon'ble Minister or the Member concerned.



**Maulavi ABDUR RAHMAN:** Was it not opposed by this House during the last session that no contract should be given to Messrs. Steel Brothers ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Therefore, tenders were called for, Sir

**Maulavi ABDUR RAHMAN:** Is it a fact, Sir, that the same company is being again repeated ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** As I said, Sir, that matter has not yet been finally decided.

**Maulavi ABDUR RAHMAN:** To which of the Companies the contract of imported goods has been given for the coming year, Sir ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** It has not yet been finally decided, Sir.

**Maulavi ABDUR RAHMAN:** Is it a fact, Sir, that the hon. Mr. Chaudhuri formed a company over-night and his company has been selected as one of the parties.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** As I said, Sir, no final decision has been arrived at.

**Mr. BAIDYANATH MOOKERJEE:** Sir, may we know when the tenders so far as Question (c) is concerned will be finally decided ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Very soon, Sir, as soon as the session is over.

**\*Mr. BAIDYANATH MOOKERJEE:** This is “বান বান্বে শিবের গীত।” I was challenging his reply and still I challenge it.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** In answer to Question (d) it is stated that as for (a) and (c) the terms are not fixed and will be decided after receipt of the full Government of India Scheme. As for (b) a commission of 1 per cent. is charged.

**\*Mr. BAIDYANATH MOOKERJEE:** Yes, that was a reply to (d) and my Question was “What are the terms of agreement of the above mentioned three classes of Agents” ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There is some confusion. As regards Question 11(d) my Hon'ble Friend Maulavi Abdul Matin Chaudhuri gave a correct reply. My hon. Friend Mr. Mookerjee has challenged the last one. If there has been an unfortunate mistake, it was due to my absence from the House. Now, that I have made everything clear, it will be better if we pass this and go to the next Question.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** The reply to (e) is there. “No tenders were called for (b) and (a) originally.” So far as (c) is concerned tenders were called for. The joint tenders, Government were not in a position to lay on the table.

**\*Mr. BAIDYANATH MOOKERJEE:** I am perfectly satisfied with what I have heard from the Hon'ble Premier.

### UNSTARRED QUESTIONS

(to which answers were laid on the table)

#### Under-representation of Scheduled caste in the Police Department

**Babu BALARAM SIRCAR** asked :

15. (a) Is it a fact that the Scheduled Caste people are now under-represented in the district of Sylhet in the Cadre of Sub-Inspector and Assistant Sub-Inspector of Police ?

\*Speech not corrected by the Member.



(b) Do Government propose to consider the case of the Scheduled Caste candidates in filling up the above mentioned posts in future ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

15. (a)—Yes.

(b)—The cases of suitable Scheduled Caste candidates are always considered in filling up the above mentioned posts.

**\*Babu BIPIN BEHARI DAS :** Is it not a fact that there was a scheduled caste candidate at the time of the selection in the month of January in the district of Sylhet ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** This is entirely a new Question. I want notice of that.

#### Contract for food supply in the Province

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY** asked :

16. (a) Is it a fact that contract for food supply in the Assam Valley has been given to an indigenous Company ?

(b) If so, will Government be pleased to state the name of proprietors, promoter and share-holders of that Company ?

17. Will Government be pleased to state the name of the person or company to whom the contract for food supply has been given in the Surma Valley ?

18. Is it a fact that Messrs. Steel Brothers have been given the monopoly for the supply of paddy and rice in the province of Assam ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

16. (a)—No, the question of appointment of a contractor for distribution of imported food-stuffs in the Assam Valley is still under consideration.

(b)—Does not arise.

**\*Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** May I know when will Government arrive at a final decision ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** After this session.

**\*Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY :** Will he be pleased to arrive at a final decision before the session is prorogued ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** If the hon. Member had known the pre-occupations of mine, he would not have made this request.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

17.—No person or company has been appointed for distribution of food-stuff in the Surma Valley as yet.

18.—The Question is not understood. Steel Brothers are Government buying agents for paddy, rice and mustard seed within the Province.

**\*Mr. BAIDYANATH MOOKERJEE :** The question was : "Is it a fact that Messrs. Steel Brothers have been given the monopoly for the supply of paddy and rice in the province of Assam ?" The reply is : "The Question is not understood. Steel Brothers are Government buying agents for paddy, rice and mustard seed within the Province." May I enquire from the Government if the agents are in a position to buy this mustard seed from producers and store it for the benefit of the Province ?



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That question was considered by the Economic Advisory Board. I may mention that produce of mustard seed is expected to come up to 15 lakhs of maunds. Even if we pay Rs.5 for each maund, it will require 75 lakhs of rupees to buy it.

**\*Mr. KEDARMAL BRAHMIN:** The present price is Rs.11.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If it is Rs.11 then for stocking 15 lakhs, more than a crore and a half of rupees will be required.

**Mr. BAIDYANATH MOOKERJEE:** Nobody is asking Government to store the whole lot. Only the quantity that the Mills cannot mill—only that portion may be bought.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** My hon. Friend is a member of the Economic Advisory Board and he may raise this question there. It is going to meet next Wednesday.

**\*Mr. BAIDYANATH MOOKERJEE:** I always forget that I am a member of that Board.

### Distribution of free-studentships in Aided High Schools

**Babu LALIT MOHAN KAR** asked :

19. Will Government be pleased to state—

(a) Whether there is any departmental rule that in Aided High Schools, out of every 13 free-studentships, 8 shall have to go to Muslims and 5 to other irrespective of communal enrolment of the school ?

(b) Whether they are aware that the said ratio of 8 : 5 is observed in the Aided High Schools of the Surma Valley only in compliance with a Circular of the Inspector of Schools in that behalf ?

(c) Whether it is a fact that the said ratio of 8 : 5 is not applied in the distribution of free-studentship in the Aided High Schools of the Assam Valley ?

(d) If answers to Questions (a) and (c) are in the affirmative, whether in fixing this ratio the claims of other communities, by reason of their larger contribution in the resources of many of these Aided High Schools in the shape of their fee collections, to a higher number of free-studentships than what has been fixed by the ratio, was at all considered ?

(e) If not, what the considerations really were for the fixation of this ratio ?

(f) Whether Government propose to withdraw the Circular and either to provide that the distribution of free-studentships in the Aided High Schools of the Surma Valley be made in the same ratio as would exist in the enrolment of students in a school from different communities or to provide that the distribution of free-studentships in these schools be made by their Managing Committees according to principles they may decide upon in their discretion ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

19. (a)—No. Under rule 2, Section 22, Part I at page 45 of the Assam Education Department Rules and Orders fee remissions in schools under public management are allowed upto a limit of 13 per cent. of the

\*Speech not corrected by the Members concerned.



number of pupils on the rolls of a school, 8 per cent. being reserved for Muslims and 5 per cent. for other pupils. Rules under Part II of the same section gives discretion to the Managing Committees of respective schools under private management to follow the rules in regard to grant of fee remissions applicable to Government schools, and these rules are generally followed by the Managing Committees of Government Aided High Schools.

(b)—Yes.

(c)—No. The same ratio is also generally followed in the distribution of free-pupilships in the Aided High Schools in the Assam Valley though there is no definite instruction either from the Director of Public Instruction or from the Inspector of Schools, Assam Valley Circle.

(d) & (e)—The rules referred to in reply to Question No.19(a) were framed long ago in the light of the circumstances that were in existence at that time. The rules are being revised and the point mentioned in the Question will be taken into consideration.

(f)—The hon. Member is referred to reply to Question No.19(d) above.

### Requisition of stage carriages by Military

**Babu LALIT MOHAN KAR** asked :

20. Will Government be pleased to state—

- (a) Whether stage carriages Nos.599 St. and A. S. E. 610 that used to ply on the Kulaura-Maulvibazar road were taken away by Government for Military (essential) purposes?
- (b) If so, whether the owners of these carriages have been paid for?
- (c) If so, what amount the respective owner has received and what amount, if any, that still remains to be paid to them?
- (d) Whether it is a fact that some amount has been deducted from the bills of the owners of these carriages as expenses for repair and driver's pay for one month subsequent to the taking of the carriages?
- (e) If so, what amount has been so deducted for each of the carriages?
- (f) Whether it is a fact that the said carriages were at first taken on hire?
- (g) Whether any amount has been paid as hire to the owners of the said carriages for the period for which the driver's pay and repairing expenses has been so deducted? If not, why not?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

20. (a)—Vehicles A.S.E. 599 and A.S.E. 610 were requisitioned for use on a Military project.

(b)—They have so far been paid 75 per cent. of the valuation. The balance will be paid when the valuation which is under correspondence with higher authority, has been made final.

(c)—(e) The cash payments amount to Rs.1,284-7-0 and Rs.1,187-9-0 for these vehicles respectively, after deducting Rs.65-9-0 and Rs.124-15-0 as advances paid to drivers and cost of repairs and the balance of the provisional valuation is Rs.450-0-0 and Rs.437-8-0.

(f)—No.

(g)—No. Hire charges cannot be paid while the vehicle was under repair, as that is the responsibility of the owner.



**Babu KAMINI KUMAR SEN:** Sir, from the answer it appears that Rs 65 9-6 and Rs.124-15-0 have been deducted as advance paid to drivers and cost of repairs of the vehicles. My Question, Sir, is that, if the advances to drivers were realised from the owners of the vehicles, what is the justification for refusing the hire for that period?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, these were done at the instance of the Military and I am not in a position to answer why they deducted all these items from the compensation paid to the owners of the vehicles.

**Babu KAMINI KUMAR SEN:** While the Hon'ble Premier himself feels the justification and equity of it, I think he may be kind enough to enquire of the Military what is the justification for not giving the hire charge for the period during which the drivers' pay was charged?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Very well, Sir, the suggestion will be considered.

**Babu KAMINI KUMAR SEN:** Sir, is it not a fact that the lorries were handed over to the Military in perfect running order?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It was not so in every case.

**Babu KAMINI KUMAR SEN:** My Question is with regard to the particular vehicles under reference. If the lorries were handed over to the Military in perfect running order, what is the justification for charging the cost of repair from the owners?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I don't think, it was just to deduct this amount for repairing the vehicles from the compensation, if vehicles were in "running order" at the time of delivery.

**Babu KAMINI KUMAR SEN:** My Question is that, Sir, when the vehicles were handed over to the Military, they were in perfect order and so there was no necessity for repairing them. If subsequently, the vehicles were repaired, then the Military must pay the charge and the owners should not have been charged for that.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I have nothing more to add.

**Srijut ROHINI KUMAR CHAUDHURI:** Should the cost of repairs be realised from the owners when the vehicles are under the use of the Military Authorities?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Surely not.

**Babu KAMINI KUMAR SEN:** My Question is that if the repair is necessary after the delivery of the vehicles, the owners should not be charged for that. If the Hon'ble Premier is willing, he may kindly enquire of the Military what is the justification for realising the cost of repairs from the owners? He can also move the Military Authority to refund the amount.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If I remember aright, these requisitions were effected about a year ago and I doubt whether a reference to the Military will produce any result.

**Babu KAMINI KUMAR SEN:** No, Sir, from the reply it seems that the owners have not been paid the full price yet—25 per cent. still remains to be paid. So, even if it be one year, I think the Hon'ble Premier can enquire now.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, when a request has been made by the hon. Member I will enquire, but I will warn that as the requisition was made about the month of May last



year, it will be difficult to find whether a particular vehicle required repairing before it could be transferred to Dimapur, but if my hon. Friend desires that a reference should be made, then I can do it.

**Babu KAMINI KUMAR SEN:** Sir, there is an additional justification for moving the Military for such unusual delay in making the full payment for the vehicles.

**Scheme for supply and distribution of food-stuffs and standard cloth in the Province**

**Babu KAMINI KUMAR SEN** asked :

21. (a) Will Government be pleased to state if any comprehensive scheme has been prepared for a systematic and regular supply and distribution of essential food-stuffs all throughout the Province.

(b) If so what is that scheme ?

22. (a) Will Government be pleased to state whether they have made arrangements for the supply of standard cloth in this Province ?

(b) If so what is the quota granted for Assam and when they are likely to be available for distribution in the Province ?

(c) Will Government be pleased to state on what basis and through what agencies these cloths are proposed to be distributed in different centres ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

21. (a)—Yes.

(b)—Food-stuffs are purchased by Messrs. Shaw Wallace and Company, from outside the Province. These food-stuffs are distributed by the District Officers in the Surma and by Messrs. Steel Brothers in the Assam Valley. A more comprehensive scheme will be prepared on receipt of the Government of India's programme of buying food grains on their account from surplus provinces and distributing them on a quota basis to deficit ones.

**Babu KAMINI KUMAR SEN:** From the reply that was given by the Hon'ble Premier yesterday, it seems that only two or three articles of food-stuffs are imported by Government. Do I understand that it is the intention of the Government not to control or regulate the articles imported by the private dealers ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** So far as the control of articles under control of Government of India is concerned, as I mentioned yesterday, the private dealers cannot import unless they obtain a permit from the Supply Department of the Government of Assam, but as regards the other food-stuffs over which there is no control, I don't know how we can control the prices excepting through the executive order of the Deputy Commissioners to whom circulars and instructions are issued by the Supply Department.

**Babu KAMINI KUMAR SEN:** I do not mind about the commodities that are not under control but we are concerned with the commodities that are controlled by the Government. My question is "Will Government be pleased to state if any comprehensive scheme has been prepared for a regular and systematic supply of essential food-stuffs throughout the whole Province"? Government import only two or three articles and other articles are imported by the private dealers. What I want to know is whether Government is going to take any steps to guarantee the supply of all other essential food-stuffs at a reasonable price to all the parts of the Province or rather to all the important centres of the Province ?



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We are drawing up a comprehensive scheme which is not yet ready. Mr. Marar has now been placed as the Secretary of the Supply Department; immediately after joining his post he had to go out of the Province to Delhi and Calcutta to attend a conference in connection with supply of food-stuffs and so the scheme has not yet been ready. However, we hope to draw up a scheme for controlling the prices of all kinds of necessaries of life so far as this Province is concerned.

**Babu KAMINI KUMAR SEN:** We want not only the control of prices charged by private dealers but also a regular and systematic supply of necessary articles of food-stuffs to all parts of the country.

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

**Maulavi ABDUR RAHMAN:** Sir, from the reply we find that in the districts, the District Magistrates are the distributing authorities of food-stuffs and in the Subdivisions, it is done by the Subdivisional Officers. May I inquire of the Hon'ble Premier in what manner in Mufussil and other areas in the interior these are distributed?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not in a position to give the details of each Subdivision but what I have heard from Mr. Marar regarding the arrangement for distribution at Sylhet, is that he licensed some wholesale dealers in the District headquarters as well as in Subdivisional headquarters and then these people are asked to issue certain fixed quantities of food-stuffs to the licensed retail shop-keepers who hail from the interior of the Subdivisions. Distribution in this way was considered to be fair and equitable.

**Maulavi ABDUR RAHMAN:** Sir, are Government aware that people are suffering a great deal for want of proper supplies in Mufussil areas?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If the Question refers to the shortage of supply, my reply will be 'yes' because supply has not been regular as it depends upon the transport facilities that we can get but if the Question refers to malpractice, then I don't know to what category my hon. Friend's Question refers—to Government failure or non-co-operation of the public.

**Maulavi ABDUR RAHMAN:** Sir, my Question is that as the number of centres is very few in the Mufussil areas, the people are under-going great difficulty due to the shortage of supply.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, we depend entirely upon our District Officers so far as supply is concerned. This is the first time that I hear that the centres of distribution are very few in the Mufussil areas. Any way I will send this suggestion to our District Officers.

**Maulavi ABDUR RAHMAN:** Sir, before Government come to a final decision about their extensive scheme which just now we heard from the Hon'ble Premier, will the Government issue instructions to the District authorities so that they may open more centres in the Mufussil areas for distribution of food-stuffs.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Just now I undertook in reply to a supplementary Question that I will send this suggestion to the District Officers.

**Maulavi MUHAMMAD AMJAD ALI:** Sir, Government have come to know, it seems, that some malpractices prevail in the districts regarding the distribution of food-stuffs; may we know what steps Government have taken to stop these practices?



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, each case of profiteering that has been brought to our notice has been dealt with by our Executive Officers.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

22. (a)—Yes.

(b)—1·25 million yards for Assam and ·09 yards for Assam States. They will be available for distribution in April 1943.

(c)—The District Officers have been asked to arrange distribution through wholesale and retail dealers, Mauzadars and if necessary through some Government agency. In Goalpara the Deputy Commissioner, has been asked to arrange distribution through Bijni and Mechpara Estate Kucheries and in Surma Valley, the services of Sub-Registrars and National War Front Organization will be utilised. In temporary settled districts, Circle officers may be asked to sell them.

**\*Babu KAMINI KUMAR SEN:** May we know whether Government have got any intimation that the supply will be available in April next?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** We have got to rely upon the Government of India in this matter. They say that it will be available in April next.

**Maulavi ABDUR RAHMAN:** May I ask whether Government are aware that the Sub-Registrars in the Surma Valley have got very little time to spend for distribution of the standard cloth?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No such report has arrived from the Inspector-General of Registration.

**Maulavi ABDUR RAHMAN:** Is it not a fact that distribution through the Sub-Registrars is not a satisfactory arrangement?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That may be so, but when I was at Habiganj in my recent tour, I found in that subdivision that the small quantity of standard cloth that was available, was kept in the office of the Sub-Registrar who distributed it. The Sub-Registrar required a certificate from the intending purchaser signed by a reliable man of the village as regards his financial condition. I was told that this arrangement led to equitable distribution of the cloth among the poor classes of the people.

**\*Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Will the supply of the standard cloth be open to all?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It is mainly meant for the poorer classes of the people, and every attempt will be made to give preference to them. But if there be any surplus, that will go to the rich.

**Maulavi ABDUR RAHMAN:** Is it a fact that when the Hon'ble Premier visited Habiganj he was requested by many to see that extensive arrangement is made for the supply of standard cloth to the poor class of people? Is he also aware that the standard cloth sent to Habiganj was mostly taken by the richer class of people?



**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As regards the first Question, I accept. As regards the subsequent Question, I doubt, that most of the standard cloth went to the rich, as I was told that part of the supply went to the poor and part to the rich.

**Maulavi ABDUR RAHMAN:** Are the Government aware that the present arrangement for distribution of standard cloth through the Sub-Registrars has been found very unsatisfactory—the Sub-Registrars being over-worked cannot distribute the cloth properly and that the people from villages are to wait for hours and then go away without the cloth?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As I said already in this session, the present arrangement for distribution through the Sub-Registrar is purely temporary as a small quantity of standard cloth was available. When we will get bigger quantity, we will make better arrangement.

**Babu KAMIN, KUMAR SEN:** May we have a definition of the word "poor"? (*Laughter*) May I know whether the standard cloth will be available for the tea garden coolies?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I don't think, Sir, that much will be left for the labour force out of the 1½ million yards for Assam. The Tea Industry is very well organised and will be able to look for themselves. Probably they have already approached the Central Government to make available to their labour force sufficient quantity of the standard cloth.

**\*Srijut ROHINI KUMAR CHAUDHURI:** Do not the words "poor class" refer to those who put on *dhutis*, *saris* and *lungis*?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I don't think so, Sir, I remember that I had to buy from the shop of the hon. Member, who puts this Question, a pair of *dhutis* at Rs. 19 when there was no dearth of cloth.

**Maulavi MUHAMMAD AMJAD ALI:** May I know who in the case of subdivisions will determine the quantity of standard cloth required for each subdivision?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The Subdivisional Officer will send a report to the Deputy Commissioner about the requirement in the subdivision and the Deputy Commissioner will send it to the Government.

**Maulavi MUHAMMAD AMJAD ALI:** I could not follow the Hon'ble Premier.

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Is it for Goalpara only or generally for all subdivisions?

**Maulavi MUHAMMAD AMJAD ALI:** From general I will come to particular.

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** In general, I say that the Subdivisional Officer will report to the Deputy Commissioner about the requirement and the Deputy Commissioner will send it up to Government. Government will consider whether the requirement suggested by the Subdivisional Officer is adequate. If so, they will accept it and if not, they will modify it.

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\*Speech not corrected by the Hon'ble Minister or the Member concerned.



**Maulavi MUHAMMAD AMJAD ALI:** I find in the reply that "In Goalpara the Deputy Commissioner has been asked to arrange distribution through Bijni and Mechpara Estate Kucheries". May I know the idea why the distribution is to be made through the Kucheries only and not through Government agency, i.e., the Sub-Deputy Collectors and such other officers? Is it only for the area of the Kuchery or outside it?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It is only for the area near about the Kuchery and for the remaining part of the district, catering will be as in other parts of Assam.

**Number of cases in the Debt Conciliation Boards of Sylhet and Cachar**

**Maulavi ABDUR RAHMAN** asked:

23. (a) Will Government be pleased to lay on the table a comparative Statement showing separately the number of cases instituted in each of the Debt Conciliation Boards of Sylhet and Cachar districts in the years 1940, 1941 and 1942?

(b) What is the total number of cases disposed of under section 12 (1) of the Debt Conciliation Act in each of the Boards of the Surma Valley during the same period?

(c) Will Government be pleased to state the income of each of the said Boards from Court fees for the years 1940, 1941 and 1942?

**The Hon'ble Maulavi MUNAWWAR ALI** replied:

23. (a) & (b)—A statement is furnished below—

*A list of cases instituted and disposed of in each of the Debt Conciliation Boards of Sylhet and Cachar districts in the years 1940, 1941 and 1942*

Names of Boards	Cases instituted	Cases disposed of under section 12(1)
1940		
1. North Sylhet	1788	1037
2. Habiganj ...	1941	122
3. South Sylhet	928	34
4. Karimganj	376	47
5. Sunamganj	1447	0
1941		
1. North Sylhet	891	413
2. Habiganj ...	988	137
3. South Sylhet	802	236
4. Karimganj...	1083	563
5. Sunamganj	3556	218
6. Silchar ...	194	26
1942		
1. North Sylhet	989	364
2. Habiganj ...	1311	308 (upto November 1942).
3. South Sylhet	426	169 (upto October 1942).
4. Karimganj	1212	466
5. Sunamganj	1397	192 (reports for October and November 1942 have not been received. Commissioner has been asked for it).
6. Silchar ...	349	133 (upto September 1942).

\*Speech not corrected by the Hon'ble Minister.



(c)—No income except in the shape of Court fees under rules 16 and 33 of the rules framed under the Debt Conciliation Act.

\*Maulavi ABDUR RAHMAN: Is it a fact that during the year 1941 the Debt Conciliation Board constituted at Habiganj was suspended for a considerably long time—for about 11 months?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Probably, it is.

Mr. BAIDYANATH MOOKERJEE: I could not follow the reply, Sir.

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

Mr. BAIDYANATH MOOKERJEE: As regards cases disposed of during 1942, I find in the statement that no report has been received since October 1942 from some boards. May we know what was done during the last five months when no report was received?

\*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The reply is there. The Commissioner has been asked for it.

Mr. BAIDYANATH MOOKERJEE: Is it sufficient?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Unless we get the report, we can not take any action.

Mr. BAIDYANATH MOOKERJEE: Is there no rule for submission of the report?

\*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, there is.

Mr. BAIDYANATH MOOKERJEE: What is that rule?

\*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The report should be submitted quarterly, I think.

Mr. BAIDYANATH MOOKERJEE: But from the reply it is quite apparent that no quarter has been fixed, because in the case of some boards it is written "up to November" and in the case of other, it is "up to October". There is no mention of "quarter". So, it is quite clear that it is not quarterly, otherwise, in that case three months should have been mentioned. I want to know whether Government should not take proper step for submission of the report in time.

The Hon'ble the SPEAKER: There might be some rule, but the question is how it has been honoured and complied with.

Mr. BAIDYANATH MOOKERJEE: Sir, I want to know whether Government will take proper step in this matter.

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

\*Babu KAMINI KUMAR SEN: May we know, Sir, why no cases were disposed of under section 12 in Sunamganj although the number of cases instituted was 1447?

\*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I think the Board was not functioning then.

Mr. BAIDYANATH MOOKERJEE: Then, Sir, how were the cases instituted? Who received the cases?

The Hon'ble the SPEAKER: Perhaps at the time they were simply receiving cases.

\*Maulavi ABDUR RAHMAN: Sir, the Board was constituted in the month of August 1940 and it takes about 6 months to finally prepare a case.....

\*Speech not corrected by the Hon'ble Minister or the hon. Member.



**Mr. BAIDYANATH MOOKERJEE:** We want to hear the reply from the Hon'ble Minister and not from the hon. Member, Sir.

**\*The Hon'ble Khan Bahadur Maulavi SAIYDUR RAHMAN:** Sir, the Hon'ble Revenue Minister is absent and I am not prepared to reply.

**Mr. BAIDYANATH MOOKERJEE:** I am glad, Sir, the Hon'ble Minister frankly says this.

**The Hon'ble the SPEAKER:** Further supplementary questions day after to-morrow.

**Adjournment motion re: indiscriminate house searches, arrests and assaults made by the Civil Police and troops and detention of large number of men of Nalbari Thana.**

**The Hon'ble the SPEAKER:** Order, order. I have received a notice of adjournment Motion in the name of Srijut Rohini Kumar Chaudhuri.

**\*Srijut ROHINI KUMAR CHAUDHURI:** Sir, I beg leave of the House to move the Motion for the adjournment of the House. May I read the motion, Sir?

**The Hon'ble the SPEAKER:** Yes.

**\*Srijut ROHINI KUMAR CHAUDHURI:** That this House do now adjourn to consider a definite matter of urgent public importance and of recent occurrence, namely, the situation arising out of indiscriminate house searches, arrests and assaults made by civil police and troops and detention of a large number of people in the Gauhati jail under order of the Deputy Commissioner, Kamrup, in certain villages in Nalbari thana from 2nd to 9th March last.

Sir, my information is that a gun was stolen from a certain village in the Mauza Dharmapur in Nalbari thana. *Ejahaar* was lodged and in the *ejahaar* it was clearly stated that the owner did not know the man who had committed the theft and he could not possibly identify the culprit. This being the state of affair, the authorities by way of reprisal and being not able to detect the offender has taken recourse to this unusual step. The unusual step is that about or more than 200 men consisting of civil police and re-inforced by troops were marching from Nalbari thana to different villages within its jurisdiction. There was no warrant of arrest against any particular individual, as there could not be since the culprit was not known and there was no mention of any house where the search was to take place because no body could say who has stolen the gun. There almost every house was searched and although nothing incriminating was found, people who raised a single word of protest was arrested, hand-cuffed and sometime assaulted and were brought to Gauhati. In one particular instance, Sir, the police wanted some tea in certain tea stall. The poor villager in the shop said that he could not supply so much milk and sugar for so many men. On that the man was assaulted and brought and detained in the thana lock-up and afterwards brought to Gauhati jail. The people against whom there was no evidence were arrested and put into jail simply on suspicion possibly in order to create a reign of terror. Bail petitions were made but were rejected. Now, Sir, under instructions from Government, certain procedure has been adopted and the procedure is that unless and until the Superintendent of Police agrees, no one should be released on bail. The petition is sent to the Superintendent of Police

\*Speech not corrected by the Hon'ble Minister or the hon. Member concerned.



and the Superintendent of Police keeps that pending for as long a period as he pleases. So this state of things is prevailing there, Sir, and although there is no specific allegation against anybody, houses are being searched and in the course of the search, people are being assaulted and being brought under handcuff. They are tied with rope not only round their loins but round their neck to look like cattle. This is no exaggeration, Sir. As a matter of fact some villagers through fear ran a way from the villages and those who fled escaped arrest. Those who were in the village—some of them after the search raised a word of protest and they were at once arrested. And what is more, Sir, I have heard on a reliable authority that this sort of molestation is going to take place every week in these villages...

**The Hon'ble the SPEAKER:** How many villages are affected?

**\*Srijut ROHINI KUMAR CHAUDHURI:** I have received the names of these villages where the occurrences of assault have taken place.....

**The Hon'ble the SPEAKER:** I want only the number not the names.

**\*Srijut ROHINI KUMAR CHAUDHURI:** I have got here a list of 14 villages, Sir.

**The Hon'ble the SPEAKER:** What would be the extent of the area in square mile?

**\*Srijut ROHINI KUMAR CHAUDHURI:** The area will be about 6 square miles.

**The Hon'ble the SPEAKER:** What is the number of people arrested?

**\*Srijut ROHINI KUMAR CHAUDHURI:** 44 persons were arrested on the 3rd March, Sir, and they are detained still, as far as my information goes. I have not got the full list. Two men have given me a list on their own knowledge.

**The Hon'ble the SPEAKER:** Whether searches and arrests are continuing till now?

**\*Srijut ROHINI KUMAR CHAUDHURI:** It is done every week, Sir—last week from 2nd to 9th March it continued I know and I suppose they will be going on again by 15th or 14th of March. The order is that every week this must take place.

**The Hon'ble the SPEAKER:** Very well. What has the Hon'ble Premier to say.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir. This adjournment motion on the very admission of my hon. friend is out of order. According to him 44 persons were illegally arrested in the manner told by him on the 3rd March.....

**\*Srijut ROHINI KUMAR CHAUDHURI:** From 3rd to 9th March.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** He said these 44 people were arrested on the 3rd March.....

**The Hon'ble the SPEAKER:** Did he mention the date?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, Sir. So my hon. friend should have come with this adjournment motion on the first day but instead of that he has come to-day only, after we have sat for a week.

\*Speech not corrected by the hon. Member.



**The Hon'ble the SPEAKER:** There is another point. Although arrests have been made on the 3rd, searches are still continuing.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Then, after the 9th, my Friend was here in the Assembly for many days. Moreover, the facts as stated by my hon. Friend are not quite correct. I have not got the report of such searches uptill now. But from the very brief reports that I have seen, the position is this. Those people who have taken to sabotage for the purpose of either creating disturbance or for wresting independence from the British *raj* have taken into their hands of imposing upon license holders of guns impersonating as the police and.....

**Srijut GHANASHYAM DAS:** Are all of them proved saboteurs?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The persons mentioned in this Motion are not. I am generally speaking of the *modus operandi* which led to this search. Certain band of persons impersonating as the police and putting on khaki uniform have terrorised the people of the Nalbari thana and have taken away guns by force. This was the system adopted in the Nowgong district also where as many as 17 guns were taken away by this procedure. Government had to take drastic measures for this. After 17 guns had been taken away from Nowgong, in this way, police and military had to march through the district and could recover as many as 16 guns. After this method subsided in the Nowgong district it has been introduced in the Nalbari thana area and 6 guns have been taken away like this. Government therefore had to take steps in order to search the houses of the suspects and during this search some 22 persons who were wanted for other offences have been arrested. There has been no case of any assault or indignity to these people. There has been no panic. If there has been any excesses, it is open to those who felt aggrieved to go to the law courts. I submit, Sir, that once search has already been made, no question of continuing it again, in order to terrorise the people, arises; neither has there been any circular by the Government for continuing the procedure as alleged.

As regards bail, anybody, who has practised in the criminal courts like my Friend and myself, knows that whenever a petition for bail is made to a Magistrate he normally enquires of the police whether it is a fit case for granting a bail. No circular has been issued by Government to adopt this particular procedure for these people only. I therefore submit, Sir, that the very fact that this search has been limited within the 6 square miles area of the Nalbari thana clearly shows that they have definite information that either the stolen guns are to be found there or persons who were wanted for other offences are hiding there.

**The Hon'ble the SPEAKER:** Why did not the hon. Member put the Motion earlier?

**Srijut ROHINI KUMAR CHAUDHURI:** The Motion is in order, Sir. There is no doubt because the arrest was continuing uptill the 9th March. I got this information, Sir, when I went down to Gauhati on the 10th. In order to make my position sure, I have got a written report from persons who actually witnessed such occurrences. Sir, the Hon'ble Prime Minister himself admitted that only against 22 persons there were previous accusations and 44 persons were arrested but nothing incriminating has been found. No warrant was issued against these people before. How can we believe, Sir, that for any offence these people have been arrested? Because guns were not found therefore these people are to be arrested and brought to the thana tied up with ropes although nothing incriminating was found till now. As that I have myself seen with my own eyes not one Magistrate but three Magistrates were writing to the Superintendent of Police for advice and report.



**The Hon'ble the SPEAKER :** Is it a fact that no guns had been recovered from these particular men ?

**Srijut ROHINI KUMAR CHAUDHURI :** No guns have been recovered in areas under Nalbari thana. Guns may have been recovered in Nowgong.

**The Hon'ble the SPEAKER :** We have nothing to do with that.

**Srijut ROHINI KUMAR CHAUDHURI :** Nothing incriminating was found anywhere, not to speak of guns. But still they have been brought to Gauhati under torture and this is going to be repeated every week and this will go on. That is the danger, Sir ; of course, people who have been arrested and brought there the Magistrates will deal with them judicially.

**The Hon'ble the SPEAKER :** Were the guns taken from the area by force ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Yes, Sir, the police officers were taking the guns peacefully and where the people resisted the guns were taken by force.

**Khan Bahadur Maulavi KERAMAT ALI :** I think the hon. Mover's object is to stop repetition of the raids and the Hon'ble Premier has given the assurance that there will be no continuance of this. What more the hon. Mover wants ?

**Srijut ROHINI KUMAR CHAUDHURI :** Sir, I shall be satisfied if the cases in which people have been arrested without any executive orders are put on proper trial and my second point is that there should not be repetition of the general raid.

**The Hon'ble the SPEAKER :** I think the only important point is whether that is going to be repeated or not.

**Srijut ROHINI KUMAR CHAUDHURI :** If that assurance is given I have nothing more to say. My principal allegation is that Government should not terrorise the people but must see that law and order is maintained properly. If the District Magistrate has information and is satisfied that some stolen guns are in a certain village surely they should send police to take them out. But there should not be repetition of such raids. What I want to emphasise is necessity of a fair trial in such matters. From my experience I lay stress on this.

**\*Mr. BAIDYANATH MOOKERJEE :** On a point of information, Sir, is the hon. Mover's experience as a Minister or a lawyer ?

**Srijut ROHINI KUMAR CHAUDHURI :** As a lawyer, Sir. I may in this connection mention the wise step taken by the Deputy Commissioner in realising collective fines. He sent two Magistrates, *viz.*, Mr. Dumbreck, Assistant Commissioner and Mr. Nurul Ghani with the collecting party consisting of Military and armed police. That was how excess was prevented.

**The Hon'ble the SPEAKER :** There may not be raids, but there may be searches

**Srijut ROHINI KUMAR CHAUDHURI :** Sir, it is a pitiful sight to see houses after these raids or searches. All eatables are eaten, spoilt or thrown away ; walls of houses are broken, clothes are scattered and torn and people and owners of houses run away in fear.....

**The Hon'ble the SPEAKER :** What does the hon. Member want ? Does he mean that the Magistrate should accompany the raiding party ?

**\*The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** My hon. Friend says that the raiding party consists of 200 police men. If such police party is detailed for this kind of work, I will agree to my Friend's suggestion of deputing Maulavi Nurul Ghani or Mr. Dumbreck if available.

\* Speech not corrected by the Hon'ble Minister or hon. Member concerned.



**Srijut ROHINI KUMAR CHAUDHURI:** Sir, before deputing this police party consisting of 200 or more policemen, I saw the Deputy Commissioner in his bungalow and explained to him that when such a big police party was being sent, great excesses were apprehended. But he told me that no such thing would happen, and I came away with high hopes. But disappointment was in store for me. If such things again occur I would then come before the House with similar Motions.

**The Hon'ble the SPEAKER:** I think the hon. Member is not pressing this Motion.

**Srijut ROHINI KUMAR CHAUDHURI:** I am not pressing it any more.

**The Hon'ble the SPEAKER:** The hon. Member is not pressing his Motion for leave, so it is not necessary for me to decide whether the Motion is in order or not.

### **The Assam Nurses', Midwives' and Health Visitors' Registration Bill, 1942**

**Mr. A. WHITTAKER:** Mr. Speaker, Sir, I beg leave to move that the Assam Nurses', Midwives' and Health Visitors' Registration Bill, as reported by the Select Committee, be taken into consideration.

This is rather a special occasion, as far as this group is concerned, in as much as this is the first Bill we have had the privilege of presenting to this House. It is a special occasion in two other respects as well. It is the first occasion on which we have the privilege of a Lady Minister acting as Chairman of the Select Committee. Secondly the reduced size of the Select Committee, for which I have been making repeated representations. This Select Committee, Sir, consisted of 4 Members, and I am glad to say that the Bill, as it emerged from the Select Committee, bears the evidence of contributions from each one of those Members. The Bill, as presented by this group, has now become, under the Chairmanship of the Minister, the Hon'ble Miss Mavis Dunn, an all party measure. The Bill has been improved considerably by the Select Committee and, as far as possible, we have endeavoured to meet all the suggestions and criticisms made at the time the Bill was introduced. This Bill emerges during a war of destruction, as a constructive piece of legislation which will survive the war. The nursing profession in Assam is an honourable profession. This Bill will be the first step for the improvement of this great service. I do not wish to make a long speech on this Bill. Its merits are obvious. The Select Committee has done a good job and therefore I commend it to the consideration of the House and for the statement of any other Member's views on its merits and demerits.

**The Hon'ble the SPEAKER:** The motion moved is: "The Assam Nurses', Midwives' and Health Visitors' Registration Bill, 1942, as reported by the Select Committee be taken into consideration."

**Dr. C. G. TERRELL:** Mr. Speaker, Sir, the Objects and Reasons for this Bill, which are clearly stated in the draft, will be understood and appreciated by all Members of this House. If passed into law it will fulfil a very useful purpose and supply a need which for a long time has been keenly felt, not only by the Medical profession but by all who have the welfare of the people of Assam, with their innumerable physical needs, at heart.

It need hardly be emphasised how welcome this proposed legislation will be to the present and future members of these professions concerned, who, by reason of their having complied with the requisite standard of training, will be in a position to have names placed on the Provincial Register.



In preparing the draft of this Bill every attempt has been made to take advantage of the experience gained, as the result of similar legislation enacted in other provinces in India. As an example of this it was found that in the case of a similar Act passed in the Punjab, amended legislation was found to be necessary to empower the Council to prescribe the courses of training and examinations and to issue certificates. This you will find amply provided for in relative sections of the proposed Assam Bill.

It will be understood that the clauses have been designed with the object of gradually improving the whole standard of teaching and training, so as to raise the status of these professions and attract new entrants to the Nursing and Health services.

Among other attractions for its members will be the prospect, when a sufficiently high standard has been attained, of interprovincial reciprocity of registration. This is a very important consideration which is possibly more fully appreciated by the professions. As it may ultimately be extended to reciprocal registration with other countries outside India it will be realised that a long sighted policy is envisaged and the stimulus is not lacking for an ever increasing enhancement of standard and endeavour.

Institutions and training centres are still far too few and inadequate for our needs, and perhaps it would not be out of place to record the great debt of gratitude that we owe to the Mission Hospitals in this Province for having in large measure shouldered this responsibility for us.

It is certain that the stimulus provided by this proposed legislation will encourage the starting of additional training centres as well as increasing the personnel.

A careful study of the report of the Select Committee on this Bill was of the greatest interest as it revealed a very genuine and sincere desire on the part of the Members to enhance its value and eliminate as far as possible any defects in construction. As such, the recommendations will, I feel convinced, find general approval and acceptance among all Members of this House, as they have amongst those who were more directly connected with the original framing of the Bill.

Mr. Speaker, Sir, you have my assurance that this Bill has the unanimous support of the professional bodies in this Province as well as that of all, from the highest to the lowest, who are interested in its health and have its welfare at heart.

It is also keenly supported by the Hon'ble President of the Legislative Council, representing the women's society, and she has personally taken the greatest interest in and made a very careful study of the draft.

It is perhaps opportune that fate has decreed that this Bill should be launched in time of war, which places such enormous additional burdens and responsibilities on all, and perhaps not least on the medical and nursing professions. There is a constant and insistent demand for more and more trained nursing personnel for the services and now with the war zone on our own immediate frontier, we can by supporting and expediting its passage, make a real and valuable contribution to help and allay the suffering of the sick and wounded who are fighting our battles.

**Mr. BAIDYANATH MOOKERJEE:** Mr. Speaker, Sir, when this Bill was first placed before this House for sending it to the Select Committee, I gave several suggestions to the Members of that Committee. After going through the Report of the Select Committee, I find, Sir, that a good deal of improvement has been made; but still there are some omissions which, I think, we shall be able to rectify when we shall deal with this Bill



clause by clause. But, Sir, one important factor, which, in my opinion, should be considered at present, is that nothing has been done, so far as the financial aspect of this Bill is concerned. Sir, there are provisions for which money will be required. At that time also I mentioned about it, but this portion has not been touched. If this Bill is passed, then money which will be required for its proper running must come from the Government. Of course, there is one source of some income which will come in the form of registration fee or examination fee. But money which will come from examination fee will cover the expenditure which will be required for examination. But unless we hear about this from the Government, it is very difficult for us, the private Members, to understand whether this Bill, even if passed, will be of any use. Therefore, Sir, before any other hon. Member takes part, I think it will be better if we hear about the financial side from Government.

**The Hon'ble Miss MAVIS DUNN:** Sir, I will give the first and final reply. I have no observations to make with regard to the Motion that has been made, except to endorse every word that has been said by Mr. Whittaker with regard to the merits and necessity of the Bill. I was hoping it will be passed into an Act as soon as possible. But I am sorry to hear Mr. Mookerjee's objection.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir, I shall be happier than the Hon'ble Minister if this Bill is passed even today. I have merely stated the difficulty. I am for passing of this Bill.

**The Hon'ble Miss MAVIS DUNN:** I am glad of the assurance, Sir.

**Mr. BAIDYANATH MOOKERJEE:** I am always misunderstood.

**The Hon'ble Miss MAVIS DUNN:** All that I can say is that the financial implication will be so small that it need not disturb the mind of the hon. Mr. Mookerjee.

**Maulavi ABDUR RAHMAN:** I have got to speak a few words with regard to the controversy with regard to the naming of the Bill. I find from the Report of the Select Committee that there was some opinion that the title of the Bill should be shorter; but the Committee did not agree to that. It was suggested that the Bill should be called 'Assam Nurses Bill' in the light of the Bengal Act. The majority of the Members did not favour that suggestion. The present age is an age of economy. The name 'Assam Nurses', Midwives' and Health Visitors' Registration Bill' appears to me to be very big. So I hope that the name of the Bill be made as short as possible. I prefer that the title be 'Assam Nurses Bill'.

I have to make another observation with regard to the payment of fees and travelling allowance to members of the proposed Council. The Committee have proposed that there will be certain members some of whom will be *ex-officio* members and some will be nominated members of the Government on the recommendation of certain bodies. I find that the number is a fairly big one. I just now heard the hon. Mr. Whittaker telling us that he is never in favour of making the Select Committees big and according to that, we find that the Committee to which this Bill was referred was a shorter one, rather the shortest possible one. I would request Mr. Whittaker to see whether the Council which the Bill proposes can be formed with a smaller number of persons. With these observations, I support that the amendments as proposed by the Select Committee be passed.

**Mr. A. WHITTAKER:** Mr. Speaker, Sir, Mr. Abdur Rahman's point is a valid one and certainly as regards the title, it is one for which he is entitled to a certain amount of sympathy. But the Committee thought



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that they should look ahead into the future when we may have Health Visitors in this province, although we have no Health Visitors at the present moment nor have we any means of training them in the Province of Assam. The training which the Health Visitors' standard requires is an expensive one as it is likely to last for five years and there is no immediate prospect of securing such Health Officers in war time but there is every prospect that after the war, the big industries of the Province would welcome the opportunity of securing certified Health Visitors and for that reason the Health Visitors were included in the original Bill with the full approval of the Minister-in-charge. Though it looks ahead for some years, I don't think that is sufficiently a good reason for curtailing the title and bringing in a large number of consequential amendments.

Mr. Rahman's second point is that we have included nine members in the Council and his appeal to reduce this number is, I think, sufficiently met by a reference to the original Bill. The original Bill provided for 12 members of the Council—9 *ex-officio* members and 3 nominated members. The Committee have quite rightly on the score of expenses cut down the number to 9 and you will see, Sir, that they have omitted from the Council any nomination for Health Visitors. I would submit, Sir, that Mr. Rahman's second point—his plea for economy—has already been substantially met by the reduction of 25 per cent. in the original strength of the Council. I hope, therefore, that we may count upon Mr. Rahman's support for the passing of this measure.

**The Hon'ble the SPEAKER:** Has the Hon'ble Minister got to say anything more?

**The Hon'ble Miss MAVIS DUNN:** No, Sir.

**The Hon'ble the SPEAKER:** The question is that the Assam Nurses', Midwives' and Health Visitors' Registration Bill as reported by the Select Committee be taken into consideration.

The question was adopted.

The Bill would be coming up on the 25th March and the last date for amendments to be tabled to the different clauses is 20th March before 3 P.M.

**The Goalpara Tenancy (Amendment) Bill, 1941**

**The Hon'ble the SPEAKER:** Further discussion of Maulavi Muhammad Amjad Ali's Motion.

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, in view of the depleted condition of the House this session also, I beg leave of the House to postpone the discussion of my Bill, namely, the Goalpara Tenancy (Amendment) Bill, 1941, till the next Session of the Assembly.

**The Hon'ble the SPEAKER:** I think, the hon. Member has the leave of the House for the postponement of the discussion of this Bill, till next session.

(After a pause)

The Bill stands postponed till next session.

There is also a Bill of Maulavi Abdul Aziz for further discussion.

**The Sylhet Non-Agricultural Tenancy Bill, 1941**

**Maulavi ABDUL AZIZ:** Mr. Speaker, Sir, on the last occasion, there was a Motion for reference of this Bill to the Select Committee. I had moved the Motion and there was a discussion. The Hon'ble Minister at the close of his reply requested me to agree to the postponement of the Bill for that Session on the ground of the thinness of the House during that Session. So, what now remains is only to accept my Motion for a



reference of the Bill to a Select Committee. I don't think, any speech is necessary on my part to explain the principles of the Bill, now. All that I had to say I said previously and the Hon'ble Minister in-charge of the Bill also gave his reply. So now I beg formally to move the Motion.

**The Hon'ble the SPEAKER:** The Motion has been moved but the question is whether the hon. Member wants to proceed with the Bill.

**Maulavi ABDUL AZIZ:** Yes, Sir.

**Mr. A. WHITTAKER:** On a point of information, Sir. Does your previous ruling or rather your previous recommendation about the contentious Bills apply in the present Session as it applied in the last Session?

**The Hon'ble the SPEAKER:** Certainly I would stick to my previous advice to the House that when a Bill is contentious, it should not be discussed in a depleted House like that. That was also the advice of Government, given by the Hon'ble Minister-in-charge of Education in connection with another Bill; so it is for the hon. Member to decide whether this Bill should be proceeded with or not. There is no harm in discussing this Motion and decide whether the Bill should be referred to a Select Committee. If the Motion be carried, then the question whether the Bill should be further proceeded with may again arise after the Bill comes out of the Select Committee.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Mr. Speaker, Sir, my hon. Friend Maulavi Muhammad Amjad Ali had a similar Bill before the House, *viz.*, for referring the Goalpara Tenancy (Amendment) Bill, 1941, to a Select Committee. I think the considerations which prompted him to move for the postponement of the Bill, should also influence the hon. Mover of this Bill to postpone it. (*Hear, hear.*) If he wishes, I think, he should move asking leave of the House to postpone consideration of his Bill, which is also of a contentious nature and which I had on the previous occasion to oppose on certain grounds. I made my speech on that occasion and need not repeat the arguments which I advanced in opposing the Bill. I would leave it to the House to decide whether they want to go ahead with this Motion or not.

**Srijut ROHINI KUMAR CHAUDHURI:** We request him not to proceed with the Bill.

**Maulavi ABDUR RAHMAN:** The Bill is so important in its nature that, if the hon. Members go through the opinions which have been received from both the officials and non-officials in the various parts of the Province, I think, they will be convinced that the people are anxiously waiting for this sort of legislation, and I don't see any reason why it should be postponed. I don't understand why the Government are unwilling to give support to the Motion. The idea of sending a Bill for eliciting public opinion should, on the part of the Government or the Legislature, be to consider whether the people really want this kind of legislation or not. It is evident that the majority of the people, local bodies, public institutions and associations, have all in one voice supported that this legislation is essentially necessary. So, I request, through the Chair, the Hon'ble Minister not to ask the Mover to defer his Motion; because there is no certainty that the House will not go thinner hereafter.

**\*Maulavi ABDUL AZIZ:** Sir, the Bill has been long pending. It is said that we should postpone it because the House is thin in this session. But we don't know when we shall have a full House and whether we shall have another House. In view of this fact, I wish to proceed with

\*Speech not corrected by the Member.



the Motion. My hon. Friend Maulavi Abdur Rahman has just said that the people are anxiously waiting for this piece of legislation which is over due. It ought to have been the business of the Government to do this legislation, but on the excuse of the House being thin they are going to defer it. I don't see any justification in it. If the principle of the Bill is accepted, why should it be deferred and not be referred to the Select Committee. In my opinion, it should at once be referred to the Select Committee. There we shall have enough scope to make additions and alterations to suit the circumstances. So, my submission is that the Bill be referred to the Select Committee.

**The Hon'ble the SPEAKER:** Will any other hon. Member speak?

**\*Mr. BAIDYANATH MOOKERJEE:** Will the Hon'ble Minister get a chance to speak?

**The Hon'ble the SPEAKER:** Of course, the Hon'ble Minister spoke once, but I think his speech was intended for making a request to the hon. Mover. The hon. Mover has not acceded to his request. So, the Hon'ble Minister will get another chance to speak, if he wants to do so.

**\*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** Sir, I have nothing more to add to what I have already said. I want to make the position of Government clear. Of course, the opinions received on the Bill are mostly in support of the Bill. But Government opposed it on the ground that the Bill was of revolutionary character. If the House now desire to go ahead with the Bill, and refer it to the Select Committee, Government will have no objection.

**\*Maulavi MABARAK ALI:** On a point of information, Sir, may I ask the Hon'ble Minister whether a Bill of this nature was not passed by this House in 1937?

**\*The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** This Bill has not been rejected as yet.

**Mr. BAIDYANATH MOOKERJEE:** Mr. Speaker, Sir, last time the hon. Mover of the Motion acceded to the request of the Hon'ble Minister, who was then in charge of the Revenue Department, not to proceed with the Bill. At that time and also on a previous occasion, he made the intention of Government perfectly clear. When the hon. Mover moved his Motion for circulation of the Bill, he, I think, on behalf of the Government, gave him to understand that the Bill was premature and unnecessary, and also said that Government could not accept the principle of the Bill. Sir, this is the view of the Government. Now as regards the opinion of others, the hon. Mover read some opinions according to his own choice and convenience. Sir, he read the opinion of the Ex-Chairman of the Karimganj Municipality. Here, Sir, I am reading the opinion of the present Chairman of the Karimganj Municipality.

"With reference to your memorandum No. 7923-28, dated the 5th May 1941, asking for my opinion on the Sylhet Non-Agricultural Tenancy Bill, 1941, I have the honour to state that a legislation of this nature does not seem to me to be necessary at the present circumstances and I am afraid

\*Speech not corrected by the Hon'ble Minister or the Member.



this might do more harm than good. The relations between the landlords and the tenants of these tenancies are now in most cases quite happy and this legislation, if pressed, is likely to strain that feeling. The Sylhet Town Land Tenancy Bill, which is still pending on the legislative anvil, without doing any material good to anyone, has been responsible for creating such an unhappy state of things. Besides that, this is a novel piece of legislation which should not be taken up unless forced by extraordinary circumstances, which is wanting at present."

This was the report from Babu Ritendra Mohan Das, a zeminder, a merchant, a tea planter and an Honorary Magistrate, Karimganj, Sylhet.

**Maulavi ABDUL AZIZ:** Is he the Chairman?

**Mr. BAIDYANATH MOOKERJEE:** My hon. Friend says, Sir, that he does not know whether he is the Chairman. My Friend is the Chairman of the Maulvibazar Municipal Board but he does not care to know who is the Chairman of the Karimganj Municipality.

**Maulavi ABDUL AZIZ:** He is a zeminder, a planter and an Honorary Magistrate.

**Mr. BAIDYANATH MOOKERJEE:** Then, Sir, I shall read the report of Maulavi Abdul Malik Choudhury, Member, Municipal Board, Karimganj, Sylhet.

"To the Subdivisional Officer, Karimganj.

With reference to your memorandum No. 7923-28, dated 5th May 1941, inviting opinion on the Sylhet Non Agricultural Tenancy Bill, 1941, I have the honour to forward herewith my opinion in the matter as follows:—

As I am a landlord and the lion's share of my income accrues from the town and bazar lands leased out to persons who have been considered as non-agricultural tenants in conformity with the provisions of the Bill, I should begin by saying that a perusal of the Statement of Objects and Reasons as stated in the Bill leads me to the opinion that they have got no reasonable foundation and I can boldly be of the opinion that these have been sought to be introduced with a view to bring the legitimate powers of the landlords to a state of suspended animation with all their rights crippled and their voice over the so-called tenants almost done away with. In my opinion these objects, as it appears from the perusal of the Bill, have provided sufficient relief to the tenants to the utter disregard of the rights of the Zemindars over their lands from which accrue so to say the salient part of their income. It has been stated that the rights and status of these tenants in these areas are uncertain and precarious and even pressure is put by the landlords on their right of franchise. But on the contrary, I should say that these complaints are vague and baseless. In the fairness of the thing the persons occupying the non-agricultural lands of the landlords come mostly from the gentries of the town and as such they enjoy a status almost equal to their landlords or even in many cases superior to that. In the face of this state of things how can it be fair and reasonable to say that the Zemindars can subject these tenants to indescribable harassment and oppression so as to interfere with their freedom of voting at elections, etc.

Now taking the items of the Bill by turn in their overzealousness to bestow abundant relief to the tenants it may reasonably be seen that they have been enacted with tendency to deprive the landlords of all their facilities with regard to the protection of their status as such and leave them almost undefended."



Sir, I shall read another remark from Babu Dinesh Chandra Deb, Karimganj, Sylhet :—

“Notwithstanding the noble intention as expressed in the Bill I am constrained to remark that the towns and markets in the district of Sylhet have not reached a stage of development that we should put a stop to any further impetus for development at the cost of the landlords.”

Then Sir, this is a copy of the letter dated 28th May 1941, from the Secretary, South Sylhet Muktears' Bar Association, to the Subdivisional Officer, South Sylhet. It is from the Subdivision of the hon. Mover. Of course, the hon. Mover does not belong to the Muktears' Bar Library but his great supporter does. But I am sorry, Sir, he is absent.

The letter reads :—

“In the Statement of Objects and Reasons it appears to us that the member-in-charge clearly aims at the lands lying within Municipal areas as well as market places, but from a perusal of the definition of ‘Non-Agricultural Tenant’ we are afraid he goes far beyond the scope of what is really meant by him in his Statement of Objects and Reasons. The definition of the terms as given in clause 6(b) goes so far as to mean and include all classes of lands other than lands used for agricultural purposes, whether it is a grassy field or land of any other class to which so far as right of occupancy is concerned, the Sylhet Tenancy Act of 1936 or any other law now in force, does not apply.

It can be safely said that the honourable Member wants by this legislation to put a check upon the unlimited rights and privileges of the landlords and their oppressive demands of selami, etc. in respect of land within Municipal area or in any other market place.

Apparently the intention of the Member being such, the definition of the term ‘Non-Agricultural Tenant’ should be restricted so as to mean and include those classes of lands only that are actually covered by the Statement of Objects and Reasons as appended with the Bill itself.”

So, Sir, it is quite clear that the intention, the real intention has not been shown in the Statement of Objects and Reasons. The Statement of Objects and Reasons wanted to mislead but the people of my hon. Friend's subdivision have found it out.

Now, Sir, here is the opinion of Babu Bonwari Lal Das, Chairman, Sylhet Municipal Board. I think the hon. Mover very thickly and thinly knows him. It is as follows :—

“There is no necessity for any unique legislation for this district. The rate of rent is no higher than the same prevailing in the neighbouring districts. In Ilam lands the landholders shall have a right of ejection and enhancement whereas the owners of the permanently-settled lands will be denied the said right. This is inequitable and unjust. There were very few cases of ejections during the last 30 or 40 years; only after the introduction of Sylhet Town Tenancy Bill, 1937 we had to bring some cases of ejection for fear of losing our lands, but no case ended in actual ejection, except only one, as the tenant did not agree to fair and equitable rent. There is no real grievance of the tenant. The grievances are more or less supposed and fancied.....”

#### Adjournment

The Assembly was then adjourned for lunch till 2 P. M.

*After lunch*

**Mr. BAIDYANATH MOOKERJEE :** Sir, in conclusion the same hon. gentleman remarked that “the inevitable result of the Bill, if passed, will be that the lessee will lose his lands which will ultimately go to the hands



of the capitalists and the new comers will not get any fresh leases as the landlords will be afraid of leasing out their lands afresh. Under the circumstances I think that the Bill should not be passed by the Legislature."

Sir, another gentleman, a retired Subdivisional Officer, Khan Bahadur Abdur Rahim, gave his opinion as follows:—

"In the Statement of Objects and Reasons for the Bill, it has been stated that with the rapid growth of population of the towns and market-places, their importance has been steadily and rapidly increasing; this is quite so, and the natural result is that the demand for land in the town of Sylhet is exceedingly keen and the price of land has been fast going up with the facility of communication afforded by the recent construction of the motor road between Sylhet and Shillong and the Keane Bridge over the Surma river. The existing law on the subject has been working smoothly and the relation between the tenants and landlords has been most cordial for generations. There is therefore no occasion for the proposed legislation which is bound to create bad feeling between the landlords and their tenants who are in most cases, more enlightened, wealthy and influential than their landlords who are often poor illiterate widows and orphans who depend for their subsistence on the little income accruing from the bits of land that have come to them from their ancestors. There is no big landowner like the Zemindars of Bengal and Goalpara in this Valley and there is no sense in the allegation of 'indescribable harassment at the hands of the landlords'. It is rather the other way, the poor landowners are at the mercy of their powerful tenants who are generally pleaders, muktears, doctors, officers, merchants and businessmen. In these circumstances it would be most unkind and unfair to interfere with the natural sequence of the readjustment of the rates of rent that is sure to follow the altered condition. It will interfere with the natural development of the towns that is fast going on, as landowners will, as a matter of course hesitate to let out their spare lands that may in time be required for the use of the family that is bound to increase in time. So the proposed legislation is calculated to do more harm than good to those whom it is intended to serve at the cost of the poor landowners. So the proposed legislation is quite uncalled-for and should be rejected."

Sir, I shall read only one more opinion contained in a resolution which was passed at a meeting at Habiganj which was sent by Babu Hrishikesh Dutta, Mukhtear and Revenue Agent and the Secretary, the Habiganj Lease-holders' Association. This runs as follows:—

"Resolved that the Non-Agricultural Tenancy Bill, 1941, introduced by Maulavi Abdul Aziz, B. L., M. L. A., should be opposed in view of the fact that the introduction of the Bill has not been duly justified by Statement of Objects and Reasons that would safeguard the interests of the town people alone, but it has sought to bring the areas outside town proper within purview."

Signed by D. N. Gupta, President. This is an extract from the proceedings of an extraordinary general meeting of the Land Holders' Association held on 25th June 1941, in the clerks' room of the pleaders at 7 P. M.

**The Hon'ble the SPEAKER:** What is the use of reading all these extracts?



**Mr. BAIDYANATH MOOKERJEE:** When the hon. Mover moved his Motion for sending this Bill to the Select Committee he quoted at least a dozen opinions. In that case I desire that I shall be allowed to quote at least four, and this is my last one. It is from Babu Gagan Chandra Ghosh, pleader, Sylhet.

“There is no call for such a Bill for the District of Sylhet alone. There is no such legislation anywhere in India. The temporarily-settled Government lands and the lands held by the Central and Provincial Governments and by Local Bodies have been excepted from the operation of the Act, which shows that the Act cannot be made applicable to all the non-agricultural lands of the District. The owners of temporarily-settled lands and the Central and Provincial Governments and the Local Bodies shall have every right to eject the tenants and enhance the rent of their holdings even arbitrarily whereas the owners of permanently-settled lands and the revenue free lands shall have no such right. The position thus shall be an anomalous and inequitable one. In the temporarily-settled lands which have been periodically settled the lessees of Government have got a permanent, transferable and heritable right of use and occupancy and in permanently-settled lands also the owners have got similar right. The difference is that in the former case the Government can increase the revenue payable; whereas in the latter case the Government cannot. If the right of the former to eject or to enhance rent is recognised there is no reason why the right of the latter should be ignored. Many persons have leased out either the outer or inner portions of their homestead to tenants sometimes at a nominal rental because of some relationship between the parties. But if a permanent, heritable and transferable right of use and occupation is given all on a sudden, the result will be that the owners may have to vacate their own homestead in favour of strangers. Even in agricultural lands the right of transfer has been recognised in this District only in the year 1937 and 12 years' occupation is necessary to acquire the right of occupancy whereas 10 years' time has been fixed for the non-agricultural tenancy. On account of gradually increasing demand for town lands in this District, the introduction of the Bill will be detrimental to the interests of the intending new-comers as nobody will lease out his lands for fear of losing the same and those who have already got lands on leases will also lose their lands in no time as the price of leasehold lands shall go up to a very tempting height and the very purpose of the Bill will be frustrated and all the leasehold interest will go to the hands of the capitalists and consequently the landlords will suffer and the lessees also will ultimately be mere hirers of houses as monthly tenants. The other Provincial Legislatures have not passed any such legislation where there are so many towns whereas this District has no towns so to say. If statistics are taken of ejectment suits or enhancement cases either amicably or through Court it would appear that there are not even 50 such cases during the last 50 years in this District but the landlords filed some cases of ejectments for fear of losing their lands after the Sylhet Town Tenancy Bill was introduced in the Legislature. Very few of these cases ended in actual ejectments and enhancements were made in some cases, but the rate of rent claimed and agreed to between the parties was much less than the rents of Government land in towns of neighbouring Districts. This Bill seems to me to be the result of some personal grievances, as the Sylhet Town Tenancy Bill was the result of some fancied grievances. The tenants in general of this District do not feel any necessity for any such legislation and there are no cases of real hardship



or oppression due to any unjust action of the landlords. A provision for compensation is quite enough for the purpose of safeguarding the interests of the tenants and I am of opinion that in the interests of the landlords as well as of the tenants the proposed Bill should not be passed by the Legislature."

Now, Sir, as the hon. Mover wanted to prove that he had many opinions in his favour for the pushing of this Bill, I have also stated some opinions which are against any such legislation. Sir, the other day while the hon. Mover was discussing the Objects, he said something about the merchants in connection with kerosene oil. Sir, only the other day the hon. Mover cursed the merchants because they were making much profit at the cost of the interests of citizens. I am really surprised to find that he is still trying to give benefit to these merchants whom he very recently painted with such a black colour.

Sir, he admits that the position of the House is just the same as it was on the previous occasion. Sir, may I know from the hon. Member what compels him to change his opinion so soon? He admitted that the House was very much depleted and a Bill of this nature should not be discussed in such a House. I think, Sir, he will try to fix up his mind and decide that the opinion which he held only three months back should be respected and he should not change his opinion so soon.

Sir, there is no doubt that this Bill is premature and unnecessary. It has been made clear from the Government side that the Government should not accept the principle of the Bill. Sir, the aims of the provisions are really revolutionary in character.

Sir, while the Mover first moved his Motion he said that Sylhet is a district akin to Bengal. May I know from the hon. Mover what Bengal has done with regard to this kind of legislation?

\***Maulavi ABDUL AZIZ**: Bengal has passed this legislation.

\***Mr. A. WHITTAKER**: That is incorrect, Sir.

\***Maulavi ABDUL AZIZ**: The Bill was introduced and I think, Sir, by this time the Bill has been passed.

\***Mr. A. WHITTAKER**: No, Sir, the Bill has not been passed.

**Mr. BAIDYANATH MOOKERJEE**: To give occupancy right to non-agricultural tenant is a measure quite foreign to the Tenancy legislation hitherto adopted in any place in India. I appeal to the hon. Mover and also to the Members present here that they should consider whether such a controversial legislation should be rushed through in such a depleted House like this.

Then, Sir, another point arises regarding retrospective effect. So far as I remember, Sir, this point was raised by the Hon'ble Minister also. Sir, a legislation of this kind on which opinion is sharply divided, should not be discussed. Lastly, Sir, if my appeal goes in vain, then may I request the hon. Mover to consider one point that in most cases we find that communal ratio is observed — at least it is pressed for by the hon. Members. In this case, I find that out of 8 Members, in the Select Committee there are two Hindus and six Muslims.

**The Hon'ble the SPEAKER**: What does the hon. Member want to do with this?

**Mr. BAIDYANATH MOOKERJEE**: Sir, on the floor of this House, we always hear about communal ratio. So, I think, in the Select Committee also this communal ratio should be maintained; this is of course a suggestion. They always fight for this and I am just reminding them that if they are really sincere then the ratio should be observed here also.

\*Speech not corrected by the hon. Members.



**The Hon'ble the SPEAKER :** Does the hon. Member seriously want that this principle should be pushed so far ?

**Mr. BAIDYANATH MOOKERJEE :** No, Sir, I want it in no case. I am just mentioning it whether they have noted this point or not otherwise they may blame us on some day.

**Mr. A. WHITTAKER :** Mr. Speaker, Sir. By any possible standards, this is a very remarkable Bill. The justification which the hon. Mover has urged for this Bill is a four-fold one. First of all, to use his own words, he talks about "the indescribable harassment at the hands of the landlords": secondly he talks about the frequency of eviction: thirdly he talks about profiteering in rents and salamis: and finally about the interference with the freedom of voting at elections. I have gone through all these papers rather carefully and nowhere at all can I find any evidence adduced under any of these four heads for this particular Bill. The problem of the non-agricultural tenants, Sir, is a long-standing one in Assam just as it is in the neighbouring province of Bengal. In 1938 the Government of Bengal appointed a Land Inquiry Committee under the then Member of the Board of Revenue. As evidence of the complexity of this problem, that Board of Inquiry—the Land Inquiry Committee—took over two years before submitting a very exhaustive report. On the strength of that report the Bengal Government have drawn up the Bengal Non-Agricultural Tenancy Bill which was published in *Calcutta Gazette* in September 1941. This Bill, Sir, of the Bengal Government is a closely printed document of 15 pages and it does do some justice to the difficult problems which have been raised. But Mr. Abdul Aziz's draft, in my opinion, does not do justice to the problems in any way. Its main features are first of all persons occupying non-agricultural lands acquire occupancy rights quite irrespective of whether there is a lease or contract under which they hold such lands and secondly, the effect of the Bill confirms these people in their occupation of the lands on rents more or less fixed in perpetuity subject to a maximum of 50 per cent. above 1937 rates. Thirdly, the person can be ejected only by the order of the Civil Court for arrears of rent or for impairing the value of his lease. The arrears carry interest at  $6\frac{1}{4}$  per cent. and no decree can be executed if the tenant pays the full amount within 30 days. The practical effect of this provision is that any tenant of non-agricultural land can use this provision merely as a very cheap form of Bank over-draft.

Fourthly, the landlord has got no right whatsoever of pre-emption for he has to put up with any person to whom the tenant wishes to transfer his holding either by sale or bequest or by gift. Fifthly, the landlords' transfer fee which is 25 per cent. ordinarily and is 25 per cent. in the Bengal Bill has been reduced in Mr. Abdul Aziz's Bill to 2 per cent. Sixthly, the rent can only be enhanced by -/2/- (two annas) in the rupee by the order of a Court and cannot again be enhanced for another period of 10 years. Moreover under clause 15, the Court can reduce the rent if it finds it "excessive". Those are the very words. There is nothing whatever in the Bill to show what consideration must guide the court in interpreting the term "excessive" or the term "reasonable". Clearly the only yard stick in such cases must be the customary rent paid for similar holdings in the vicinity. I do submit, Sir, that it is extremely slovenly to use words like "excessive" and "reasonable". Any person introducing legislation, whether that legislation is introduced by Government or private, must accept a standard of draftsmanship, where in the way faring man, though a fool, should not err therein. I do make this appeal, as I have made it before, for a more accurate use of words. I regret to find very little regard for the correct use of words in



this particular Bill. Finally, Sir, the compensation for valuation of a building or land is automatic. Whatever the nature of contract between the landlord and the tenant may be, this compensation does not vary with the period in which the tenant has been in occupation. I should like to contrast this condition with the provision of the Bengal Bill of compensation to those tenants who have held the land for a period of not less than 12 years.

The second line of investigation of this Bill, if it must go to the Select Committee, is to draw the hon. Mover's attention to a number of very important omissions. The first omission in the draft Bill is that it applies to fisheries, forest produce and minerals, in any such holding. I don't think it is the intention of the Mover, but if it is, it ought to be clearly stated. Another omission is important. This Bill does not cover sub-leases by tenants. The Bill in reducing the value of landlords' monopoly, may set up an equivalent monopoly by a tenant who sub-lets to a sub-lessee. A tenant is just as liable to harass the sub-tenant, as landlords are alleged to have done in Sylhet. If there is harassment, it has to be dealt with whoever the author of that harassment may be and there should be provision for governing the relationship between tenant and sub-tenant.

The third omission is that there is no provision whatever for dealing with either a co-sharer tenant or a co-sharer landlord. As an example, what is to happen, if a co-sharer sells his share? Will the other remaining co-sharers have the right of pre-emption to purchase that share? This and similar difficult problems are at least dealt with in the Bengal Bill. This Bengal Bill has not yet been passed into law, and I commend the Bengal Bill for consideration both of the Mover and, if the Select Committee is appointed, of the Select Committee.

The fourth omission, Sir, is there is no mention whatever of any consideration which should guide a court in the matter of enhancing or reducing rent. Clearly, the court must consider some factors and the courts like any other human beings, are entitled to ask from a good Legislature some guidance. I suggest, Sir, these factors are, first, the customary rent paid by persons who hold similar tenancies in the vicinity, secondly, the rate of rent and the period for which it has remained without enhancement, thirdly, the particular advantage of the site, fourthly, the market value of the land and a reasonable percentage return on such value and fifthly, the costs incurred either by the landlord or by the tenant in improving the holding. Merely to leave these very difficult questions to the expression that the rent would be what the court thinks "reasonable" and in no case the enhancement will be more than two annas in the rupee, is a very unfair guide to the court and obviously an inequitable burden on the landlord. There is another omission, Sir. The difficult question of transfer of holdings is dealt with in one very small clause—clause 12. There is nothing to show how notices of transfer shall be made, what agencies will be used, how co-sharer landlords can be sure of receiving the correct notices. There is no provision to show how the transfer fees will be paid—whether the rate of 25 per cent. or the 2 per cent. deemed reasonable by the Mover. There is another omission. The Bill is supposed to assist the relationship between landlords and tenants. The Bill is nothing in the Bill which is really going to help the relationship between landlords and tenants by providing for a lease to govern the tenancies. In some cases obviously the grant of a lease will be the most business-like arrangement. If it is security of tenure which Mr. Aziz requires, there should be a clause to provide the conditions on which the tenant can secure a lease on fair and reasonable terms, and these terms should be fixed by a reference to the court only on the failure of an agreement between the



parties. The final omission, I would ask the Mover to note, is that there is nothing in the Bill to distinguish between the various classes of non-agricultural tenancies. They are all bunched together in the comprehensive and very difficult term—non-agricultural. The main classes in my opinion, are tenancies for homestead or residential purposes, tenancies for manufacturing or commercial purposes, other tenancies such as those created for religious or educational purposes. But all these tenancies are bunched together and treated in the most arbitrary way. In the case of manufacturing premises the provisions of the Bill are likely to deter any business enterprise and block a large scale development scheme. This analysis, Sir, is by no means exhaustive. If a careful examination of the Bill is made, other points will emerge. I am really in the position of Mr. Mookerjee in one of his more charming roles a “ Seeker after enlightenment ”.

This problem requires to be considered in the interests of both the tenant and the landlord. I agree, Sir, that there is a problem for non-agricultural tenants, but I do not think that problem can in any way be eliminated by slovenly legislation like this Bill. Where there is such a problem, and where it is proposed to modify the long standing relationship between tenants and the landlords, I consider that in the first instance that problem should be enquired into by an impartial agency. We, the Members of this Assembly, from whatever group or party we are drawn, are not in any sense impartial, for impartiality is an attitude which very few of us can realise. I suggest, Sir, that Mr. Aziz, the Mover, in this Assembly never makes any attempt to disguise his partiality. (*Laughter*). Quite rightly, we are all partial. Quite rightly Mr. Aziz has got to look after his constituents and he therefore introduces this remarkable piece of legislation to make a fundamental change in a long standing relationship. The first essential is a reasonable and impartial survey of the position and having got that survey and that report, let the Government of the day draw up legislation. It is their responsibility to introduce legislation of this kind, if there is need for legislation. By all means, let it be introduced by the Government of the day with the aid of the revenue experts and, particularly, Sir, with the aid of drafting experts. I am not necessarily opposed to the Bill, but I am opposing the drafting carelessness and I am opposed to the manner in which it has been introduced, and the absence of justification for the Bill. What I have said is mainly intended for the Select Committee, so that when the Bill comes to this House next time, we shall not have to go over these grounds again.

**Khan Bahadur Maulavi MAHMUD ALI:** Mr. Speaker Sir, Mr. Mookerjee said that the policy of communal representation should be followed in the formation of the Select Committee, but I say communal proportion should not be there but all parties of the House should be represented in the Select Committee. From that point of view I find that the Congress Party is not represented in the Select Committee and also the Planting Group is not there. So I suggest that one member should be taken from the Congress side and one from the Planting Group. I also suggest that Mr. Sen also should be taken in. If the House agrees and if the Mover agrees these three Members should be included.

**Mr. A. WHITTAKER:** Speaking for myself, I do not think it is possible for any member of my party to make good drafting sense of the Bill as it is drawn up at present.

**Babu DAKSHINA RANJAN GUPTA CHAUDHURY:** Mr. Speaker Sir, I do agree with every Member of this House that a Bill of contentious nature should not be taken in a thin House like this. But so far as this Bill



is concerned, the principle of this Bill was accepted by a full House while we discussed the Sylhet Town Tenancy Bill. So far as the present Bill is concerned, it is merely extension of the principle which the House accepted by an over-whelming majority while discussing that Bill. So the contention that a Bill of this type should not be brought before a thin House like this falls to the ground.

As regards the argument that has been advanced by those who oppose the Bill I must say that they have quoted the opinions which have been given by only those gentlemen who own land in towns and as such are interested. As regards the necessity of the Bill it has already been accepted by the House and also what we have heard from Mr. Whittaker, he also recognises that the relationship between the tenants and landlords in the municipal and non-agricultural areas is an all India problem. Bengal Government have taken up this matter in right earnest. So far as my knowledge goes Madras Government has also passed a Bill.....

**Mr. A. WHITTAKER :** No.

**Babu DAKSHINA RANJAN GUPTA CHAUDHURY :** I speak subject to correction, Sir. We waited, Sir, long 5 years for such a Bill from the Government. It is overdue and we expected Government would bring in such a legislation. It is only when the Government of the day failed to bring such a legislation that the notice of the present Bill was given. I remember full well that as many as four members of my party gave notice of such a Bill as early as 1940, and I have no hesitation in extending the support to the principle of the Bill. So far as the details of the Bill are concerned, Mr. Whittaker has spoken about some, they can be thrashed out in the Select Committee and the Bill may come out in its proper shape to adjust the relationship between the landlords and the tenants from the Select Committee and in that view of the matter I extend my support to the principle of the Bill.

I do not want to go to the communal ratio but the different interests affected by this Bill should be included in the Select Committee so that the Bill might come out of the Select Committee in its proper shape and in its proper perspective. We might also benefit from the Bengal Bill that has been published in the Calcutta Gazette. I therefore lend my support to the Bill moved by my hon. Friend Maulavi Abdul Aziz.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN :** Sir, I beg to endorse every word that has been said by Mr. Whittaker on this motion. As I pointed out before, this Bill, as he has said, is a remarkable legislation but with so many defects that nobody can be a party to such a legislation. I would again appeal to the hon. the mover to postpone this legislation in view of the fact that no such legislation has been passed in Bengal as yet but if he presses the motion, as I have said before, the Government will not be a party to it but will ask the House to decide it by their free vote.

**Maulavi ABDUL AZIZ :** Mr. Speaker, Sir, I cannot accept the appeal made by the Hon'ble Minister-in-charge. I am sorry that I fail to do that. We have been in the Assembly for long 7 years. There was a Bill for the Sylhet Town alone. That Bill was passed by both the Houses and still it remains a Bill and has not yet become an Act. I do not know why. That Bill did not include Muffasil area and therefore I drafted this Bill. Of course, I admit that there are certain defects in the Bill but I am a layman. It was the duty of the Government to draft a Bill—a comprehensive one—but the Government failed in their duty and therefore I introduced this Bill making it as best as I could. The principle of the Bill has



been admitted by the House and if there are certain omissions those omissions might be rectified in the Select Committee in the light of the suggestions made by Mr. Whittaker. I do not see any objection to the Bill being amended, as it is always done, in the Select Committee. So in view of that I submit that the hon. Members of the House would lend their support to my Motion for reference of the Bill to the Select Committee.

The suggestion made by Khan Bahadur Maulavi Mahmud Ali for inclusion of Babu Dakshina Ranjan Gupta Chaudhuri from the Congress Group and Babu Kamini Kumar Sen are accepted.

**The Hon'ble the SPEAKER:** That cannot be accepted unless an amendment is moved.

(After a pause)

I am going to put the question. There was a request by the Hon'ble Minister that in a thin House like this such a Bill should not be proceeded with and on the last occasion also I joined with the Hon'ble Minister in giving this advice that in a thin House a contentious Bill should not be taken up. But I also said to the House then that if such a Bill were proceeded with in a thin House, my duty would be to see whether there had been a proper and sufficient debate. I have listened to this debate very attentively and I do not think there has not been a proper and sufficient debate. All the aspects of the question have been placed before the House by the hon. Members who have spoken and the debate has come up to the proper standard. I am therefore going to put the question to the House. The question is:

"That the Sylhet Non-Agricultural Tenancy Bill, 1941 be referred to a Select Committee consisting of the following members:—

1. Maulavi Abdur Rahman,
2. Maulavi Mabarak Ali,
3. Maulavi Abdul Bari Chaudhury,
4. Babu Bipin Behari Das,
5. Babu Lalit Mohan Kar,
6. Khan Bahadur Maulavi Mahmud Ali,
7. The Hon'ble Minister-in-charge, and
- 8. The Mover (*i.e.*, Maulavi Abdul Aziz).

• (Four members to form a quorum)".

#### THE ASSEMBLY DIVIDED

##### AYES—17

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|--|--|
| 1. Babu Balaram Sircar.                  | 10. Maulavi Abdur Rahman.                    |
| 2. Babu Bipin Behari Das.                | 11. Maulavi Dewan Muhammad Ahabab Chaudhury. |
| 3. Babu Dakshina Ranjan Gupta Chaudhuri. | 12. Khan Bahadur Maulavi Mahmud Ali.         |
| 4. Babu Kamini Kumar Sen.                | 13. Maulavi Mabarak Ali.                     |
| 5. Babu Karuna Sindhu Roy.               | 14. Srijut Bideshi Pan Tanti.                |
| 6. Babu Lalit Mohon Kar.                 | 15. Srijut Dhirsingh Deuri.                  |
| 7. Babu Nirendra Nath Dev.               | 16. Mr. Jobang D. Marak.                     |
| 8. Srijut Ram Nath Das.                  | 17. Babu Sanat Kumar Ahir.                   |
| 9. Maulavi Abdul Aziz.                   |  |

##### NOES—10

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|---|--------------------------------|
| 1. Mr. Baidyanath Mookerjee.                | 5. Mr. E. H. S. Lewis.         |
| 2. Srijut Joges Chandra Gohain.             | 6. Mr. D. B. H. Moore.         |
| 3. Rai Sahib Doulat Chandra Gohain.         | 7. Mr. R. A. Palmer.           |
| 4. Khan Bahadur Hazi Abdul Majid Chaudhury. | 8. Mr. A. Whittaker.           |
|   | 9. Mr. Binode Kumar J. Sarwan. |
|   | 10. Rev. L. Gatphoh.           |



**Khan Bahadur Maulavi KERAMAT ALI:** Sir, one hon. Member over there came by the same door through which he went to the Ayes Lobby. So his vote should be cancelled.

**The Hon'ble the SPEAKER:** I do not think on that ground his vote should be cancelled. He was within the Chamber when he went to the Lobby to cast his vote though he chose a wrong way in coming to the Chamber after voting. He ought not to have done so.

The question was adopted.

#### The Assam Pasture Bill, 1943

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir I beg leave of the House to introduce the Assam Pasture Bill, 1943.

**The Hon'ble the SPEAKER:** The question is "Leave be granted to introduce the Assam Pasture Bill, 1943."

The question was adopted.

The Secretary then read the Title of the Bill.

**Maulavi ABDUR RAHMAN:** Sir, I beg to move that the Bill be taken into consideration. This Bill aims at lands enabling the poor farmers who are owners of cattle, to make necessary provision of lands for the cattle they own. The aims and objects stated in the Bill are that milk constitutes a very important source of food to the people of the province. At present the supply of milk is steadily decreasing and the quality of the milk that is supplied to us is also deteriorating. The reason is obvious. The milk giving cattle are degenerating, so also the plough cattle, in capacity and land in the province. The object of this Bill is to provide more grazing ground for cattle so that a large number of cattle may be maintained in proper health in the province. Sir, this may be well known to the hon. Members of this House that in pursuance of an appeal by His Excellency the Viceroy, Lord Linlithgow, a Cattle Improvement Society was constituted in Calcutta under the secretaryship of an able Member, and he also issued appeals to the Members of the Legislature of all provinces of India, and after I received an appeal from him I made this endeavour to get this legislation approved. Sir, the provision which I have sought to make in the Bill is that the Deputy Commissioners of the Districts of the province may be empowered so that on the application of 5 or more persons a particular land may be set apart for the purpose of pasture land—Deputy Commissioners being satisfied from enquiries that the land applied for has not been cultivated for a period of 5 years which is to be considered as waste-land and suitable for the purpose of pasture land. Then again, Sir, it is also provided in the Bill that any person interested in the land, if aggrieved by the declaration of the Deputy Commissioner, may, within 30 days from the date of such order, apply to the Senior Munsif under whose territorial jurisdiction the land is situated to set aside the order of the Deputy Commissioner and in that case the decision of the Senior Munsif will be final and his decision shall not be challenged in any Civil Court. Sir, it has also been sought to be provided that some compensation, if so required, may be paid to the owners of the land, and the amount of compensation shall be determined by the Deputy Commissioner, and also this has been provided that if the amount of compensation made by the Deputy Commissioner be not satisfactory to the owners of the land, he may seek the redress by applying to the Senior Munsif and in which case also the order of the Senior Munsif will be final in granting the compensation. Sir, the question of financial side may also be stated. It has been sought that the Provincial Government may contribute to the Fund which will be created under the guidance and control of the Provincial Government for the purpose of acquisition



of land and other necessities, and Local Bodies also will be requested to make contribution to this Fund. I have tried to make another provision that Government shall appoint an advisory board under this Act whose advice would be taken whenever necessary regarding the management, finance and control of the Fund. Another most important thing which I have tried to provide in the Bill is that Government for the purpose of declaring some areas to be pasture land may declare a part of the forest areas as pasture land. In fact, in forest areas, much lands are allowed to remain *patit i.e.*, waste. No body can go there to graze their cattle. I should like to request Government to declare certain areas such as *ilam* lands to be free pasture lands. Also there are lands adjoining railways on both sides, such lands may be declared as pasture lands to help the people to graze their cattle there.

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:** There is a risk of cattle being killed.

**Maulavi ABDUR RAHMAN:** But this will solve the question of fodder. It is a fact that our cattle are deteriorating for want of proper fodder. Government should come forward to see that provisions are made for sufficient fodder for the cattle of the province. The Province of Assam being mostly an agriculture province, 90 per cent of the population being agriculturists, it is necessary that cattle are maintained in proper health. To cultivators cattle are their lives and these cattle should be given sufficient protection. It is the duty of the Government to protect cattle from starvation by making suitable arrangements for sufficient fodder. I believe that hon. Members of the House cannot deny that some sort of action must be taken in order to provide sufficient fodder for our cattle. With this belief I make a fervent appeal to the Members of this House to lend their support to this innocent measure. I do not deny that the Bill might have been defective in many spheres, but if the hon. Members be convinced that they should do something for the cattle of the province they should extend their co-operation and support the consideration of this Bill.

**The Hon'ble the SPEAKER:** Order, order.

Motion moved: "That the Assam Pasture Bill, 1943, be taken into consideration."

**Mr. A. WHITTAKER:** May I rise to a point of order before the discussion proceeds further? Under section 299(2) of the Government of India Act, "Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land.....unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined."

The last sentence is the relevant part. You will see from the Bill that the compensation provided by the hon. Mover can only be paid for out of a Fund. Now subscriptions to that Fund are entirely permissive. Under clause 14, the Provincial Government may pay an amount into this Fund; Local Bodies also may make contribution to this Fund; and Government may accept donations. I should like to point out that if there is no obligatory provision of funds it cannot be said that either the principles or the manner in which compensations are to be paid, have been laid down as required by sub-section (2) to section 299 of the Government of India Act.



**Khan Bahadur Maulavi MUFIZUR RAHMAN:** May I speak a word? The Bill is called the Assam Pasture Bill. I think.....

**The Hon'ble the SPEAKER:** Has the hon. Member got anything to say on this point of order?

**Maulavi ABDUR RAHMAN:** I have already said, Sir, the compensation.....

**The Hon'ble the SPEAKER:** I do not clearly understand what Mr. Whittaker.....

**Mr. A. WHITTAKER:** May I try to explain? Under sub-section (2) of section 299 of the Government of India Act, before a Bill can be passed by the Provincial Legislature, it requires the payment of compensation for the property acquired; the Bill has either to fix the amount of the compensation or specify the principles on which and the manner in which it is to be determined. I should like to point out, Sir, that you cannot determine the compensation to be paid for land acquired unless there is a Fund out of which compensation can be paid. The only contribution that can be made into this fund, out of which compensation will be paid, is entirely permissive in character. Therefore a Bill that provides for payment of compensation from an entirely imaginary Fund seems to be out of order and *ultra vires* of the Provincial Legislature.

**The Hon'ble the SPEAKER:** Can it not be said that the Bill prescribes some principle of creating a Fund for the purpose?

**Mr. A. WHITTAKER:** There is no Fund.

**The Hon'ble the SPEAKER:** That is a question of opinion.

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, I am sorry, I cannot agree with Mr. Whittaker on the interpretation that he has given. The section enjoins that in such a legislation, provision shall be made in where-by compensation may be fixed or the principles on which, and the manner in which, it is to be determined are enunciated. There was no obligation on the part of the hon. Mover of the Bill to provide for the formation or stability of the Fund wherefrom the compensation is to be paid. Law does not require that; only the principle on which the compensation will have to be paid or the manner in which it will have to be paid has to be provided for and that has been done in this Bill. So I do not think, this point of order is valid one.

**Mr. A. WHITTAKER:** Mr. Speaker, Sir, as a layman, may I put the case of a man who has some waste land? It will be a poor consolation to tell him that he will be entitled to some compensation and that Government of India Act also gives him that safeguard if there is no fund under which that compensation can be met. The whole object of the safeguard of Section 299(2) is defeated.

**The Hon'ble the SPEAKER:** With regard to the point of order that has been raised by Mr. Whittaker, I am sorry, I am to hold that the point of order should fail. Of course, the hon. Member has given apparently plausible grounds on which he urges that the point of order should be upheld; but as I read Sub-section (2) of Section 299 I don't think that it can be so interpreted as to mean that for payment of compensation there should be a fund in existence or that there should be such a provision there as would make the creation of fund, for payment of compensation, a certainty. The sub-section requires that there should be a provision for payment of compensation and for payment of compensation it should either fix the amount of compensation or specify the principle on which, and the manner in which, it is to be determined. Reading the Bill, I see, there are some provisions which can be construed to mean that the Bill seeks to specify the principles on which, and the manner, in which the compensation is to be



determined and paid. It is not for the Chair to say whether the provisions made in the Bill are sufficient or not ; and in that sense the point raised is not really a point of order. The Sub-section says that "neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land or any commercial or industrial undertaking or any interest in or in any company owning any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and fixes the amount of the compensation, or specifies the principle on which, and the manner in which, it is to be determined." Therefore, sufficiency or in sufficiency of the provisions made in the Bill to comply with these requirements, is a matter for the House to decide. So on a consideration of the various provisions of the Bill, the House can either make improvements on the provisions of the Bill, or may consider the provisions not sufficient. And then ultimately it may reject the Bill if the provisions are found to be insufficient and if it is found that no improvements are possible to be made.

Now under sub-section (3) of section 299 we have already got the previous sanction of His Excellency the Governor, because the Bill is really one which seeks to expropriate some interest in land and also there is previous recommendation of His Excellency the Governor under section 82(3) of the Act on a consideration of the provisions of the Bill as providing for expenditure from the revenues of the Province.

Therefore, in this view, the Bill can be proceeded with at this stage.

**Mr. BAIDYANATH MOOKERJEE:** Mr. Speaker, Sir, before we take part in the discussion, I think, the hon. Mover should kindly explain his intention. In the definition given in the Bill, "waste land" has been defined and it runs thus—"Waste land means (i) any agricultural land not belonging to the Crown and which has not been cultivated for the last five years and which has been declared to be waste land under this Act..." Sir, the meaning is not quite clear so far the definition of the words 'waste land' are concerned. So, will he kindly explain what is the real intention of, the hon'ble Mover ?

**The Hon'ble the SPEAKER:** The hon. Member may deliver a speech and the hon. Member in-charge of the Bill will reply.

**Mr. BAIDYANATH MOOKERJEE:** I have stated just now that the definition is not clear to me because from the definition I find that "any agricultural land not belonging to the Crown and which has not been cultivated for the last five years and which has been declared to be waste land under this Act and includes all fallow lands and lands under jungle not used for Agriculture". This is not clear to me, Sir. While defining the words "waste land" he in both these cases has taken the assistance of this Act. But the idea of the hon. Mover should be made clear as to what he actually means by the expression "waste land". So I cannot follow what is his intention. As regards the other point, before we hear from the Government it is very difficult for us to take any part in the Bill because the question which was raised by my hon. Friend Mr. Whittaker, though on a different ground, is really a vital point in the Bill as to whether Government is ready to provide a fund from which the compensation for the lands which will be acquired from private owners will be paid. It will be better if we hear Government side first so that we can understand the meaning of the explanation given of the expression "waste land".



**Babu KARUNA SINDHU ROY:** Mr. Speaker, Sir, a similar Bill was given notice of by me in the former sessions but unfortunately it did not come up for introduction. It is an essential fact that the system of cultivation cannot proceed without cattle. Owing to "Grow More Food" campaign of the Government, people are engaged in utilising pasture lands for cultivation as they do not get extra land from the landlords. The landlords are getting profit from the waste land which the landlords did not get when there were pasture land. So the Bill is a necessary one and I support the Motion.

**Mr. BAIDYANATH MOOKERJEE:** Why don't you explain waste land?

**Khan Bahadur Maulavi MUFIZUR RAHMAN:** Probably the hon. Mover does not know that in the Brahmaputra Valley, Government have reserved sufficient land for grazing purpose. I don't know whether this Bill will apply there. In the Goalpara and Sylhet districts it may apply because there is no grazing reserve.

**The Hon'ble Maulavi MUNAWWAR ALI:** Mr. Speaker, Sir, I do not know whether I should congratulate the hon. Mover of the motion or not. I think he has selected the most inopportune time for a Bill like this. When the Government is committed to the policy of a vigorous campaign of "Grow More Food", which means give more lands, when Government is seriously thinking what portions of all the pasture lands in the various parts of the province could be thrown open for growing more food crops and of similarly disforesting the reserved forest areas, when constant pressure is being brought to bear upon the Provincial Government by the Government of India to make more lands available for growing more food crops, I do not think if the hon. Mover has selected an opportune moment for his Bill. When there is a Pasture Bill like the one which is under discussion this afternoon *viz.*, the Assam Pasture Bill, 1943, I was reminded of a line of a poem of a great English poet, "Water, water, everywhere, not a drop to drink" to think that a province like Assam needed a pasture legislation. The question seems quite the reverse, so far at least as the Assam Valley is concerned. The venerable Khan Bahadur from Sylhet has pointed out rightly that this Bill, if passed into law, will have no applicability in the Brahmaputra Valley. I am not sure of the conditions obtaining in the district of Goalpara. Both the districts of Sylhet and Goalpara are practically permanently settled ones. It will perhaps be the duty of the landlords to provide sufficient grazing lands for their tenants and Government should not feel induced to take compulsory steps and make reservation of grazing lands. If a legislation like this will not be an infringement of the rights of Permanent Settlement, is a question. It should be the duty of the tenants in the permanently settled districts to bring to the notice of the Zamindars the necessity of reserving grazing lands if and where it exists, and get more lands reserved for that.

My hon. Friend is anxious for better milk supply and improvement of cattle. But we cannot agree that the remedies suggested in the Bill are those which will effectively solve the problem. Of course, I admit that there is the problem, but the solution of it lies perhaps with the rearers of cattle. It should be the duty of all public leaders to bring home to the people of the province the effective methods for cattle rearing, which, certainly are not by providing more pasture lands. So far as the state of things exists in my district, I do not admit that there are no sufficient pasture lands. Except in sporadic places, it is seen that the tenants themselves, on whose behalf this legislation is proposed, are gradually putting more and more pasture lands to cultivation which were reserved by time immemorial



customs, for grazing. You, Sir, were certainly aware, as a leading lawyer of the district how many cases cropped up under section 147 of the Criminal Procedure Code every year. The solution of this lies in making propaganda among the people and in making them realise the necessity and utility of preserving the pasture lands which have been existing from time immemorial.

There is a distinct division of views as to how cattle is to be improved. Personally for myself, I do not believe that the remedy lies in the extension of increase of pasture lands. It lies rather in the opposite direction, as I have already suggested, it lies in propaganda and in teaching the people to adopt improved methods of rearing cattle. One very great objection to grazing in herds in pastures lands which often is urged by experts, is this: When a single individual cattle gets infection of some epidemic disease—say rinderpest—it infects the entire flock and hence, the entire cattle population of the locality have often to succumb to it. The hon. Mover of the Bill has dilated at some length upon the provisions of the Bill which he has presented. He considers that the piece of legislation that he suggests is innocent. But as has been explained clearly by my predecessor, to whose views I entirely subscribe, that it is not so. It is suggested that there should be compulsory acquisition of land for grazing purpose, and I am thankful to my hon. Friend—Mr. Whittaker—who has raised the point of legality. Supposing, Sir, the Bill, as it has been placed is passed, supposing, for the matter of legal opinion the Bill is in order, as you have ruled, to which I must submit, and not *ultra vi es*, supposing, that this Bill is passed, what will be the result? Everything is permissive! Local Bodies and other donors may subscribe; even Government may contribute. Then when the acquisition proceedings is to be started, those who are to start the acquisition proceedings must be satisfied that there is the fund.

**The Hon'ble the SPEAKER:** But we are not taking the Bill into consideration clause by clause. "May," may be substituted by "Shall".

**The Hon'ble Maulavi MUNAWWAR ALI:** I submit Sir, so far as this Bill is concerned, there is no room for improvement in this respect—"Shall" cannot be substituted for "May"—which will not upset the entire frame and structure of the Bill. That is my view which I respectfully submit to you, Sir.

Then, Sir, the Senior Munsif is to sit in judgment over the orders of the Deputy Commissioner.

**Mr. A. WHITTAKER:** Yes.

**The Hon'ble Maulavi MUNAWWAR ALI:** This is rather I should say a bit strange provision.

**The Hon'ble the SPEAKER:** Why? Many executive actions of very high officials and even of Government are considered by Munsifs.

**The Hon'ble Maulavi MUNAWWAR ALI:** That is so, Sir. But this is given in general law and not in a particular and special law. We hardly ever come across such a provision in special laws.

Then again, it has been suggested in the Bill that railway road-side lands are to be acquired. Government do not possess those lands and Government have no dominion over them, and perhaps if Government would initiate proceedings of acquisition, that might be *ultra vires*.

I must compliment my Friend when he admits in his own phraseology that "the Bill is defective in many spheres". It was his business, Sir, to show when he was conscious of the defects, what those defects were, it was his business to carry the House with him, and if he wanted to carry the House



he should have pointed out those defects and try to convince the House that when the Bill came through the later stages those defects were not so vital as not to be capable of being cured. This he has not done. It is his own admission ; I should say his own confession.

The Government attitude towards this Bill, I should say, is that if my hon. Friend, inspite of the debate, is keen on getting into further stages of the Bill, Government would not oppose a Motion for circulation of the Bill for eliciting public opinion.

**The Hon'ble the SPEAKER :** But the Motion is that the Bill be taken into consideration. If it is the desire of the Hon'ble Minister that the Bill be circulated for eliciting public opinion, he ought to have brought in an amendment.

**The Hon'ble Maulavi MUNAWWAR ALI :** That is what I have indicated, Sir. I can just move that the Bill be circulated for eliciting public opinion thereon by the 30th of June 1943.

**The Hon'ble the SPEAKER :** Then the amendment moved is : "That the Assam Pasture Bill, 1943 be circulated for eliciting public opinion thereon by the 30th June 1943."

**Maulavi ABDUR RAHMAN :** Mr. Speaker, Sir, I understand no other hon. Member is going to speak.

**The Hon'ble the SPEAKER :** Is it so ? Then the hon. Mover may reply.

**Maulavi ABDUR RAHMAN :** Sir, first of all I may let the House know that I have no difference of opinion with the Hon'ble Minister-in-charge in the matter of circulating the Bill for eliciting public opinion.

**The Hon'ble the SPEAKER :** The Hon'ble Minister has taken advantage of what the hon. Member said in his first speech.

**Maulavi ABDUR RAHMAN :** I said Sir, there may be certain defects. If I could guess any of the defects, I would not have left them to remain in the Bill. One cannot be ' সব জাড়া ' and so I said there might be some defects. Mr. Mookerjee has raised one question in regard to the definition of waste land. In clause 4 provision has been made to the effect that on the petition of any five or more persons the Deputy Commissioner will declare an area to be a waste land. Of course, the Deputy Commissioner may take the initiative on his own motion to declare some area to be waste land. So this has been provided in clause 4. Lastly, Sir, I do not grudge the motion made by the Hon'ble Minister.

**The Hon'ble the SPEAKER :** Does the hon. Member accept the amendment ?

**Maulavi ABDUR RAHMAN :** Yes, Sir.

**The Hon'ble the SPEAKER :** Then I think the Hon'ble Minister has got nothing more to say.

**The Hon'ble Maulavi MUNAWWAR ALI :** I may point out one thing, Sir. The hon. Member has defined "cattle" to include cows and bulls and excluded the castrated cattle.

**The Hon'ble the SPEAKER :** Order, order, the question is : "That the Assam Pasture Bill, 1943 be circulated for eliciting public opinion thereon by the 30th June 1943".

The question was adopted.



### The Assam Fisheries Bill, 1943

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I beg leave of the House to introduce the Assam Fisheries Bill, 1943.

**The Hon'ble the SPEAKER:** The question is:

“That leave be granted to introduce the Assam Fisheries Bill, 1943”.

The question was adopted.

The Secretary then read the title of the Bill.

**Maulavi ABDUR RAHMAN:** Sir, I beg to move that the Assam Fisheries Bill, 1943, be taken into consideration.

Sir, this is also a very small and peaceful legislation, to protect the fisheries of the province. I find, Sir, that no Act has yet been passed or no action has yet been taken by the Government for this purpose. As the fish constitute the staple food of the people of the province, I think, Sir, that the Legislature should see their way to protect the fish. In the Statement of Objects and Reasons of the Bill I have stated that the Government has already decided to revive the Fishery Department with a view to bring about a healthy development in the fishing industry of the province. It is, therefore, desirable that necessary powers should be given to the Provincial Government to improve the industry in all possible ways. That is why this attempt for legislation. It is not unknown to the hon. Members of the House that the quantity of fish is being decreased day by day and it is quite insufficient for the consumption of the consumers. This being one of the staple foods of the people of this province, I do maintain, Sir, that Government or the legislators should move so that some protection can be given to the people. Sir, it has been proposed that the Provincial Government may by a notification published in the Official Gazette, apply such rules to any private water with the consent in writing of the owner thereof and of all persons having exclusive right of fishery therein. Such rules may prohibit fishing without licence and prescribe conditions for such licence.

Sir, during the latter part of April and in the Bengali month of Baisakh ‘Ujai mara’ is in vogue and in some parts of the province it is known in other terms probably. At that time fishes are caught in abundance in such a huge quantity that even one *hali* of *ghania* fish is sold at one anna, i.e., 4 fishes can be purchased by one anna, people can bring fish from the *haor* in such a tremendous quantity. This is one of the reasons why the quantity of fish is deteriorating and diminishing day by day. So there should be some protection and this sort of catching fish should be prohibited.

Another thing, Sir. By letting the *mahajal* or very big net, all very big quantities of fishes are caught by the dealers, which is simply wonderful. All these things should be put a stop to. Unless some checking on the nature of catching of fish, a staple food of the people of the province, is made, the quantity of fish will be diminished soon. My intention is that the Government should put a stop to this sort of catching fish by legislation. With these words I move my motion for the acceptance of the House.

**The Hon'ble Maulavi MUNAWWAR ALI:** As regards this Bill, Sir, the Government attitude is the same as it was with its predecessor. It is rather to enable the House to get an inkling into the provisions of this Bill, that I think it is necessary to make some observations on its general features. I think that it is well known to this House that the hon. Mover himself had given a notice of the same Bill at the December Session of the Assembly in 1941 but it was not introduced. The sole object of the Bill seems to be to provide for rules being framed to control fishing,



I should, for the information of the House say that power already exists in Section 6 of the Indian Fisheries Act. We have already drafted rules under that section after consulting local officers and they are only awaiting publication of the list of fisheries before they are published for criticism and subsequently confirmed.

As regards the merits of the Bill: *Clause 3*—This contains definition of *Fishery Officer* and *fishing offence*. Our Legal Adviser thinks that an enabling clause rather than definition would be better. The clause involves appointment of a Fishery Officer with powers under the Act with adequate staff. At present we have only one Fishery Officer.

As regards *Clause 4*, it provides for giving powers to Provincial Government for making rules. As I have already stated, section 6 of the Indian Fisheries Act gives the powers—except that mentioned in clause 4 (3) (b) in which rules for prohibiting the killing (probably seizing is meant) of any prescribed species or of any prescribed size or weight have been provided for. The reason for this wholesale prohibition is not at all clear.

*Clause 5* provides for prohibition for selling or barter of any fish killed in contravention of any provision of the Act and rules. It will be difficult to find out as to what fish has been caught in contravention of the provisions of the Act and rules.

*Clause 6*—Provides for punishment for breaking the rules. We have made provision for this in our draft rules.

*Clauses 7, 8 and 10—Trial of offences.*—Perhaps the provisions of section 7 of the Indian Fisheries Act are sufficient. I may draw the attention of the hon. Members to those provisions. Sir, I think I need not say anything more than what I have just now stated for the purpose of discussing the Motion before the House. I have already stated what attitude the Government proposes to take in the case of this Bill, and I beg to move that “The Assam Fisheries Bill, 1943, be circulated for eliciting public opinion thereon by the 31st July, 1943.”

**The Hon'ble the SPEAKER:** I may put the Motion that: “The Assam Fisheries Bill, 1943, be circulated for eliciting public opinion thereon by the 31st July 1943”.

The question was then put and adopted.

Now we come to item Nos. 2 and 6 of the agenda. These will be taken up on the next non-official day, as Maulavi A' dul Bari Chaudhury has made a request in that behalf.

### Adjournment

The Assembly was then adjourned till 11 A.M. on Monday, the 15th March, 1943.

Shillong,  
The 17th April 1943. }

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