

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M., on Thursday,
the 1st March, 1945.

PRESENT :

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

OATH OF ALLEGIANCE

The following new Member was sworn in :—

1. Srijut Ghana Kanta Gogoi (in the room of the late Srijut Jogeschandra Gohain, B.L.)

PANEL OF CHAIRMEN

The Hon'ble the SPEAKER : The Panel of Chairmen for this Budget Session of
the Assam Legislative Assembly, 1945, will be as follows :—

1. Babu Rabindra Nath Aditya.
2. Maulavi Abdul Bari Chaudhury.
3. Mr. C. W. Morley.
4. Mr. C. Goldsmith.

QUESTIONS AND ANSWERS STARRED QUESTIONS

(To which oral answers were given)

Karimganj Debt Conciliation Board

Maulavi MABARAK ALI asked :

*1. Will Government be pleased to state—

- (a) The number of cases instituted in the Karimganj Debt Conciliation Board in the years 1942, 1943 and up to August 1944 (to be shown separately year by year) ?
- (b) The number of cases disposed of in the said years (to be shown separately) ?
- (c) The number of year old cases pending ?
- (d) The number of cases in which more than once the same debtor submitted petition for settlement of his debt to the Debt Conciliation Board, Karimganj ?

*2. (a) Will Government be pleased to state whether they propose to discontinue the workings of the Debt Settlement Boards in the Province ?

- (b) If not, do Government propose to limit the settlement of debts up to certain years as in Bengal ?

*3. Will Government be pleased to state—

- (a) Whether it is a fact that some case records and Cash Book of the Karimganj Debt Conciliation Board have recently been found missing from the office of the Debt Conciliation Board, Karimganj ?
- (b) If so, the steps taken by Government to detect the real culprit ?
- (c) Whether it is a fact that the cash of the said Board always remains with the Chairman of the Board ?

The Questions were put by Mr. Baidyanath Mookerjee on authorisation.

(d) How many times the accounts of the Karimganj Debt Conciliation Board were audited by Government auditors or officers since its establishment ?

(e) Whether it is a fact that the Karimganj Debt Conciliation Board, the agreements entered into by debtors and creditors, are registered after 2 months to 1 year or more ?

(f) If so, under what rule or law ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

1. (a)---	1942	...	...	...	1,212
	1943	...	...	...	853
	1944 up to August	...	...	...	475
(b)---	1942	...	...	...	1,070
	1943	...	...	...	916
	1944 up to August	...	...	...	354

(c)—The number of year old cases pending was 188 up to November last.

(d)—It is not possible to collect the information ; but the number of such applicants is very small and whenever any such case is brought to the notice of the Board, steps are at once taken to dispose of the petition.

2. (a)—Only Boards which cannot justify their existence by the number of cases registered are abolished. Government do not propose to abolish those Boards which are doing useful work.

(b)—There is no such proposal before Government.

Babu KAMINI KUMAR SEN: Is it not a fact that the Debt Conciliation Act was passed solely because prices of agricultural produce and agricultural land became abnormally low at that time ?

The Hon'ble Maulavi MUNAWWAR ALI: No, Sir.

Babu KAMINI KUMAR SEN: Will the Hon'ble Minister kindly refer to the Objects and Reasons of the Bill passed in 1936 ?

The Hon'ble Maulavi MUNAWWAR ALI: That was one of the reasons.

Babu KAMINI KUMAR SEN: Is it not a fact that the prices of agricultural produce and agricultural land are now abnormally high and as such the Act is not justified under the present conditions ?

The Hon'ble Maulavi MUNAWWAR ALI: That is so, Sir. But with reference to other essentials they are now abnormally high.

Babu KAMINI KUMAR SEN: As I have already said, Sir, the Objects and Reasons will show that the sole purpose of the Bill was to give relief to the debtors only because prices of agricultural produce and agricultural land became abnormally low.

The Hon'ble Maulavi MUNAWWAR ALI: It is a fact but not dissociated with other essential factors.

Mr. BAIDYANATH MOOKERJEE: May I know what is the minimum number of cases for closing down a Board ?

The Hon'ble Maulavi MUNAWWAR ALI: The number that is sufficient in the opinion of Government—with reference to each individual case.

Mr. BAIDYANATH MOOKERJEE: May we have some idea about that sufficiency ?

The Hon'ble Maulavi MUNAWWAR ALI: That idea cannot be given in general.

Babu KAMINI KUMAR SEN: Will Government be pleased to take into consideration the fact that in Bengal debts incurred after January 1940 are not decided by the Debt Conciliation Boards ?

The Hon'ble Maulavi MUNAWWAR ALI: Conditions prevailing in Bengal do not stand on all fours with conditions obtaining in Assam. But if the matter will come up for consideration Government will take into consideration these things.

Khan Bahadur Maulavi KERAMAT ALI: What about debts barred by the Limitation Act ?

The Hon'ble Maulavi MUNAWWAR ALI: Barred debts are barred.

Khan Bahadur Maulavi KERAMAT AL: Are the Debt Conciliation Boards authorised to take up cases where the debts are barred?

The Hon'ble Maulavi MUNAWWAR ALI: Certainly not; they are barred.

The Hon'ble Maulavi MUNAWWAR ALI replied:

3. (a)—Yes.

(b)—The matter was referred to the Police for investigation, but they could not discover any clue to detect the culprit and submitted their final report accordingly.

(c)—No. The cash of the Board remains under double lock in the Sub-

Treasury.

(d)—The Board has been inspected by the Commissioner of Divisions, Sub-divisional Officer, Karimganj and the late Superintendent of the Debt Conciliation Boards but no audit of the accounts of this or any other Board has been made by Government auditors.

(e)—No.

(f)—Does not arise.

Dismissal of Sarpanch Babu Prasanna Kumar Das

†Maulavi MABARAK ALI asked:

*4. Will Government be pleased to state—

(a) Whether it is a fact that one Babu Prasanna Kumar Das, Sarpanch of Circle No.18, under Barlekha Police Station, Subdivision Karimganj (Sylhet), has been dismissed by the Subdivisional Officer, Karimganj, a few days back?

(b) Whether it is a fact that the said Sarpanch previously made some allegations against the Tahsildar and Paddar of Hakaluki Tahsil Office for making false entries in a list in connection with salt rationing prepared by the Sarpanch?

(c) If so, whether any enquiry was made to that effect?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

4. (a)—Babu Prasanna Kumar Das, Sarpanch of Circle No. 18 of Barlekha Police Station, was dismissed by the Subdivisional Officer on 2nd August, 1944.

(b)—No. No such allegations were made by the Sarpanch.

(c)—Does not arise.

Government Khas Lands in the Karimganj Char-bazar

†Maulavi MABARAK ALI asked:

*5 (a) Will Government be pleased to state whether it is a fact that many houses have recently been constructed over some *khas* lands of Government in the Karimganj Char-bazar, by Khan Bahadur Haji Abdul Majid Choudhury and others?

(b) If so, what steps have been taken by Government to remove these obstructions and encroachments?

The Hon'ble Maulavi MUNAWWAR ALI replied:

5. (a)—Yes.

(b)—Encroachment proceedings against the encroachers have been started and injunction notices under Section 144, Indian Penal Code, have been served on the encroachers.

School working hours during the month of Ramzan

†Maulavi MABARAK ALI asked:

*6. Will Government be pleased to state—

(a) The circumstances which led the Director of Public Instruction to increase the working hours in every school from 3 hours to 4½ hours in the month of *Ramzan*?

(b) Whether the Director of Public Instruction passed the order in consultation with the Government?

† The Questions were put by Mr. Baidyanath Mookerjee on authorisation.

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

6. (a)—The Muslims of Dhubri represented to Government requesting them to reduce the working hours of the schools during *Ramzan*. To afford facilities to the Muslim boys the Director of Public Instruction allowed the schools to be closed at 3 P.M. But as hitherto, the schools in Surma Valley used to work only for 3 hours during *Ramzan*, the working hours in the Surma Valley schools increased by one hour as a result of this order. When this matter was brought to the notice of the Director of Public Instruction he allowed the schools in Surma Valley to work for 3 hours as in the past.

(b)—Yes.

Burning of a Government godown at Manumukh

†Maulavi MABARAK ALI asked :

*7. Will Government be pleased to state—

(a) Whether it is a fact that one godown of the Government Rice and Paddy Procurement Agency at Manumukh, in the Subdivision of Maulvibazar, District Sylhet, has been burnt down to ashes, recently ?

(b) If so, whether there was any rice and paddy in the godown at that time ?

(c) Who was in charge of the godown on that date ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

7. (a)—Yes.

(b)—Yes, there was.

(c)—Messrs. Eastern Bengal and Assam Commercial Syndicate.

Licenses of the Rice and Paddy Procurement Syndicate

†Maulavi MABARAK ALI asked :

*8. Will Government be pleased to state—

(a) Why the licences of the Rice and Paddy Procurement Syndicate in the Surma Valley, were not cancelled as soon as the Motion to that effect was carried by the Assembly during its last November Session ?

(b) Why the Enquiry Committee, appointed by the Assembly, did not begin their work during the month of December last ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

8. (a)—Cancellation of the licences all on a sudden would have caused grave dislocation in the administration of procurement thereby rendering fulfilment of outside commitments and internal requirements impossible.

(b)—The gentlemen proposed by the Assembly to the Enquiry Committee did not agree to serve as members on the committee, and hence it took time to form a committee consisting of other gentlemen.

Mr. BAIDYANATH MOOKERJEE : Whether it depends on the sweet will of the officers who did not agree to serve on the Committee or has Government got some control over them, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The hon. Member may remember that it was the House which selected certain members for that Enquiry Committee, who were beyond the jurisdiction of the Ministers. I requested His Excellency the Governor under whom those officers serve, and His Excellency has told me that one of the members refused point blank to serve on this Committee ; the wife of another member, suggested by this House, suddenly took seriously ill and that officer had to take three months' leave and go to Calcutta for the treatment of his wife ; only one other member recommended by the House is willing to serve and we are searching other two members, and I am sorry to say that gentlemen after gentlemen have been refusing to work on this committee. Ultimately I have ordered that another gentleman from the Assam Valley be added and the committee of enquiry would start work as soon as possible with only two members.

† The Questions were put by Mr. Baidyanath Mookerjee on authorisation.

‡ All Questions relating to Public Works and Education Departments were answered on this day by the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla in the absence of the Hon'ble Khan Bahadur Sayidur Rahman.

Retaining fee of Subdivisional Government Pleaders in Sylhet district

†Maulavi MABARAK ALI asked :

*9. Will Government be pleased to state:—

- (a) Whether any retaining fee is paid to the Subdivisional Government Pleaders in the district of Sylhet ?
- (b) If so, what is that scale of fee ?
- (c) Whether it is a fact that Subdivisional Government pleaders are required to attend to large number of Pauper suits, deceased seamen's inheritance matter and various other Revenue cases ?
- (d) Whether Government pay any fees for the services rendered by the Subdivisional Government Pleaders in these matters ?
- (e) How many of such suits and other matters have been dealt with by the Government Pleader of Karimganj from 1941 to August 1944 and how much he got as his total fees and remuneration during that period ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

9. (a) and (b)—Formerly only the Subdivisional Government Pleader of Habiganj received a retaining fee of Rs. 30 per month. Government have recently sanctioned a retaining fee of Rs 30 a month, from 1st February 1945, to the Subdivisional Government Pleaders of Sunamganj, Karimganj and Maulvibazar.

(c) and (d)—The Subdivisional Government Pleaders are required to give advice on these cases and if necessary conduct them. As a matter of fact these cases are not very numerous. In pauper cases when they are not actually contested and no appearance is necessary, the Subdivisional Government Pleaders do not get any fees. In deceased seamen's inheritance cases generally the Subdivisional Government Pleaders are asked to advise as to the proportionate share of the deceased's property to which the dependants are entitled. No special fees have been claimed for this advice. Other general revenue matters requiring Government Pleaders' advice in Subdivisions are very rare.

(e)—A statement is laid on the table.

Statement showing the number of different suits dealt with by the Government Pleader, Karimganj

	1941	1942	1943	1944
1. Regular Civil suits	1	1	Nil	Up to Aug. Nil.
2. Pauper suits	25	20	37	14
3. Matters of inheritance to deceased seamen	45 in all in 3½ years.			
4. Other general revenue matters ...	7 in all in 3½ years.			

In all, the Government Pleader, Karimganj, has received Rs. 8 and odd during last 3½ years.

Officers appointed for the purchase of rice and paddy in the Surma Valley

†Maulavi MABARAK ALI asked :

*10 Will Government be pleased to state—

- (a) Whether it is a fact that some officers have recently been appointed by Government for the purchase of rice and paddy in the Surma Valley ?
- (b) If so, whether those posts were advertised ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

10. (a)—Yes.

(b)—No.

Number of temporary posts in the various Services

†Maulavi MABARAK ALI asked :

*11. Will Government be pleased to state—

- (a) The number of posts that have been created in addition to the normal existing cadre of the various services in the Province ?
- (b) The number of retired officers re-employed to the various posts and their respective pay ?
- (c) The number of newly created listed posts in Assam ?

*12. (a) Will Government be pleased to state the reasons why only three of the Additional Deputy Commissioners taken from retired officers have recently been discharged ?

(b) Do Government propose to discharge all other temporary recruits now ?

*13. Will Government be pleased to state—

- (a) Whether they are aware of the growing discontent among the members of the Assam Junior Civil Service due to the filling up of temporary posts of Extra Assistant Commissioners by direct recruits in disregard to their claims ?
- (b) Whether Government considered the cases of Sub-Deputy Collectors with B. L. Degrees or with Criminal Powers before they appointed lawyers as temporary Extra Assistant Commissioners from the Bars ?
- (c) Whether Government have received copy of the proceedings of the general meeting of the Assam Junior Civil Service Association ?
- (d) If so, what reply has been given by Government to that Association ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

11. (a) and (b)—The question as it stands is too wide for the information to be readily supplied even if the date for which it is to be rendered, which has not been given, were assumed. In the light of the succeeding Questions which concern the Provincial Civil Service it may be stated that Government are employing 34 temporary officers on the scale of the Assam Civil Service.

(c)—The number of listed posts in the I. C. S. cadre of Assam is five and none have been recently created. But presumably the hon. Member means temporary posts created on the senior scale of the Indian Civil Service. Their number is *twelve*.

12. (a)—Of six retired officers previously re-employed as Additional Deputy Commissioners and Additional District Magistrates, four have already been relieved either by I. C. S. Officers who had become sufficiently senior for appointment to district rank or members of the Assam Civil Service whose services on examination were shown to warrant trial with a view to ultimate selection to listed posts. The other two officers have been retained for duties of a special nature for which no serving officers with requisite experience and qualifications were available.

(b)—No.

13. (a)—Government are aware of the fact that the Junior Civil Service is disappointed at not finding greater scope for advancement.

(b)—Government considered all possible means of meeting the expanded need of the administration. The appointment of temporary officers from the Bar is of a purely emergent nature and cannot be related to the process of recruitment to the senior service by promotion.

(c)—Yes.

(d)—It is under consideration of Government what concessions, if any, can be made to the request, and when.

(Starred Questions Nos. 14 to 16 were not put and answered as the Questioner Maulavi Muhammad Amjad Ali was absent.)

† The Questions were put by Mr. Baidyanath Mookerjee on authorisation.

Sunamganj-Gobindaganj Road

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*17. Will Government be pleased to state—

(a) The amount sanctioned for completion of the Sunamganj-Gobindaganj Road ?

(b) When the Sunamganj-Gobindaganj Road will be completed for all weather traffic ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

17. (a)—The cost is roughly estimated to be Rs.2,39,866, excluding the cost of bridging which has not yet been estimated.

(b)—No date can be fixed at present.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Sir, will the work of bridging be taken up this year ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The bridging work shall have to be postponed till after the war as steel materials are not available.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Will Government please see their way to bridge up the canals by wooden bridges, Sir ?

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

Railway service in the Hill Sections

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*18. Will Government be pleased to state—

(a) Whether railway service in the Hill Sections of the Province has been resumed for civil purposes ?

(b) If not, when the service is expected to be resumed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

18. (a)—Yes, on a limited scale.

(b)—Does not arise.

Suspension of works in Courts during "Zuhar" and "Jumma" prayers

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*19. Will Government be pleased to state—

(a) Whether it is a fact that there is a circular to the effect that all works in Civil and Criminal Courts in Assam shall remain suspended on every Court day at the time when "Zuhar" and "Jumma" prayers are performed ?

(b) If so, whether the order contained in the said circular is obeyed by the Civil and Criminal Courts of Assam ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

19. (a)—The rules of the Calcutta High Court, governing both Civil and Criminal Courts subordinate to it, are to the effect that the sittings of the Courts shall be suspended from 12-30 P.M. till 2 P.M. on Fridays, to enable Muslims who have dealings with the Court on that day, to say their Jumma prayers. It is also stated in the Rules that work must not be suspended in the Courts' offices, but Muslim employees should, if they so wish, be permitted to absent themselves during the period of suspension, for this purpose, and other Muslims having business in the offices should not be required to attend during this period.

There are no Rules governing the saying of Zuhar prayers, and no Rules requiring that the Courts should adjourn every day at any particular hour for this purpose. It is doubtless realised that such Rules would lead to unjustifiable dislocation. Muslim employees in the Courts' offices, however, are permitted to absent themselves for this purpose for a short time, and at such a time as the nature of their work permits.

(b)—There is no reason to believe that the Rules are disobeyed, no complaint to that effect having been received.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Sir, do Government propose to issue a circular to all Deputy Commissioners and Sub-divisional Officers so that Government orders may be obeyed?

The Hon'ble Srijut RUPNATH BRAHMA: I do not think, Sir, that there is any need for it.

Maulavi ABDUR RAHMAN: May I ask the Hon'ble Prime Minister whether Government received any deputation from the Muslims of South Sylhet and also on behalf of South Sylhet Zilla Muslim League that the Executive Engineer does not allow the Muslim officers under him to perform their "Jumma" and "Zuhar" prayers?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, although the question does not arise I can satisfy my hon. Friend that Government did receive a complaint mentioned by my Friend and the Executive Engineer has been ordered to allow the Muslim employees to say their prayers and Government orders have been obeyed since.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Will the Hon'ble Minister take it from me that some non-Muslim Magistrates do not like to allow Muslim officers to say their "Zuhar" and "Jumma" prayers?

The Hon'ble the SPEAKER: This question has already been replied to by the Hon'ble Premier. However, the Hon'ble Minister may repeat his reply.

The Hon'ble Srijut RUPNATH BRAHMA: Up till now we have received no complaint to that effect.

Shaistaganj Habiganj branch of the Bengal and Assam Railway

Maulavi ABDUR RAHMAN asked:

*20. (a) Will Government be pleased to state what actions they have so far taken for the restoration of the Shaistaganj-Habiganj branch of the Bengal and Assam Railway?

(b) Is it a fact that before the abolition of the said branch line several representations were made to Government by various public bodies opposing its abolition?

(c) Is it a fact that His Excellency the Governor was also approached in the matter by the public?

(d) Will Government be pleased to state what steps, if any, were taken by Government for the retention of the said line?

(e) Are Government aware of the public agitation now going on for the restoration of the said line?

(f) Is it a fact that this matter was agitated over several times on the floor of the Assembly?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:
20. (a)—The Railway being a federal subject, the Government of Assam is not in a position to take any steps to restore the line. But it has been decided by this Government to approach the Railway Board to take up the question of its restoration *inter alia* in connection with the proposed Post-War Reconstruction Scheme on Railways.

(b)—Yes.

(c)—A telegram and 2 petitions addressed to the Additional Deputy Commissioner and the Military Secretary to Governor respectively were received from the Bar Association and Muktear Association, Habiganj, in the matter.

(d)—The Government of Assam lodged a strong protest before the line was abolished, but the Railway Board considered it urgent and imperative that the line in question be dismantled.

(e)—Yes.

(f)—Yes.

Maulavi ABDUR RAHMAN: In this connection, may I enquire of the Government what objection did they raise when their opinion was called for at the time of abolishing this line?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We said that it would dislocate the traffic on the line and that it was necessary for the convenience of the public—both for traffic of passengers as well as of goods—that the line should not be dismantled.

Maulavi ABDUR RAHMAN: May I make a very brief statement in this connection, Sir?

The Hon'ble the SPEAKER: No statement is permissible.

Maulavi ABDUR RAHMAN: I will be very brief, Sir. As a member of the Advisory Board of the Bengal and Assam Railway, I moved this matter and was told by the authority that it was the Provincial Government only which could move in the matter. Now, may I know if the Hon'ble Prime Minister will kindly take this matter up seriously and move the Military Authorities who are now in charge for restoration of the line, at a very early date? They put forward the plea that there are not sufficient number of spare rails but now the spare rails are abundant which was admitted by Government during the last Session. In view of this, I would request the Hon'ble Premier to move the Military Authorities for the restoration of this branch line at a very early date.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry, I cannot take up this matter with the Military Authorities, but the Government of Assam has already approached the Railway Board and we have recommended very strongly that, not merely this particular Shaistaganj-Habiganj branch line, but also all the lines that have been dismantled on account of the war emergency should be restored as early as possible.

Certain flag stations on the Bengal and Assam Railway

Maulavi ABDUR RAHMAN asked:

*21. (a) Are Government aware that the flag stations Chakapan and Bhattapathak on the Kulaura-Sylhet branch line and Shakirmahmud on the Shaistaganj-Balla branch line of the Bengal and Assam Railway have recently been closed?

(b) Are Government aware that the closing down of these flag stations has caused great inconvenience to the public?

(c) If so, do Government propose to move proper authority to re-open these stations?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

21. (a)—Yes.

(b)—Government have no information except in the case of Bhattapathak where a public representation was received after the closure of stations.

(c)—Moved the Railway Authorities for the restoration of "Bhattapathak" only but without success.

Maulavi ABDUR RAHMAN: Is it a fact, Sir, that before the discontinuance of these Flag Stations, opinion of the Assam Government was taken?

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

Maulavi ABDUR RAHMAN: Is it a fact, Sir, that the Secretary, Public Works Department was written to and that he sent his reply suggesting abolition of these Flag Stations.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of that, Sir. If it is put as a Supplementary Question, I will require notice.

(Starred Questions Nos.22—23 were not put and answered as the Questioner Babu Karuna Sindhu Roy was absent.)

Purchase of food-stuffs from licensed shops

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*24. Is it a fact that there is a standing order from Government to the effect that no customer will get salt or sugar, Atta or Moida from licensed shops unless he purchases Aarahar, Musur and Kolai even when these things are not needed by him ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

24. Government have passed no such orders.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Will Government take it from me that unless Dal is purchased from a shop, no salt and sugar are sold to purchasers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : All I can say is that Government passed no such orders. If my hon. Friend gives me the name of any particular shop, which is licensed to sell retail articles, where such procedure has been adopted, I will look into the matter and set it right.

Babu RABINDRA NATH ADITYA : Was it not brought to the notice of the Hon'ble Minister in charge of the Supply Department by people of various localities that they are forced to buy Atta and Dals which are unfit for human consumption ?

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

Maulavi ABDUL BARI CHAUDHURY : May I enquire of the Hon'ble Prime Minister whether such orders were issued by all the Subdivisional Officers of Sylhet ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already stated that Government have passed no such orders. Let my hon. Friend give me particulars of one such case and I will deal with the matter.

Maulavi ABDUL BARI CHAUDHURY : As for instance, I may mention the case of my Subdivision—Sunamganj.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Will my hon. Friend give me something in writing, demi-officially ?

Maulavi ABDUR RAHMAN : Sir, in Food Committee meetings of the Habiganj Subdivision we adopted a resolution on two occasions over which the Sub-Divisional Officer, Habiganj presided, to the effect that Government should withdraw their orders and that there should not be any compulsion on the people to take these damaged Dals.

The Hon'ble the SPEAKER : After what the Hon'ble Prime Minister has said, I think, it is not necessary to put any Supplementary Questions. The Hon'ble Prime Minister has definitely assured that he would look into the cases if these are specifically brought to his notice in writing.

Babu RABINDRA NATH ADITYA : Does the Hon'ble Prime Minister deny the existence of any such orders ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already stated that Government has passed no such orders.

Projects under the Irrigation scheme

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*25. Will Government be pleased to state—

- (a) The names of places where work under the irrigation scheme has been undertaken by Government in each of the subdivisions of the district of Sylhet ?
- (b) The nature of work undertaken ?
- (c) Whether Government propose to take up new irrigation work this year ?
- (d) If so, where ?
- (e) How many projects under the irrigation scheme has been taken up in places under Tahirpur, Dharmapassa and Sulla Thanas in the Sunamganj Subdivision and what are the names of those places ?

(f) Whether Government propose to lay on the table copies of the report submitted by the officers who surveyed these areas prior to taking up these works ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

25. (a) & (b)—A statement is laid on the table.

Statement showing the names of places where work under the irrigation scheme has been undertaken and the nature of work undertaken by Government in the Sylhet district.

SADAR SYLHET SUBDIVISION

Works completed

1. Drainage of Merua Haor near Tajpur.

A drainage channel has been excavated to remove water logging in the haor and the adjacent areas and thereby reclaim lands for cultivation.

2. Nurpur Flood Irrigation Canal near Bhadeswar.

A canal has been excavated for silting up low lands.

3. Chandrapur Flood Irrigation Canal for Tilpara Area.

It is a combined Drainage and silt irrigation Canal. It will silt up low lands during flood and will drain the area in dry season. Area improved falls both in Sadar Sylhet and in Karimganj Subdivision.

Surveys in hand

4. Drainage of Meda Bil near Sylhet.

5. Drainage of Jaintia Purgana.

Both 4 and 5 are for draining water logged Areas.

KARIMGANJ SUBDIVISION

Works completed

6. Drainage and reclamation of Balai Haor.

Three different channels have been excavated, two for silting up low lands and one for draining the haor.

7. Mathiura Flood Irrigation Canal.

Here too, three different Canals have been excavated and the object is the same as in number 6 above.

Survey in hand

8. Survey of the Water logged area between the Kusiya and Sonai River.

It is intended to control the flood and improve the area for cultivation.

SUNAMGANJ SUBDIVISION

Work in hand

9. Re-excavation of Piyain River near Kalakta.

A channel is being excavated for drainage of a water logged area.

Survey completed

10. Sluice gate across Krishna Khal in Halir Haor.

This Survey was completed but the work could not be undertaken due to dispute about fishery rights.

HABIGANJ SUBDIVISION

Survey completed

11. Survey for construction of the embankment for protection of crop in Jogi-chapra Haor near Lakhai.

It is intended to construct an embankment for protection of crop against flood.

Survey in hand

12. Survey of the Kusiya River near Dhaipur.

The river is silting up near Dhaipur and it is intended to train it for improvement of drainage of the valley as also for navigation.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

25. (c)—Yes.

(d)—Re-excavation of Piyain River near Kalakta, Sunamganj Subdivision.

Construction of Embankment for protection of crops in Jogichapra Haor near Lakhai, Habiganj Subdivision.

Erection of Bund to hold the Kusiara River at Dhaipur.

Others if possible as may be found from the surveys in progress and mentioned in statement laid on the table.

(e)—None.

(f)—No.

(Starred Question No.26 was not put and answered as the Questioner Mr. Binode Kumar J. Sarwan was absent.)

Habiganj-Nabiganj-Sherpur Road

Maulavi ABDUR RAHMAN asked :

*27. (a) Is it a fact that Habiganj-Nabiganj-Sherpur Road was included in the Road Board programme sometime back and money also was provided from Motor Taxation Fund for the purpose ?

(b) Is it a fact that preliminary work on the said Road was taken up by the Public Works Department, year before last ?

(c) If so, what has become of the fate of this Road since then ?

(d) Will Government be pleased to state why the work of the said Road has now been stopped ?

(e) Do Government propose to take up the work at once ?

(f) If not, why not ?

(g) Is it a fact that this is the shortest possible road from Habiganj to Sylhet ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

27. (a)—Yes.

(b)—Yes.

(c)—Land acquisition proceedings are in progress.

(d)—Does not arise.

(e)—Does not arise.

(f)—Does not arise.

(g)—Yes.

Mr. BAIDYANATH MOOKERJEE: May I know how long it will take to complete the land acquisition proceedings ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are not in a position to say how long the Courts will take to complete the proceedings.

Mr. BAIDYANATH MOOKERJEE: May I know since when the work began ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Since last year.

Mr. BAIDYANATH MOOKERJEE: When this road was taken up first ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Probably in the 1943 programme.

Maulavi ABDUR RAHMAN: Cannot Government take advance possession of the land that will be required for the road ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The difficulty in taking advance possession of the land is that we do not know what amount will be necessary and the estimate may go out of gear.

Maulavi ABDUR RAHMAN: Is it a fact that in the year before last some Budget provision was made for this road and that the money had to lapse for not taking up this work ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. Unless we acquire the land, no work could be started.

Maulavi ABDUR RAHMAN: Was it not the answer from the Secretary, Public Works Department, that sufficient number of labourers for the work was not available?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I cannot vouchsafe for the reply which my hon. Friend has received from the Secretary, Public Works Department.

Ban on hoisting of Congress Flag

†Babu KARUNA SINDHU ROY asked:

*28. Will Government be pleased to state—

(a) Whether Congress flag is banned in the Province?

(b) Whether they are aware that Congress flag was allowed to be hoisted in every part of India except Assam on the 26th January 1945?

(c) If so, why?

(d) Whether Government propose to withdraw the ban of hoisting of Congress flag in the Province?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

28. (a)—No general ban has been ordered but district officers are empowered to prohibit display of the Congress flags if and when necessary.

(b)—No.

(c)—Because the Congress flag is the emblem of an association which has been declared unlawful.

(d)—The ban on its display must continue so long as that body remains an unlawful association.

(Starred Questions Nos.29-30 were not put and answered as the Questioner Babu Karuna Sindhu Roy was absent.)

Fish Scarcity

Maulavi ABDUR RAHMAN asked:

* 31. (a) Are Government aware that fish has become almost unavailable for civil consumption in the Province?

(b) Are Government aware that there is heavy export of fish from one place to the other by the Military contractors?

(c) Are Government aware that the general health of the fish eating people is deteriorating for want of fish?

(d) Do Government propose to examine the question and evolve a way-out so that fish may not be exported from one district to the other?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

31. (a)—Government have received reports of occasional scarcity of fish from certain areas.

(b)—No.

(c)—Government have no such information.

(d)—Government are not in favour of inter-district bans on movement of fresh food, like fish. They have given powers to District officers, through licensing of contractors, to affect a fair allocation of fish supplies as between the civil population and defence services and action on these lines has already been taken in some districts in co-operation with the Army authorities.

Maulavi ABDUR RAHMHN: With regard to (b), will the Hon'ble Premier repeat his reply?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I said "No".

Maulavi ABDUR RAHMAN: Is it not a fact that heavy export of fish is continuing even now for military supply from the District of Sylhet to Silchar?

† The Question was answered under Assembly rule 38 although the Questioner Babu Karuna Sindhu Roy was absent.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not aware of any such heavy export of fish. While I was last at Sylhet, I went into this question with Mr. Puri, the then Deputy Commissioner of Sylhet, and he informed me that there had been arriving sufficient quantity of fish at the Sylhet bazar to enable him to supply 80 maunds of fish per day to the military, allowing 50 maunds to be sent to Shillong leaving sufficient quantity for local consumption.

Maulavi ABDUR RAHMAN: Are Government aware that daily three trucks full of fish are sent from Shaistaganj Railway Station alone?

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

Maulavi ABDUR RAHMAN: Are Government aware that the Bengal people have already disallowed fish, including dry fish, to come to the Subdivision of Habiganj through Ajmiriganj and Madna?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are not aware of what the Bengal Government have done, but the Habiganj Subdivision is reported to be so much full of fish that no import from Bengal is necessary.

Babu RABINDRA NATH ADITYA: Will Government be pleased to state whether they consider civil consumption of fish first or military consumption first?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In respect of fresh food like fish which is liable to quick deterioration, the District Officers have been authorised to allocate, after retaining for local consumption, what may be released for outside consumption. As I mentioned already, I took up this matter with the Deputy Commissioner of Sylhet. So far as Sylhet bazar is concerned, there was sufficient fish not only for local consumption but also for supply to the military at Silchar and the public of Shillong.

Plying of motor vehicles on the Sylhet-Shillong and Gauhati-Shillong Roads

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked:

* 32. Will Government be pleased to state—

(a) The terms and conditions under which the plying of motor vehicles on the Sylhet-Shillong and Gauhati-Shillong Roads were settled with the United Motor Transport Company, Limited and the Commercial Carrying Company, Limited respectively?

(b) When the terms of such settlement with these two Companies will expire?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

32. (a)—On the Sylhet-Shillong Road, the United Motor Transport Company, Limited were given permits for 30 vehicles for five years from 1st January 1941 as noted below:—

No. of Vehicles	Class	Permit fee per annum
1. 4 cars	I service	Rs. 200 per vehicle.
2. 4 Vehicles	II	1,500 "
3. 4 "	III	3,500 "
4. 4 "	IV	4,000 "
5. 4 "	V	4,500 "
6. 10 "	VI	5,500 "

A copy of the terms and conditions has been placed on the Library table. On the Gauhati-Shillong Road, the Commercial Carrying Company (Assam), Limited have been allowed for ten years from 1st January 1939 to run a fleet of 61 vehicles under an Agreement with Government: they also ply 10 goods vehicles under permits granted under the Motor Vehicles Act, equal to the number of permits enjoyed by other parties. A copy of the Agreement setting forth the terms and conditions has been placed on the Library table.

(b)—The permits of United Motor Transport Company expire on the 31st December 1945. The Agreement with the Commercial Carrying Company (Assam), Limited expires on the 31st December 1948 ; nine of the ordinary permits expire on the 31st December 1945 and one on the 22nd October 1947.

Mr. C. W. MORLEY: In this connection, will Government please insist that better protection for civilians be incorporated in the new terms ; particularly with regard to seats in buses and service cars ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The suggestion will be noted, Sir.

Sheristadars and Nazirs of District Judges' Courts

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*33. (a) Will Government be pleased to state whether it is a fact that the applicability of rules 920, 1006(1) (2) of the Civil Rules and Orders framed by the Honourable High Court has been withdrawn in respect of the Sheristadars and Nazirs of the District Judges' Courts in Assam ?

(b) If so, why ?

(c) Whether these rules are in full force in Bengal ?

(d) Are Government aware of the baneful effect due to the exemption of the operation of these rules on the Sheristadars and Nazirs in the District Judges' Courts in Assam ?

(e) Are Government aware that with a view to prevent corruptions among the Sheristadars and Nazirs these rules were introduced by the High Court ?

*34. (a) Is it a fact that the District Judge of Sylhet made some observations regarding the underhand influence of the Sheristadars there in his orders recorded in the Order Book during the 1st part of April 1943 ?

(b) Is it a fact that Ministerial officers other than the Sheristadar and Nazir of the Judge's Court, Sylhet are frequently transferred in view of rule 1006 of the High Court Civil Rules and Orders ?

(c) Will Government be pleased to state whether they are aware of the fact that frequent transfer of clerks other than Sheristadar and Nazir in the said Judge's Court has created a breach of uniformity of rules ?

(d) Do Government propose to move the Honourable High Court either to abolish these rules as a whole in respect of all Ministerial officers in Civil Courts in Assam, particularly in Sylhet or make the rules applicable in the case of all including the Sheristadars and Nazirs of the District Judge's Court ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

33. (a)—It is not a fact that the High Court have withdrawn these rules in respect of the Judges' Courts in Assam. The application of Rule 1006, however, is not practicable in this Province, for two reasons :—

(i)—The Sheristadars of the two Judges' Courts are governed by different scales of pay, and

(ii)—There is no Nazir in the Court of the Judge, Assam Valley Districts.

(b)—Does not arise.

(c)—Yes.

(d)—Does not arise.

(e)—Government are not directly aware of this, but the reason given is highly probable.

34. (a)—The District Judge made no observations of the nature suggested.

(b)—Rule 1006 is not concerned with Ministerial officers other than Sheristadars and Nazirs of the Judges' Courts. These officers are governed by rules 1008 and 1009.

(c)—Government are not aware of any breach of uniformity. All the Ministerial officers in question are liable to transfer under the aforesaid Rules and Government have no reason to believe the Rules are being misapplied.

(d)—No.

Appointment in the Assam School Service

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*35. Will Government be pleased to state—

(a) The names of persons appointed substantively in the Assam School Service between July 1944 and March 1945 ?

(b) What were the conditions under which each of the candidates were selected ?

(c) Whether their past services, if any, in officiating vacancies were considered ?

(d) The names of candidates who had officiating services in their credit prior to their substantive appointment ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

35. (a)—A list is placed on the table.

List of officers appointed substantively in the Assam School Service from July 1944 up-to-date

Class I Assam School Service—

Srijut Roseswar Sarma, Headmaster, Government High School, Golaghat.

„ Anandeswar Barua, Deputy Inspector of Schools, Goalpara.

„ Abhiram Talukdar, „ „ Mangaldai.

Class II—Srijut Dharneswar Barua, Assistant Headmaster, Government High School, Jorhat.

Class III—Maulvi Azizur Rahman, B. sc., Science Master, Government High School, Maulvibazar.

Maulvi Mashud Bakht Choudhury, B. A., Assistant Master, Government Jubilee High School, Sunamganj.

„ Sharfuddin Ahmed Choudhury, Assistant Master, Government High School, Sunamganj.

Srijut Hem Chandra Das, Sub-Inspector of Schools, Dhubri.

„ Ghana Kanta Medhi, B. sc. Assistant Master, Government High School, Shillong

Maulvi Ganiruddin Ahmed, B. A., Assistant Master, Government High School, Mangaldai.

Srijut Nagendra Nath Choudhury, Assistant Master, Cotton Collegiate School, Gauhati (since deceased).

„ Brahmananda Pathak, B. A., Headmaster, Mahandijua Middle English School.

Maulvi Abdur Rajak, B.sc., Assistant Master, Government Jubilee High School, Sunamganj.

Babu Kulenda Chandra Bhatta charjya, M.A., 2nd Classical Teacher, Government High School, Silchar.

Maulvi Razid Ali Barbhuiya, B.sc., Assistant Master, Government High School, Habiganj.

Srijut Dharma Dutta Sarma, B.A., B.T., Sub-Inspector of Schools, Mangaldai.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

35. (b)—Appointments were made having regard to the representation of the communities and the needs of the School concerned.

(c)—Yes.

(d)—All these candidates had officiating services at their credit prior to their substantive appointments.

Government officers owning Motor Cars

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*36. Will Government be pleased to state—

(a) The names of officers other than Military who owned Motor cars during the period between 1942 and 1944 ?

(b) The names of officers who sold their cars and the price at which each of them sold his car during the period between 1942 and 1944 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

36. (a) & (b)—Government have not the information handy which is required for these Questions, nor as the Questions stand, would they be in a position to obtain it in time to reply since it would be to a large extent of purely private concern.

Principal of the Murarichand College, Sylhet

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*37. (a) Is it a fact that Babu Surendranath Sen, at present Principal of the Murarichand College, Sylhet, was boycotted by the students of the Cotton College, Gauhati, when he was there ?

(b) If so, why ?

(c) Are Government aware that there is a wide discontent among the students of the Murarichand College owing to his inefficient handling of affairs of the college ?

(d) Are Government aware that he behaved very rudely and unmannerly towards some students of the said college when they went to see him on 16th December 1944 ?

(e) Is it a fact that out of the two Principals of the two Government Colleges of Assam, the senior man always remains in charge of the Cotton College and the junior one in charge of the Murarichand College ?

(f)—If so, will Government be pleased to state the reason of transferring Babu Surendranath Sen, the senior Principal, from the Cotton College to the Murarichand College, Sylhet ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

37. (a)—This is not a fact.

(b)—Does not arise.

(c)—Government are not aware of it.

(d)—Government have no information.

(e)—Not invariably. There are instances of placing senior men in Murarichand College, Sylhet.

(f)—Does not arise.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Estates in Goalpara District

Maulana ABDUL HAMID KHAN asked :

1. Will Government be pleased to state—

(a) The names of the estates in the Goalpara District (i) under Court of Wards' and (ii) Private Proprietors ?

(b) The total annual revenue paid to Government by each of these two classes of estates separately ?

(c) The total annual rent realised from the tenants by each of these two classes of estates ?

2. Will Government be pleased to state—

(a) The total amount of local rates collected annually by each of the estates under the Court of Wards and private estates in the district of Goalpara ?

(b) The total amount paid annually to Government by each of these two classes of the estates as local rates ?

(c) The total amount paid annually by Government to the different Local Boards of Goalpara district from the Local Board Fund of the Govern-ment ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

1. (a)—In the last year for which figures are available, viz., 1350 B. S., nearly corresponding to the agricultural year 1943-44, there were two estates under the Court of Wards, Mechpara and Bijni. There are seventeen other permanently-settled estates in the district, the names of which are not available in Shillong.

(b)—The revenue paid to Government in the year 1350 B. S. was—
Bijni—Rs.2,724.
Mechpara—Rs.2,252.

The revenue paid by the remaining proprietors in the year 1943-44 was Rs.6,435.

(c)—The rent realised in 1350 from tenants in the permanently-settled portions of Bijni and Mechpara within Goalpara district respectively was Rs.5,12,662 and Rs.2,67,963.

Government have no information as to the amount of rent paid by tenants to proprietors of other permanently-settled estates in Goalpara, nor is any such record maintained by the Deputy Commissioner.

2. (a)—In 1350 B. S. the amount of local rates collected from tenants of the Bijni and the Mechpara Estates was Rs.32,992 and Rs 14,865. No figures are available of the amounts collected from the tenants of other private estates in Goalpara, which number over 40,000.

(b)—In 1350 Bijni paid Rs.52,751 and Mechpara Rs.31,921 as local rate to Government. The total collection from all the estates in the district was Rs.1,94,602 in the year 1943-44.

(c)—The entire collection of local rate credited to Government in any one year is paid to the Local Boards in the following year.

Licenses for Gamblings

Maulana ABDUL HAMID KHAN asked :

3. Will Government be pleased to state—

- (a) What are those gamblings for which licenses are required to be taken ?
- (b) The total number of licenses issued during 1944-45 for gambling in the Province (figure to be shown separately district by district) ?
- (c) Whether any license is necessary for playing cards at stake (poker) ?
- (d) If so, what fee is charged for issuing such license ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

3. (a)—The Public Gambling Act of 1867 makes punishable the owning, keeping, or having charge of, a common gaming-house, and the hon. Member's attention is invited to the definition of a common gaming-house in Section 1 of that Act. By Section 12 of the Act, games of mere skill are exempted from the provisions of the Act. By Section 294-A of the Indian Penal Code, Government is entitled to authorise the holding of lotteries. No question of licenses being required arises therefore in any of these matters.

(b)—Does not arise.

(c)—Does not arise.

(d)—Does not arise.

Registration of Muslim Marriages

Maulana ABDUL HAMID KHAN asked :

4. (a) Will Government be pleased to state whether it is a fact that in many places in the districts of Sylhet and Cachar, Muslim marriages are registered with the Sub-Registrars and not with the Muslim Marriage Registrars ?

(b) If so, do Government propose to issue orders to the Sub-Registrars not to register any such marriage at places where a Marriage Registrar's Office exists ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

4. (a)—No.

(b)—Does not arise.

Grants-in-aids to educational institutions in Goalpara District

Maulavi MATIOR RAHMAN MIA asked :

5. Will the Hon'ble Minister in charge of Education be pleased to state whether he proposes to sanction grants-in-aid to the following institutions of Goalpara subdivision :—

- (1) Middle English School at Gendaauri,
- (2) Middle English School at Katarihara,
- (3) Junior Madrasa at Katarihara,
- (4) Junior Madrasas at Awlatali, Hazuarchar, Chunari and Langla ?

6. Will the Hon'ble Minister in charge of Education be pleased to state whether he proposes to increase the grants-in-aid to the Senior Madrasa at Katarihara, Junior Madrasas at Rakhaldubi, Chakla and Piradhara ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

5.—The question of giving grants to these institutions will be considered next year along with others.

6.—Maintenance grants to the Senior Madrasa at Katarihara and Junior Madrasas at Rakhaldubi and Piradhara have been raised from Rs.125 to Rs.130, from Rs.35 to Rs.40 and from Rs.25 to Rs.30 a month respectively with effect from 1st March 1944.

A non-recurring grant of Rs.50 has also been sanctioned to the Junior Madrasas at Chakla and Piradhara during the current financial year.

Karimganj-Latu-Barlekha-Dakshinbhag-Juri Road

Mr. W. D. RUTHERFURD asked :

7. (a) Will Government be pleased to state whether they propose to classify the Karimganj-Latu-Barlekha-Dakshinbhag-Juri Road as a Provincial Highway ?

(b) Are Government aware of the importance of its alignment which runs parallel to the railway and shortens the distance between the Subdivisional towns of Karimganj and Maulvibazar (and likewise the distance between Mid and South Sylhet and Cachar district) by nearly 20 miles ?

(c) Are Government aware that at the present time this road is nearly non-existent although shown on the maps as a main road and that for this reason much valuable time has been lost and much petrol wasted by Military vehicles attempting to find a way through by this route ?

(d) Do Government propose to take immediate steps to rectify this error by starting work at the earliest opportunity on this most important Provincial Highway and recognise it as such in their reconstruction programme ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

7. (a)—It is proposed to classify the length Karimganj-Parauri as a National Highway, and the length Parauri-Latu-Barlekha-Dakshinbhag-Juri as a Major District Road.

(b)—Yes.

(c)—No.

(d)—This road will receive equal consideration with other roads when Post War Planning becomes operative.

Tarabari and Dagaon Halting Stations on the Senchoa-Mairabari Railway Line

Khan Sahib Maulavi MUHAMMAD AMIRUDDIN asked :

8. Will Government be pleased to enquire and to state—

(a) Why the halting stations at Tarabari and Dagaon on the Senchoa-Mairabari Railway line in the district of Nowgong were abolished from the 1st of January, 1945 ?

- (b) Whether Government are aware that the inhabitants of the Juria and the Alitengoni Mouzas submitted a representation to the Chief Commercial Manager, Bengal and Assam Railway, Calcutta, through the District Magistrate, Nowgong, on 12th December, 1944 for the restoration of the aforesaid halting stations ?
- (c) Whether it is a fact that a telegram dated the 22nd December, 1944 and subsequently confirmed by a letter dated the 3rd January, 1945 were sent to the Assam Government by Khan Sahib Maulavi Muhammad Amiruddin, M.L.A., on the above subject ?
- (d) If so, what actions have so far been taken on them ?
- (e) Whether the District Magistrate, Nowgong, recommended for the restoration of the two aforesaid halting stations ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

8. (a)—Tarabari and Dagaon Railway stations along with some other less important Railway stations were closed from the 1st January, 1945 at the instance of the Railway Board in view of the serious coal position on Railways and in the interest of war effort.
- (b)—Yes.
- (c)—Yes.
- (d)—The matter was referred to the Railway authorities who have since agreed to re-open Tarabari station from 1st February, 1945, but regretted their inability to re-open Dagaon station.
- (e)—Only for Tarabari.

Visit of His Holiness the Deka Adhikar Goswami of Auniati Satra to North-Lakhimpur

Srijut SARVESWAR BARUA asked :

9. (a) Are Government aware that when His Holiness the Deka Adhikar Goswami of Auniati Satra visited North Lakhimpur with a retinue of about 80 Bhakats in the middle of May, 1944, and applied to the Extra Assistant Commissioner then in charge of the subdivision for a quota of provisions of salt, sugar, kerosene, etc. for a stay of a month and a half, the latter in a written order questioned the opportuneness of his visit and allowed His Holiness to stay for a fortnight only ?
- (b) Are Government aware that His Holiness cut short the visit to the subdivision and left it on the 30th May, 1944 under protest intimating the fact to His Excellency the Governor by wire as well as by a letter ?
- (c) Whether the Hon'ble Prime Minister received any representation from the local public and particularly from the disciples of the Auniati Satra expressing their resentment at the conduct of the officer concerned towards the junior Adhikar Goswami of the premier religious institution of Assam ?
- (d) If so, what redress, if any, was given to them particularly to assuage the wounded feelings of the disciples of the Auniati Satra ?
- (e) Whether Government received notice of the above questions for the last November Session of the Assembly, if so, when ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

9. (a)—Yes.
- (b)—Yes.
- (c)—Yes.
- (d)—The Subdivisional Officer was asked to apologise His Holiness the Deka Adhikar for the unhappy wording of his order, and the Subdivisional Officer did it.
- (e)—Yes, on the 3rd November.

Grant of an allowance to Babu Ramendra Kumar Bhattacharyya, an internee

Babu SHIBENDRA CHANDRA BISWAS asked :

10. (a) Are Government aware that Babu Ramendra Kumar Bhattacharyya, son of late Nanda Kumar Bhattacharyya of Bejua police, station Madhabpur, Subdivision Habiganj, used to get an allowance of Rs.12 per month as an internee ?

(b) Is it a fact that he is getting no allowance since his release from jail on 18th November, 1944 ?

(c) Is it a fact that he submitted a petition to the Deputy Commissioner, Sylhet, through Intelligence Branch Inspector, Habiganj for the grant of allowance on 28th November, 1944 and subsequently reminded on 5th January, 1945 ?

(d) If so, will Government be pleased to state what action has been taken on that petition ?

(e) Do Government propose to grant him a monthly allowance of Rs.40 as prayed for by him ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

10. (a)—Yes.

(b)—He lost the allowance by his conduct in disobeying orders.

(c)—The answer to the first part is in the affirmative. Government are not aware of the reminder.

(d)—He was granted an allowance of Rs.25 per mensem with effect from 1st January, 1945.

(e)—No.

Disaster in Garamur-Nagargayagaon owing to dropping of a petrol drum from the air

Srijut SARVESWAR BARUA asked :

11. Will Government be pleased to state—

(a) Whether they have received any report about the dropping of a petrol drum from the air at Garamur-Nagargayagaon in the North Lakhimpur subdivision at midnight between the 7th and 8th June, 1944 ?

(b) If so, from whom and when ?

(c) Whether it is a fact that two houses of two different families of the said village were burnt to ashes by fire caused by the bursting of the cask of petrol ?

(d) Whether it is a fact that seven persons including a pregnant woman were burnt to death and a woman and a girl have survived serious injuries ?

(e) Whether it is a fact that the loss of properties caused by the gutting of the houses belonging to the two families were estimated at Rs.2,550 and Rs.630 respectively ?

(f) What relief, if any, has been rendered to the distressed families by Government, and the local public respectively ?

(g) What enquiry, if any, has been held to ascertain the cause of the incidents and what is the finding of that enquiry ?

(h) What compensation, if any, has been awarded by Government to the surviving victims of the incident ?

(i) Whether the cause of the incident, the result of the enquiry and the relief or compensation granted, if any, have yet been announced by the Publicity Service ?

(j) Whether Government received notice of the above questions for the last November Session of the Assembly ?

(k) If so, when ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

11. (a)—Yes.

(b)—Government received a brief report from the Deputy Commissioner shortly after the incident and have since obtained a fuller report.

(c) & (d)—Yes, except that Government have no information as to one woman being pregnant.

(e)—These were the amounts of the claims approximately.

(f) & (h)—The claims are under correspondence with the proper authorities.

(g)—The enquiry was a matter concerning the military authorities and Government are not in a position to answer the question.

(i)—No.

(j)—Yes.

(k)—3rd November, 1944.

Adjournment Motions

The Hon'ble the SPEAKER: I have received notices of a number of Adjournment Motions. But I am afraid it is not possible to take them up to-day owing to the fact that we have got so many items of business in the Order Paper that it may not be possible to finish them all before 3 P.M. However, if there be time after the disposal of the Government Business we may take up Private Members' Business which have also been put down in the agenda. The consideration of the Adjournment Motions will be taken up on the 3rd. Item No. 15, that is, introduction of the Assam Local Board Elections (Emergency Provisions) Bill, 1945, is likely to take a lot of time as the Members who have already given notices of different Motions on the subject would, in all probability, like to press their points of view in connection with this Bill.

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

The Hon'ble the SPEAKER: For the purpose of sub-section (1) of section 78 section 79, sub-section (2) of section 80 and section 81 of the Government of India Act, 1935, and in pursuance of Rules 13, 15(1), 16(1), 18(1), 18(2) and 19 of the Assam Legislative Assembly (Governor's) Rules, I, Andrew Gourlay Clow, hereby appoint the following days for the presentation to the Legislative Assembly of the Statement of Estimated Receipts and Expenditure of the Province for the year 1945-46 and for the subsequent stages in respect thereof and for the presentation to the Legislative Assembly of the Supplementary Statement of Expenditure for the year 1944-45 and for the subsequent stages in respect thereof in the Legislative Assembly during its March Session, 1945, namely:—

Thursday, the 1st March	{ Presentation of the Budget for the year 1945-46 in the Legislative Assembly. 1. Presentation of Supplementary Statement of Expenditure for 1944-45 in the Legislative Assembly. 2. General discussion of the Budget in the Legislative Assembly. 3. Discussion, if any, of estimates of expenditure charged upon the revenues of the Province other than estimates relating to expenditure referred to in paragraph (a) of sub-section (3) of section 78 of the Government of India Act.
Monday, the 5th March	...	...
Tuesday, the 6th March	...	...
Thursday, the 8th March	...	...
Tuesday, the 13th March	{ 1. Discussion, if any, of Supplementary Statement of Expenditure charged upon the revenues of the Province during 1944-45. 2. Voting on Demands for Supplementary Grants for 1944-45.

Thursday, the 15th March	}	Voting on Demands for Grants.
Friday, the 16th March ...	...	
Saturday, the 17th March ...	...	
Monday, the 19th March ...	...	
Tuesday, the 20th March ...	...	
Thursday, the 22nd March	}	Placing of the authenticated Schedules of authorised expenditure before the Assembly.
Saturday, the 24th March ...	...	

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

SHILLONG :
The 19th February 1945.

A. G. CLOW
Governor.

Allotment of days for Private Members' Business by the Hon'ble Speaker

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

Saturday, the 3rd March	}	1. Private Members' Bills. 2. Private Members' Motions and Resolutions.
Monday, the 12th March		

Private Members' Motions and Resolutions will also be taken up on the following days, if time permits, after disposal of Government Business:—

Thursday, the 1st March, Friday, the 2nd, 9th and 23rd March, and Saturday, the 10th March.

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

Mr. A. WHITTAKER: Mr. Speaker, Sir, as regards the allotment of days for Private Members' Business, would you be good enough to indicate what will be the fate of a very large number of Private Members' Motions down for discussion in this Session? The reason for my enquiry is that it affects a large number of speakers who wish to participate in a general discussion of the Budget. There is no point in duplicating the general discussion if during the 24 days of Business certain very contentious subjects are going to be discussed on Private Members' Motions. There are in all twelve Motions, Sir, and so the allotment of two days for Private Members' Business does not help anybody who tries to economise the discussion of any particular subject in which he is interested.

The Hon'ble the SPEAKER: Yes, I have seen that the number of Motions tabled this time is unusually large. But as the hon. Member has pointed out, many of the Motions tabled relate to matters which may come up for discussion during the days for voting on Demands for Grants and also during the discussion of the Budget. After the general discussion of the Budget which would commence on the 5th and to be finished on the 8th we shall have a Private Members' Business day on the 12th; but before that, if after the disposal of the Government Business on other days there be any time, the Private Members' Business may be taken up. But I shall see how many Motions can be taken up on the earliest day of Private Members' Business, *i. e.* on the 3rd, and for that purpose I am contemplating to ask the hon. Members in whose names those Motions stand, and also the Leaders of the Parties to see me in my Chamber in order to arrive at a working plan as to how to dispose of those Motions. If some Motions can be eliminated, having regard to the fact that matters that hon. Members want to discuss may be discussed during the general discussion of the Budget and on the days for voting on Demands for Grants, then other Motions which are very important may be taken up on any of the Private Members' Business day.

Mr. A. WHITTAKER: May I point out, Sir, that owing to the very large number of Motions tabled by Private Members it seems that we are in danger of entrenching on the sphere of the Private Members' Resolutions? We are now in a

ridiculous position. When hon. Members have brought forward 90 Resolutions the individual has no chance of debating his Resolution. Therefore the more cunning Members, including myself, Sir, have tabled Motions. From the number of Motions that have been brought forward it seems that too many Members have learnt that particular device with the result that Private Members' Business shows signs of being completely disorganised. We now have two rival methods of ventilating grievances, namely, Private Members' Resolutions and Private Members' Motions. Sooner or later it will be for this House to decide which particular method of raising subjects of public importance should have precedence. But at the present moment there are so many matters of public importance to be discussed on the Private Members' days that, I am afraid, most of them will go by default.

The Hon'ble the SPEAKER: It is for this reason that I am contemplating to consult the Members who are concerned with those Motions and also the Leaders of the Parties in order to arrive at a plan for the purpose of avoiding the contingency that the hon. Member is apprehending.

The hon. Member has spoken about the device that underlies the tabling of so many Motions. I am, therefore, anxious to settle a plan in consultation with the Members who have tabled the Motions and the Leaders of their Parties as would rule out the apprehended contingency that would arise owing to the device referred to by the hon. Member.

Mr. A. WHITTAKER: Thank you, Sir.

Statement *re* Course of Government Business

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

2. The Government Business which is to be taken up today and tomorrow is shown in the agenda, a copy of which has been placed on each Member's table. I need not detail it again. If the Motions for taking the Assam Finance Bill, 1945 and the Assam Local Board Elections (Emergency Provisions) Bill, 1945 into consideration are accepted by the House either today or tomorrow we propose (i) that these Bills be considered clause by clause and (ii) passed, on the 9th and 10th March, 1945.

3. On the 9th and 10th March, 1945 we also propose to take up the following Government business:—

(1) Presentation of the Report of the Select Committee on the Assam Standard Weights and Measures Bill, 1944 and then to move that the Bill, as reported by the Select Committee, be taken into consideration.

(2) Introduction and motion for consideration of the Assam Debt Conciliation (Amendment) Bill, 1945.

(3) Introduction of the Sylhet Non-Agricultural Urban Tenancy Bill, 1945 and then to move for its circulation for the purpose of eliciting public opinion thereon (Provisional).

(4) Motion regarding extension of the period of the Agricultural Marketing Scheme for the year 1945-46.

If on those days, the motions for consideration of (1) the Assam Standard Weights and Measures Bill, 1944 and (2) the Assam Debt Conciliation (Amendment) Bill, 1945 are accepted by the House, we propose that these Bills be considered clause by clause on the 23rd March, 1945 and then to move that they be passed.

4. After disposal of Budget business on the 24th March, we propose to take up any Government business which remain unfinished on previous Government days.

Committee on Petitions relating to Bills

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

1. Srijut Beliram Das.
2. Maulavi Muhammad Amjad Ali.
3. Mr. W. D. Rutherford.
4. Mr. C. Goldsmith.

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

House Committee

The Hon'ble the SPEAKER : Under rule 126 of the Assembly Rules, I nominate the following Members to constitute a House Committee for the current Session of the Assembly :—

1. Maulavi Abdul Bari Chaudhury.
2. Maulavi Syed Abdur Rouf.
3. Raja Ajit Narayan Deb of Sidli.
4. Babu Bepin Behari Das.
5. Srijut Mahi Chandra Bora.
6. Srijut Dhir Singh Deuri.

Message *re* assent to certain Bills

The Hon'ble the SPEAKER : Information has been received from the Secretary to His Excellency the Governor of Assam that, under the provisions of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bills which were passed by both Chambers of the Assam Legislature :—

- (i) The Assam Legislative Chambers (Members' Emoluments) Bill, 1944.
- (ii) The Assam Speaker's Salary Bill, 1944.
- (iii) The Assam Ministers' (Salaries and Allowances) Bill, 1944 and
- (iv) The Assam Motor Spirit and Lubricants Taxation (Amendment) Bill, 1944.

Complaint *re* non-receipt of Budget Estimates in usual time

Maulavi ABDUR RAHMAN : Mr. Speaker, Sir, the Hon'ble Finance Minister is now going to present the Budget. In this connection I may point out one thing for the information of the Hon'ble Chair that this year the Budget Estimates were not available to us within 15 days of its presentation to the House.

The Hon'ble the SPEAKER : The Hon'ble Member should remember that there was a circular letter issued by the Assembly Office explaining the reasons why the Budget Estimates were not available to the hon. Members in such time as was the case in the previous years.

Maulavi ABDUR RAHMAN : It was only explained that there might be delay in sending the Budget Estimates as was the case in other years.

The Hon'ble the SPEAKER : Under the rules of the Assembly the hon. Members are to get copies of the Budget only 14 days before the voting on Demands come up and the hon. Members will notice that the voting on Demands this time will come up on the 15th. To-day is 1st of March when the Budget is going to be presented. So, according to the rules, the Members have no ground for complaint.

**Presentation of the Budget for 1945-46 and Budget Speech of the
Hon'ble Finance Minister**

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mr. Speaker, Sir, I rise to present the Budget estimate for the year 1945-46.

I must apologise for the departure from the procedure, which has ordinarily been followed for many years, of sending copies of the Budget and Budget Memorandum to hon. Members approximately three weeks before the Budget Session commences. This procedure is not followed in any other province, but it has acquired the sanction of tradition in Assam and the departure from it needs an explanation. The very great increase in Treasury work all over the Province, which has been occasioned by the presence of the Military and the large transactions in food stuffs which Government have found themselves forced to engage in, coupled with the shortage of experienced staff in the Accounts branch of district offices, has resulted in Treasury accounts being submitted later than the due dates in most months, and this in turn has reacted on the Comptroller's office and caused delay in the preparation of figures for actuals which are required by him for the purpose of scrutinising budgets which are submitted through his office. He also was handicapped by shortage of staff as well as by having to move his office from Kench's Trace to his original buildings at the busiest time of the year, and the result was that the budgets which should have been submitted to the Finance Department by the 20th of December were all delayed by about a month, and we are unable to make our budget final until the end of January instead of the end of December. This did not leave sufficient time for the preparation of the Budget Memorandum and its printing, together with the printing of the Budget estimates, in time to send out copies so as to reach hon. Members before they left to attend this Session. We had to choose between sending out to hon. Members an inadequately checked financial statement, in which they might have been able to detect numerous printing or arithmetical errors, and waiting until they arrived in Shillong and letting them have a Budget which has received the normal adequate amount of checking. Since Rule 98 of the Assembly Manual prescribes that at least 14 days must be left between receipt by the Members of the financial statement and the first day on which the demands for grants are taken up it has been found necessary to delay the presentation of these demands until these 14 days have elapsed.

As usual I commence with a brief survey of the actuals for the year 1943-44. Hon. Members will find printed at Appendix (B) of the Memorandum the note prepared last November to show the actual receipts and expenditure for 1943-44 as compared with the revised estimates on which I commented in my Budget speech last year. I need not recapitulate the figures in detail and will content myself with mentioning that the result of the year's working was

very much more favourable than had been anticipated, and the year closed with a revenue surplus amounting to Trs.71,48. The chief contributory factors to this surplus were higher receipts from our share of Central Income Tax, better collection of Agricultural Income Tax and considerable increases under the heads Land Revenue, Provincial Excise and Other Taxes and Duties: the last named increase is due to the extra consumption of petrol by the Army. I have not mentioned the figures for Capital Revenue and Capital Expenditure because in these days the closing balance of the Province as shown in the Annual Financial Statement does not give a true picture of our financial position. Each year we are spending more and more on the procurement of food-stuffs, which inevitably entails a large time lag between purchase and sale, so that our closing balance is not really confined to the sum shown as cash balance at the end of March, but really should include also the considerable stocks of food-stuffs and cloth which we have in hand waiting to be sold. The figures for these, however, are only available at much later date in the year and cannot well be incorporated in the Budget accounts, since it is necessary in the course of trading transactions at times to write down the balance of stocks held when the price of rice has fallen. It is for this reason that Government charges a cess of one anna in the rupee on most of its supply transactions, in order to cover the expenses not only of staff engaged in the administration of Supply branch, but also the trading losses resultant on selling on a falling market, depreciation of stocks, etc. These remarks apply not only to the actuals of 1943-44 but also to the closing balances of 1944-45 and 1945-46: the real closing balance of the Province will not be known until supply operations have been closed down and accumulations of stocks have been sold.

The original budget estimates for the current year placed receipts at Trs.30,94,82 and the expenditure at Trs.30,20,71, thus anticipating a closing balance of Trs.74,11. The Revised estimates place the total revenue at Trs. 76,08,80 and the expenditure at Trs. 75,79,56 so that the closing balance will be reduced to Trs. 29,24. As I have remarked previously, however, the closing balance is really a fictitious one; the very large increase in capital receipts and expenditure were due to the necessity of Treasury Bills and Ways and Means Advances being taken to a much larger extent than we anticipated when the budget was framed, on account of the more extended rice procurement policy, and to large increases under the ordinary Deposit heads which appear on both sides of the account. We hope to be able to repay some of our Treasury Bills before the year expires, but the balance outstanding on 31st March, 1945 is still anticipated to be $2\frac{1}{2}$ crores as against a figure of 6 crores at certain periods during the year.

Turning to the revenue side it is estimated that the year 1944-45 will close with a revenue surplus of Trs. 29,09 against an estimated deficit of Trs. 10,40 in the original budget.

This is the result of an increase of Trs. 1,29,27 over the current year's revenue estimates and of Trs. 89,78 on the expenditure side. The largest increase in receipts is under the head Taxes on Income where the original estimate is likely to be exceeded by no less than Trs. 49,62; of this Trs. 17.12 is the result of this Government's share of Central Income Tax and the balance is from Agricultural Income Tax. We have found that the maintenance of our own separate staff for Agricultural Income Tax has enabled us to collect arrears much more effectively than under the former procedure, when we enlisted the agency of the Central Government staff for collecting our Agricultural Income Tax; moreover the year 1942 provided unexpectedly large profits to the Tea Industry which have been reflected in demands very much above the level anticipated both in the years 1943-44 and 1944-45, over which years collections on account of the income for 1942 are spread. Land Revenue showed an increase of Trs. 9,91. This was the first year in which the full effect of the withdrawal of the revenue remission was felt; in addition the improved financial position of the ryots enabled them to pay their revenue at an earlier date than in former years. Excise receipts are expected to increase by Trs. 28,47 due partly to the increase in license fees and duty sanctioned after the Budget was framed, but mainly on account of large consumption of Indian-made foreign liquor at the present time by the Army. Forest revenue is expected to increase by Trs. 28,21 entirely due to War demands but this is partially offset by an increase of expenditure of Trs. 18,39, a large part of which is due to delay in the adjustment of advances made to contractors. The expenditure side has been swollen by the increased grants of dearness allowance sanctioned at different times during the year and amounting to about 20 lakhs spread throughout all the budgets. Civil Works expenditure shows the largest single increase of Trs. 20,19 which is accounted for by construction of new offices, heavy expenditure on repairs to roads and smaller recoveries from the Defence Department as expenditure on Defence projects has not been large as was estimated; in addition the provision for Post-War Reconstruction is proposed to be raised from 25 lakhs to 50 lakhs in view of the large revenue surplus anticipated, and a supplementary demand will be laid before the Assembly for this purpose.

Budget estimates for 1945-46

As compared with the revised estimates for the current year we anticipate a drop in our income of Trs. 42,85 in 1945-46. This is principally due to a fall of Trs. 34,04 under the head Income Tax since the year 1943 yielded a very poor profit to the Tea Industry in comparison with the year 1942. Slightly smaller receipts under the heads Excise and Petrol Tax are also anticipated, on the assumption

that during the Budget year the War will recede somewhat and the Military demands will be less ; a similar reason accounts for the drop of Trs. 12,85 in the anticipated receipts from Forest Department. On the expenditure side, there is only a difference of about 11 lakhs between the estimates for the Budget year and the revised estimates for the current year. As, however, no provision has been made for contribution to Post-War Reconstruction Fund in the Budget year as against 50 lakhs in the current year, this represents an increase over the revised estimates of 39 lakhs. The increase in dearness allowance sanctioned which will operate throughout the Budget year is responsible for a good deal of this increase distributed over the various budgets : in addition Government have decided to spend 10 lakhs on new schemes and to increase provision for the "Grow More Food Campaign" from 23 lakhs in the current year to 51 lakhs next year. The total effect of these increases is estimated to produce a small revenue deficit of Trs. 2,31. Including both Capital and Revenue, the total Receipts in 1945-46 are estimated at Trs.69,52,36 against an expenditure of Trs.69,15,39, leaving a closing balance of Trs.36,97. As already mentioned a sum of 2½ crores will be outstanding in Treasury Bills, but this should be more than offset by the stocks of foodstuffs, consumer goods and cloth remaining unsold at the end of the year.

In view of the fact that the years 1943-44 and 1944-45 have both resulted or are expected to result in a very much larger revenue surplus than was originally anticipated when the budgets for those years were framed, it may be thought that the estimates which I am now presenting are unduly pessimistic, inasmuch as allowance has been made for a decrease in receipts. It is, however, very difficult to budget accurately without knowing the course which the war will take and the probable extent of Military operations, or rather, the effects which the presence of the Army will have on the ordinary administration in Assam in the coming year. There is no doubt that the receipts under Agricultural Income Tax are bound to reflect the fall in profits of the Tea Industry between the years 1942 and 1943, and I think, hon. Members will agree with me that it will be pessimistic to assume that the year 1945-46 will not see the War recede considerably from our borders with a consequent diminution of Military activities. If, however, receipts exceed our anticipations we shall make provision for a further contribution to the Post-War Reconstruction Fund by means of a supplementary demand at the close of the year.

In general administration of the Province the problem of meeting innumerable new needs in connection with food and other control continues to create a difficult man-power problem, in settling which Government have to bear in mind the need for granting adequate opportunity for permanent service to those who have joined the forces during the war, or who have done similar service in civil defence and the like. The post-war needs are also difficult to

estimate at this stage. It is therefore no solution to undertake recruitment on a large scale from young men of the same age group who would incidentally find serious promotion blocks in the distant future. It has therefore been necessary to strengthen the provincial civil service by temporary recruitment from the bar of fairly senior pleaders, and to re-employ a number of officers who on retirement were still fit for duty, while not neglecting the grant of fair prospects of advancement to the Junior Civil Service. Naturally this cautious policy has not pleased everybody. Twelve pleaders were so recruited on temporary terms, on the time-scale, together with the ordinary direct recruitment of three officers and the promotion of three from the Assam Junior Civil Service. The future policy of recruitment to the Imperial and Provincial Services has been under correspondence with the Government of India, particularly in relation to absorption of war candidates, and for the transitional period before such recruitment can begin, fifteen volunteers from the commissioned ranks have been obtained to strengthen the administration. Of ten officers so far allocated to duty in Assam the salaries of six only will be found from the budget for which the Assembly is responsible.

To check drift from one Government employment to another by persons who make a convenience of Government service while looking for the lucrative opportunities which conditions have been presenting, a moderate control over resignations and applications for transfer has been introduced.

Another problem is that of exhaustion of the services by working long years without normal leave. Concessions have been given in line with action by the Secretary of State and the Government of India to encourage short leave, and a small beginning has been made with leave to the United Kingdom.

In the beginning of 1944-45, we were paying dearness allowance at a cost of Trs.9,91 annually. In addition we were giving rice concession and free rations estimated to cost about Trs. 28,00 in a year. The scheme of dearness allowance was amended from the 1st May, 1944 to one costing Trs. 15,38 and again from the 1st July, 1944 to one costing about Trs. 25,00. From the 1st November, 1944 an additional increase of Rs.5 per head was sanctioned, costing about Trs.15,00 in addition to Trs.25,00 mentioned above. War allowance was given from the 1st July, 1944 to those drawing from Rs.250 to Rs.1,000, costing Trs.4,34. The total cost in a full year of the dearness allowance, war allowance, free rations, rice concession is estimated at just over 73 lakhs. As will be evident from what I have said above Government have reviewed the position from time to time and have taken necessary steps to relieve to a certain extent the difficulties of their employees. Rice concession to municipal sweepers has been continuing in Sylhet Municipality and free ration has been extended to municipal sweepers in Gauhati.

The enormous strain thrown on the Police Department by the presence of large bodies of troops and duties ancillary to the Army and Air Force is shown by the fact that the temporary forces employed in connection with the war, for the majority of whom the Central Government pay, now considerably exceed the permanent police force of the Province, and still there are not nearly enough police to fulfil all the requirements. One serious obstacle has been the difficulty of recruitment due to the lucrative opportunities which can be earned in business and contracting, mentioned above. The question of the post-war strength of the police forces is an important one, now under review.

The subject in connection with administration of Jails which usually engages most interest is that of security prisoners. Despite the fact that Assam is not yet out of the wood created by the perils of war, and during a large part of 1944 was subjected to actual attack by the enemy, Government have throughout given the closest consideration to the need of limiting civil liberties to the least possible degree. The number of security prisoners on the 1st April 1944 was 184, and 217 prisoners were under restrictive orders of one kind or another. By the middle of February 1945 the number of prisoners had been reduced to 95 and that of persons under restriction of any kind to 216. The allowances granted to the families of detenus, despite the reduced numbers, now amount to Rs. 1,572 per mensem, and a total of Rs. 231 per mensem is also given to maintain those restrictees and their families in whose case it is shown that the restrictions interfere with their livelihood. A new scale of clothing has been sanctioned for security prisoners.

The various new classes, such as *ex*-soldiers and persons of a criminal tendency who have entered the Province in connection with work for the forces, who find their way into the criminal courts cause pressure on the jails to be increased. The jail population at the end of 1944 was only a little under 4,000, as compared with a peace-time population of some 3,000.

Since 1940-41 the net receipts from Forests have grown from year to year: in the first of these years they doubled, while in the current year it has been estimated that five times the normal surplus of about six lakhs will be yielded. Thus it can be said that the war has meant a revenue of over sixty lakhs to the province from our forests. It is not to be expected that this gain will be continued: as the war recedes from the Assam border the army's needs will sharply decrease, and this tendency is strongly reflected in next year's budget.

The Forest department has expressed the view in relation to post-war reconstruction that at least a sum of 50 lakhs should be put back into Forest capital in the form either of a depreciation or sinking fund or of specific schemes of development from the war windfall. This does not mean that the capital values of the forests

have been wasted to this extent, but that if the province is to have in the future equal opportunities for taking advantage from good times as in these recent years, such improvement schemes as a training class for subordinate staff and the development of communications for the purpose of tapping the remoter areas must be undertaken while the province can afford them.

The new schemes contain a proposal for re-organisation of the subordinate services at a recurring cost of Rs.50,000 in the first year and Rs.1,28,000 ultimately, some acknowledgment of the work put in by the staff, and the need to present more encouraging prospects for good work. The cadre, conditions of service and recruitment of the superior service are also under consideration of Government with the same purpose of affording scope of advancement to efficient men and making up a shortage of trained man-power.

In Provincial Excise the deterioration in receipts from country spirit continues due to difficulties of transport and restrictions on Assam issue imposed by Bihar Government. To counteract this it has been decided to arrange supply of country spirit to Lakhimpur and Sibsagar districts from the Assam Distillery at Dikom. This is likely to increase revenue from country spirit next year. There has been decrease of revenue from *ganja* also due to inadequate and irregular supply from Bengal. The only redeeming feature is the increase in revenue from foreign liquor despite the increase in rate of duty. In order to be dealt with smuggling more effectively it has been decided to establish an Excise Intelligence gazette. For better supervision of excise work it has been decided to create a post of Superintendent of Excise for Goalpara district.

Of all the nation-building activities of the Government Education is admittedly one of the most important. In spite of the difficult situation created by the prolonged war a number of new schemes involving a total non-recurring expenditure of Rs.1,13,775 and a total recurring expenditure of Rs.3,40,248 have been included in the budget. The report submitted by the Primary Education Committee is still under the consideration of Government and no progress hitherto could be made as to the introduction of compulsory primary education. A special feature of this year's budget is that the need for giving great impetus to female education has been recognised by provincialising a Girls' College at Gauhati and a Girls' High School at Shillong. The claims of indigent pupils of the scheduled caste have been attended to and necessary provision has been made in the budget for remission of their fees either in Government or aided secondary schools which will be given grant-in-aid to compensate the loss of their fee-income.

With the establishment of a Tibbya College at Sylhet and opening of Ayurvedic Classes at Manikul Asram Vaidic Tol, it is hoped that the oriental system of medicine will receive an impetus and patronage. Provisions have been made to give grants-in-aid to

deserving venture secondary schools and also to schools situated among the immigrant areas. Besides, the Mass Literacy Scheme has been permanently retained with a total expenditure of Rs.91,660 and increased provision has been made for raising the number of scholarships of various categories for different communities. In this connection it may also be mentioned that due to the abnormal rise in the price of all articles Government have seriously considered the difficulties in the condition of teachers of secondary aided schools and primary schools of all kinds including aided Madrasas and Tols and have made necessary provision in the budget for granting dearness allowance to these teachers. As a matter of fact to give relief to all kinds of teachers effect to the above scheme has been given from the 1st November 1944.

The war, by curtailing the import of silk, has improved the prospect of sericulture in an unprecedented degree. There is a keen demand for sericultural demonstrators. In order to take advantage of this situation it has been decided to appoint 12 additional sericultural demonstrators and one sericultural supervisor.

The activities of the Co-operative Department have been greatly intensified and more than 1,600 Consumers Co-operative Stores have already been established. Several industrial co-operative stores have been organised in different parts of the province to procure and distribute raw materials such as iron, steel, brass sheets, etc., for the manufacture of agricultural implements and brass-ware. To cope with the scarcity of cloth and arrange its fair distribution a Provincial Co-operative Textile Supply Society and several subdivisional wholesale societies of cotton cloth and yarn dealers have been organised.

The important schemes in the Agriculture Department are grouped together under the comprehensive designation of Grow More Food Campaign. They consist in the distribution of improved seeds and manure and the execution of such projects of irrigation and drainage as are likely to increase the yield of paddy and other food crops. Owing to a variety of causes there has been a serious depletion of the cattle population of the country. To counteract this, a cattle breeding scheme and preservation of productive cattle scheme have been included in Grow More Food Campaign. We have also included a poultry and goat breeding scheme to increase the supply of poultry and counteract the goat shortage in the province.

In consideration of the slender resources of this Province the Government of India expressed their desire to increase their share of assistance in connection with the Grow More Food Campaigns up to $66\frac{2}{3}$ per cent. in respect of most of the schemes as against the ratio 50 : 50 accepted in the case of other provinces.

Acting in accordance with the advice of Government of India we have taken steps to prepare our Grow More Food schemes on a

three-year basis. The schemes intended for 1945-46 representing an expenditure of Trs. 41,38 as against Trs. 18,95 of 1944-45 have already been transmitted to Government of India. Out of this estimated gross total, a sum of Trs. 15,10 and Trs. 36,72 will be borne by the Provincial Government and Central Government respectively. The contribution of the Government of India may take the form of a loan to the Provincial Government, free of interest for the year. The estimated net cost (gross expenditure minus recovery) of the schemes comes to Trs. 27,37. The Provincial Government and the Government of India will share this as under:—

	Trs.
Provincial Government	10,43
Government of India	16,94

The question of controlling the outbreak of epidemic diseases amongst cattle has continued to engage the attention of Government and with this end in view provision has been made for the permanent retention of 85 Veterinary Field Assistants. Provision has also been made for the establishment of two new Veterinary dispensaries, one at Nabiganj and the other in Sibsagar subdivision with a view to meet the growing demand for veterinary aid.

Increased grants-in-aid to Local Boards for supply of medicines, new organisation of Nursing Service in hospitals, revision of scale of pay of the compounders, increased grant to Barpeta Leper Asylum and Santipara Leper Colony and establishment of an out-patient dispensary at Jowai and a travelling dispensary for Khasi Hills are some of the directions in which expenditure is proposed to be increased under the Medical Department.

To meet the abnormal situation at Baniyachong, due to the prevalence of malaria in epidemic form, a 50 bedded hospital has been opened there. The malaria epidemic is now under control; in order to reduce the infection, spraying with pyrethrum extract was begun in July, 1944 and will be continued till May, 1945.

To deal with and co-ordinate all anti-malarial measures and projects in the province a Malaria Section is proposed to be opened under the Public Health Department to replace the Assam Medical Research Society. Owing to the scarcity of Quinine Sulph. Government of India have supplied a large quantity of quinine substitutes to this province for sale. These are now being supplied for use in hospitals and dispensaries under Government control and also distributed free to indigent malaria patients by Public Health Department Staff. Arrangement is also being made for the sale of these tablets in rural areas.

The Public Works Department continued to be engaged mainly in the construction of roads and bridges of military importance. It

crore of rupees from this year's revised figure. Under imported foodstuffs and standard cloth there is little change.

As regards distribution, rationing has been introduced in 9 District Headquarter towns and is to be extended to other smaller towns. The provision for expenditure under this head has, therefore, been increased.

Various new control orders have been introduced during the year. The administration of the Hoarding and Profiteering Prevention Ordinance is the most important of these. This has been entrusted to the Excise Department with additional staff. Connected with that is the scheme for procurement and distribution of Consumer goods, already approved by the House. This scheme entails both capital outlay and recurring expenditure for which provision is being made for the first time in this budget. A Canteen Store for Government servants has recently been opened in Shillong. Although Government have given an advance of 2 lacs for the starting of the store it is expected to run ultimately on its own profit and to entail no expenditure to Government.

With the large increase of work the Department has been greatly expanded both in the Districts and in Shillong. All this expenditure is expected to be met out of the cess. Recoveries have improved and although next year's estimates show still a lag, Government expect the position will be better. Although the Department has been considerably expanded, still the staff is inadequate and particularly the work of the Accounts Branch is very badly handicapped for want of suitable trained men. Government are contemplating the appointment of more superior officers for supervision of co-ordination.

Under the head of expenditure on account of rice concession and free ration there is a substantial reduction. This is mainly due to the reduction of ration given to Government servants to bring it into line with the scale of rations given to the public.

As regards Labour Welfare the Chairman of the Government of India's Labour Enquiry Committee has been carrying out an investigation of plantation conditions in Assam. The results of this cannot be anticipated, but it may be stated now that the trend of activities in the Labour Department indicates that a strengthening of the provincial Labour Service will be inevitable, and only shortage of man-power and lack of facilities for training have stood in the way of a beginning being made now. Rates and Wages Boards and Labour Supply Committees established at the cost of the Central Government are now functioning more effectively, since a small staff of whole-time officers has been obtained for the secretarial work; and the Government of India have recently sanctioned a Labour Supply

Depot for Sylhet. It is hoped that this organisation will furnish a means of securing better conditions and security for unskilled labour in Assam.

In the Assam Transport, we have obtained the services of Mr. W. R. Faull, at times a Member of the Assembly, a man with long experience of Assam, as the Director. The Assam Transport organisation has only recently been strengthened by a number of officers obtained from the Army and elsewhere through the assistance of the Government of India. Unfortunately this reinforcement was obtained late in the day, and though the organisation is still performing vital functions and earning a satisfactory income, it has reached a stage of difficulty in respect of maintenance which requires careful consideration and unremitting effort to build up workshop facilities and a maintenance programme. The problem of the future of Government fleets, together with those of development and control of road transport are engaging consideration in consultation with the Government of India: they form a subject of the greatest importance in relation to the development of communications generally and the co-ordination of all forms of transport.

A great deal of the spade-work of Post-War Reconstruction has been done by Sir Keith Cantlie, and the preparation of a tentative scheme has been undertaken. One of the most difficult problems in this connection is the survey of power resources and the examination of ways in which industrial development can be fostered in Assam. The Government of India's Central Power Board is expected to furnish most valuable assistance in investigating and advising on such possibilities as hydro-electric development, and the possibility of developments of great magnitude such as drainage and irrigation schemes through the use of power cannot be overlooked. We have schemes under consideration, which have been submitted by different committees on (1) Agriculture (including Animal Husbandry), Forestry and Fisheries, (2) Communications, (3) Industrialisation, (4) Public Health and Medicine (Hygiene), (5) Social Service and Education, etc., involving a total expenditure of over 76 crores. The cost may be a good deal higher when all the plans are prepared in details.

In the Civil Defence Department there has been slight reduction of the staff consequent on the War receding further from our Province. The future of this department and further curtailment of its activities are naturally dependent on the progress of the Allied Army in Burma.

In conclusion, I would express my thanks to the Chief Secretary, Secretaries and Deputy Secretaries and the staff of the Finance Department from whom I have received valuable assistance,

Time-limit for Budget Speeches

The Hon'ble the SPEAKER : Hon. Members have come to know that His Excellency has allotted the 5th, 6th and 8th March for the general discussion of the Budget. It will be somewhat difficult for me to fix a time-limit, if necessary, for speeches until and unless I know how many Members desire to take part in the discussion on a particular day. I would, therefore, request the Leaders of the Parties to give the names of their party Members who desire to speak on the subject on different dates, to the Assembly Department before 4 p.m., on Saturday, the 3rd March, 1945.

Presentation of Notification under Section 296 of the Assam Municipal Act, 1923

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : I beg, Sir, to present the following Notification under section 296 of the Assam Municipal Act, 1923 :—

Notification* No. LML.203/43/22, dated the 3rd January, 1945.

Presentation of certain Amendments to the Assam Motor Vehicles Rules, 1940

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to present certain amendments† to the Assam Motor Vehicles Rules, 1940, under section 133 (3) of the Motor Vehicles Act, 1939.

The Hon'ble the SPEAKER : Hon. Members know that these Amendments are to be laid on the table of the House 14 days before they are to be discussed. I don't think that there will be any time to dispose of these Amendments before the 23rd March. So, any Amendments that are intended to be moved to those Amendments, should reach the Assembly Department by 3 p.m. on the 19th instant. I don't know how the Hon'ble Premier proposes to secure the concurrence of the other House. On a previous occasion we had a joint committee of both the Houses for disposing of such Amendments on a unanimous basis but on the last occasion he took the responsibility of securing the concurrence of the other House without a joint committee of both the Houses.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : If the Assembly accept the amended rules on the 23rd instant, I propose to place them before the Council which will hold their adjourned Session on the 26th March and I hope they will accept the amended rules.

Election of Members to the Bengal and Assam Railway (A. B. and E. B. Zones) Local Advisory Committees.

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

(b) That this Assembly do elect one member to the Bengal and Assam Railway (E. B. Zone) Local Advisory Committee in place of Mr. Baidyanath Mookerjee.

The Hon'ble the SPEAKER : Motions moved :

“(a) That this Assembly do elect one member to the Bengal and Assam Railway (A.B. Zone) Local Advisory Committee in place of Maulavi Abdur Rahman.

*Appendix “A”.

† Appendix “B”.

(b) That this Assembly do elect one member to the Bengal and Assam Railway (E. B. Zone) Local Advisory Committee in place of Mr. Baidyanath Mookerjee."

Mr. A. WHITTAKER: Mr. Speaker, Sir, I should like to raise a question of general importance in connection with the election by the Assembly of members to the Bengal and Assam Railway Local Advisory Committees. I think the Railway administration in this Province cause more general dissatisfaction among the public than any other public service. I think it will help Members of the Assembly if before proceeding to elect new Members to these Committees, they could be told by the existing Members what they have done and what they have failed to do. I am sure, we should all be interested in the long category of what they have failed to do. In saying so, Sir, I am not reproaching the existing Members, because I know how difficult it is for them to sponsor proposals which aim at providing the public with a reasonable standard of amenities in railway travel; but I do think that the Assembly should take every possible opportunity of bringing to the notice of the Federal Railway Authority the intense dissatisfaction at the standard of railway travel provided in this Province. Anything that will help to focus Central Government's attention in this matter would be doing a public service to every citizen of this Province.

The Hon'ble the SPEAKER: I think, on a previous occasion, I also made a similar suggestion as that just made by hon. Mr. Whittaker, when I told the House that hon. Members before bringing to the notice of the House any grievances against the Railway or any local interest should ascertain from the Members who were on the Railway Advisory Committees beforehand what they had done and what they had failed to do in regard to grievances they brought forward before the Railway. I think, the Members who were on the Railway Advisory Committees would do well if they seek an opportunity to disclose to the House the result of their activities as members of the Railway Committees. The general discussion of the Budget may present such an opportunity for acquainting the House what they have done and what they have failed to do as Members of the Railway Advisory Committees.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir. May I speak a few words not for the sake of giving details of what we have done and what we have failed to do as members on the Railway Advisory Committees but to convey some idea about our helplessness there. I have not got the printed proceedings with me now to place before the hon. Members to show what motions and resolutions I wanted to move and what were the replies given to them. But I thank my hon. Friend Mr. Whittaker for bringing this matter before the House so that we get an opportunity to place before the House how the railway authority have been dealing with this Province. I brought this matter to the notice of the Hon'ble Minister-in-charge of Communications Department. We were given to understand by the railway authority that they had got the approval of the Provincial Government for closing down some of the stations in the district of Sylhet. So I have tabled an Adjournment Motion to-day for the fact that several stations in the district of Sylhet were closed down on the 1st of February last. It is a funny thing that I, the elected representative of the Hon'ble House, was not consulted once even whether I had got to say anything in this matter and how they got the approval of the Provincial Government who made no enquiry whatsoever. Now, Sir, as I have tabled an Adjournment Motion, I think, I will get full opportunity to discuss the matter.

The Hon'ble the SPEAKER: The hon. Member knew beforehand that a Motion of this nature would be moved to-day and that it would have been better if he could take advantage of this Motion and make a speech to disclose to the House his failure and achievements as a member of the Railway Advisory Committee.

Mr. BAIDYANATH MOOKERJEE: I think, it will be better if you would kindly give me the opportunity to speak on the matter on some future date.

The questions were put and adopted.

The Hon'ble the SPEAKER: I hereby fix Tuesday, the 6th March, 1945, as the date, and 4 p. m. as the time, or as soon as the business of the day is finished, whichever is earlier, for holding the election to the Bengal and Assam Railway Local Advisory Committees both Assam Bengal and Eastern Bengal Zones separately. The voting will be held in Committee room No. 2.

Mr. A. WHITTAKER: I hope the Hon'ble Speaker will consider the fixing of a later date. We may choose to re-elect the same members if they have acquitted themselves well.

The Hon'ble the SPEAKER: Yes, I find that the request made by the hon. Member is quite reasonable and therefore I accede to his request and alter the date from 6th to 13th March, Tuesday.

Mr. A. WHITTAKER: Thank you, Sir.

Election of Members to the Public Accounts Committee

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I beg to move that this Assembly do elect seven members to the Public Accounts Committee under rule 102 of the Assembly Rules for the year 1945-46.

The Hon'ble the SPEAKER: Motion moved:

"That this Assembly do elect seven members to the Public Accounts Committee under rule 102 of the Assembly Rules for the year 1945-46".

The question was put and adopted.

The Hon'ble the SPEAKER: Under the rules, I hereby fix Thursday, the 8th March, 1945, as the date and 4 p. m. as the time or as soon as the business of the day is finished, whichever is earlier, for holding the election of members to the Public Accounts Committee. The voting will be held on the floor of the House.

The Assam Finance Bill, 1945

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I beg to introduce the Assam Finance Bill, 1945, and to move that the Bill be taken into consideration.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Finance Bill, 1945, be taken into consideration".

The Hon'ble the SPEAKER: I think, no discussion is going to take place over this matter. I am, however, putting it as a question.

The question is:

"That the Assam Finance Bill, 1945 be taken into consideration."

The question was adopted.

The Assam Local Board Elections (Emergency Provisions) Bill, 1945.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir, I beg to introduce the Assam Local Board Elections (Emergency Provisions) Bill, 1945 and to move that the Bill be taken into consideration.

I have given in the Objects and Reasons the cause for our bringing forward this Bill before this House. As was stated by the Ministry at the time of consideration of the Local Board Elections (Emergency Provisions) Bill, 1944, we tried our best to collect all the necessary figures for redistribution of seats. But due to the heavy work of our District Officers in connection with the various war works, we could not have the figures from them in proper time. So, the Government could not come to a decision before the middle of December 1944 and it was very late for us to decide about the redistribution of seats amongst the various constituencies and communities. Now as the election rules require that two months should be given between the publication of the preliminary electoral roll and the final roll we find that the time is too short for us to hold the election before the 1st April, 1945. For this reason, Sir, we have brought in this Bill for the postponement of the election for a short time only.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Local Board Elections (Emergency Provisions) Bill, 1945, be taken into consideration".

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, it seems that the Hon'ble Minister has already decided upon the allocation of seats for the Local Boards, and this he did without consulting this House. It is a tragedy that in such an important matter, namely, the question of redistribution of seats, he did not think it proper to take the House into confidence. As that decision has not been published, I am afraid, it will not be possible for us to criticise how the seats have been allocated. But rumour has it that the Hon'ble Minister has curtailed the rights and privileges of the Hindu community, so far as the redistribution of the seats is concerned.

In my subdivision of Karimganj, Sir, I know that there was a recommendation from the Local Board that, on population basis, eleven seats should be set apart for the Hindus and fourteen seats for the Muslims and the Subdivisional Officer also approved that scheme but when that recommendation reached the height of Shillong, it has been changed, so as to reduce the number of Hindu seats to eight including the Scheduled Castes and the number of Muslim elected seats maintained at 14 in accordance with the above recommendation with one nominated seat reserved in addition for the Muslims. So, it comes to this that the Hindus would represent one member for every 30 thousand of population and the Muslims one member for 20 thousand of their population. Of course, on the population basis, it comes to this. If payment of local rate is taken as the basis, I think, the Hindus would claim almost double the number of seats that has been allotted to them. So we cannot but feel that the Hindu community has been made to suffer in the hands of this Ministry. If population be taken as the basis, then certainly the Hindus are entitled to a weightage as they are the minority community in the Surma Valley but far from giving them any weightage, the Government have not given what is proportionately due to them on population basis. So, before coming for a vote for an extension of the life of the present Local Boards, the Ministry ought to have consulted this House as to how they were going to reconstitute the new Local Boards. After so many postponements of elections, the Government ought to have been able to revise the Local Board Manual and let the House know their decision about the reconstitution of the Boards. We have been profoundly disillusioned with regard to that and we emphatically say, Sir, the Government have denied this House of its legitimate right to approve their new allotment of seats and delimitation of constituencies. They ought not to have done it in a clandestine manner as they have done it now. So, before they come to this House asking for a further postponement, this House has a right to see how they are going to allocate the different seats and distribute the constituencies. I have not come here to raise any communal question but I say, what is due to everyone must be given to him. The Government has no right to deny any community their rightful share in public life.

Then comes the question about a further postponement of the election. It seems the next election, if it is to be held, must be held in the month of May or June. Then it would be the rainy season and the agriculturists will be busy with their cultivation. So they may not brook this interference and there may be difficulty in collecting people to the polling booths at that time. So this is by no means an opportune moment to go through an election in the month of May or June. Government are taking postponement after postponement on this plea or that. This time they have come with the plea of over-worked condition of their district officers. I would ask this House to consider whether there are sufficient grounds to postpone election for years and years together. Are not elections of greater magnitude being held elsewhere in this world; in countries which are equally or more busy with their war affairs? No other Government has taken shelter on the plea that their officers are too busy with other duties.

Then, Sir, is the question how are we to hold election. The right of the public to hold meetings and processions has been banned. We are not allowed to address public gatherings at the time of election. So having denied the fundamental rights of the public, how are they going to hold election? I say, Sir, all

facilities should be given to address election meetings. If, even during the time the elections are held, these restrictions on holding meetings are not withdrawn, I do not think there is any chance of having a fair election and getting a right verdict from the electorate. So these are some of the difficulties which we shall have to experience if we are to carry an election in the month of May or June. I charge the Government for incompetence for not holding the election earlier and for having now come forward for a further postponement of the election. Therefore, Sir, with these words, I am constrained to oppose the Bill that has been introduced by the Hon'ble Minister of Local Self Government.

Adjournment

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

After lunch

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I want to make a few observations about the Bill. The time for election is fixed in June, 1945. You know, Sir, what difficulty there will be for the voters of the low-lying areas in the district of Sylhet to go to polling centres to cast their votes. This time should be changed and should be so fixed when the cultivators can easily go to polling centres to cast their votes for their respective candidates.

I want to press only one point more; that is the constitution of constituencies. Formerly, there 'were plural member constituencies'. Most of the Local Boards passed resolutions that there should be 'single member constituencies'. I know that the Sunamganj Local Board passed a resolution to this effect, when asked by Government to pass opinion on the subject. The decision of Government has made the position worse. I may cite one instance. Tahirpur and Sunamganj Thanas form one constituency. This time the Hon'ble Minister has changed this and formed a constituency with Tahirpur and Jamalgunj Police station. This has made the position worse. I would therefore try to urge that all the 'single member constituencies' in each Thana should be taken as one constituency. I mean, Sir, that Thanas should be divided according to the number of seats allotted to each. So, Sir, if I am to stand from the Jamalgunj Thana and two or three members are to be returned from that constituency I have to travel the whole area. So for avoiding this trouble the constituencies should be divided according to the number of seats allotted to each. The labour of the intending candidates becomes less and the voters also do not find any difficulty in casting their votes.

With these few words, I resume my seat.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I want to make some observations on the Assam Local Board Elections (Emergency Provisions) Bill 1945, that has been presented to the House. I share the general feeling of surprise that the present Bill has caused in the minds of the hon. Members. After a similar motion passed in the last Budget session of the Assembly we were not prepared for a similar measure for this session also. From the Statement of Objects and Reasons we find that Government were reluctantly compelled to introduce this Bill for a short extension of the life of Local Boards. I cannot but sympathise with the Hon'ble Minister. We would have extended our whole-hearted support to the Bill if we were convinced that the entire period of extension was being utilised for improvement of the existing state of affairs. Sir, I submit, this is not the case. I presume that the time has been sought to be extended for the proverbial red-tapism of the official steam-roller. From the Bill it will be seen that it will not be possible to hold the election before the month of June. It has been stressed by more than one hon. Member of this House that the time would be most inopportune for a general election. At that time of the year, monsoon sets in and communications in most of the subdivisions become most difficult. This would mean extreme hardship not only to the

candidates but also to the electorates; and this would also mean extra expenditure on the part of the candidates. This I submit, should engage the serious consideration of the Government.

In the last session of the Assembly as many as 15 hon. Members had tabled a Motion to the effect that the seats in the Local Boards should be redistributed on a population basis. This Motion could not be taken up for want of time. Surely Government has earned the gratitude of the people in allocating the seats mainly on the basis of population. This has removed a long felt inequity and injustice. We know that there has been a chorus of protest from more than one quarter against such redistribution, but most of the arguments advanced by these persons are unreal. I cannot understand, Sir, how the persons who advocate the principle of adult suffrage can object to the principle of population in the matter of allocation of seats. Of course there is much to be said against the maintenance of the *status quo* as regards the Planting constituencies. In view of their importance and contributions, the Planting constituency no doubt can rightly claim certain weightage over their numerical strength, but this surely does not justify 400 per cent. increase over their due share.

Mr. A. WHITTARER: 400 per cent. increase since when?

Maulavi ABDUL BARI CHAUDHURY: Over their population. I do not know what the Hon'ble Minister means by the words "revision of constituencies". Perhaps he will rest content with the thana constituencies which prevails at the present day. What we want is single-seated constituencies as has been proposed by my Friend, Maulavi Maqbul Hussain Chaudhury, just now. It is no good throwing 5 ballot papers by the same person in one coloured box. I also suggest that the Local Boards should be taken into confidence in allocating such single-seated constituencies.

Sir, orders have already been issued to the local officers to revise the electoral rolls. These rolls were originally compiled in 1936. At least 25 per cent. of the voters on the rolls are already dead and much more than that number are awaiting to be enlisted now. In the circumstances, is it not fair to compile it afresh instead of revising it?

I would like to add one word more on the question of election expenses. The minimum expenditure per Local Board for the general election has been estimated to be in the neighbourhood of ten thousand rupees. I make bold to say, Sir, that no Local Board in Assam will be capable of bearing this heavy burden at the present moment. Many Local Boards have already adopted resolutions in their meetings regretting their inability and urging Government to bear this expenditure. I do hope that Government will give due consideration to this grave aspect of the question.

Lastly, I would like to reiterate what I have said on more than one occasion. No Local Self-Government worth the name can be formed or can function under the old and rotten Act of 1915. It requires immediate revision. I know the Hon'ble Minister who is also a Member of His Excellency the Viceroy's Defence Council is too pre-occupied with his tours throughout India but cannot this task be delegated to some worthy Secretary?

Sir, I could not support the Government Bill that was introduced in 1944. I was too eager that election should be held this year in the early part of February, but that has not been done. In the present state of affairs, we will not grudge a further extension even upto 15th January 1946 provided Government utilise the intervening period in coming forward with a thoroughly revised Bill.

With these words, Sir, I resume my seat.

Babu KAMINI KUMAR SEN: Sir, in rising to oppose this Bill, I would like to make some observations. The Bill has been brought forward to postpone the Local Boards election till 15th of June next. The plea taken is the same old plea

which this House has been hearing for the last four years, that is, for the purpose of allocation of seats and redistribution of constituencies. The Ministry has already taken four years and they now come forward for an extension of another three months on the same ground that the District Officers are pre-occupied and that they could not supply the necessary figures; nor could they reply to Government communication in time. Sir, that plea does not do honour neither to officers nor to Government. It rather proves their incompetence. If Government will allow their District Officers to take such unusually long time in a small matter like this, I do not know what will be the position of Government in other bigger matters. So, Sir, firstly, I protest against the ground taken by Government for this extension.

Secondly, Sir, it has been rightly pointed out that if the election is held in the months of May or June it would be disadvantageous both for the electors and for the candidates who will have to undergo much difficulty to tour round the constituencies to approach the voters. The voters, as has been rightly pointed by my Friend, Mr. Aditya, will naturally be very busy at that time with their cultivation and it will be very difficult to get in touch of them.

Then, Sir, communications in most of the interior places is anything but satisfactory and it will not be possible for many to go into many places in the interior during the rainy season. So, Sir, on these grounds it is most undesirable that election should be held in May or June or during the rainy season.

Then, Sir, thirdly, this allocation of seats and redistribution of constituencies has been most unfair and illegal. The Hon'ble Minister has told us sometime in the forenoon that they have already taken a decision with regard to that, but unfortunately even the hon. Members of the House do not as yet know what is their decision, not to speak of the general public. We have, however, seen reports in the press, if that report is correct—I do not know, I stand corrected and I hope the Hon'ble Minister may kindly enlighten the House as to what is the decision of Government with regard to the allocation of seats and redistribution of constituencies. But if the reports that have been put first in the press are correct, Sir, I must say that this allocation of seats has not been done on a rational basis nor has it followed the principle of section 4 of the Local Self-Government Act. I refer to proviso to section 4, sub-section (2). It runs thus:—

“Provided that in making the distribution of members among the different sections of the community and in different localities under clause (b) the Local Government shall take into consideration among other things the population of each such section, the area held and the local rates and taxes paid by each.”

There are the criteria, firstly, population, secondly, the area held and thirdly, local rates and taxes paid. Sir, with regard to my subdivision, I know the number of seats that have been allocated in the Karimganj Local Board and from the figures I find that this allocation of seats has not been done there according to population basis. From the census figure, Sir,—I take the instance of Karimganj Local Board as it is difficult for me to refer to other Local Boards because I do not know exactly what is the number in other subdivisions, but with regard to Karimganj subdivision, Sir, at present, there are nine Muslim and eight non-Muslim members in the existing Local Board and during the last census, there has been an increase of only 15 per cent. among the Muslim population whereas the non-Muslim population also had some increase though not to the extent of 15 per cent. but by about 10 per cent. Now according to the new allocation, in place of nine Muslim members fourteen elected seats have been allotted to the Muslim community whereas the number of non-Muslim members remains the same—six allotted to the caste Hindus and two to the Scheduled

Castes. That is to say that the Muslim seats have been raised to fourteen in place of nine though there has been only an increase of 15 per cent. to their population figure whereas no increase has been given to the non-Muslims though their population also increased by 10 per cent.

Babu RABINDRA NATH ADITYA: There is nomination ;

Babu KAMINI KUMAR SEN: I will come to the nomination question later on, because I have some more observations with regard to this.

So, I submit, Sir, that the census figures do not justify the increase in the number of Muslim seats. If there are to be 14 Muslim seats in the Karimganj Local Board, I submit, Sir, according to population there should be at least 12 non-Muslim seats on the same Board. I do not know, Sir, how these figures have been arrived at.

Now, Sir, apart from this population figure, there are two other criteria—(i) area held, and (ii) local rates paid. I do not know exactly what are the figures about local rates, and that about area held is also not available. But from my personal experience, I know that the Hindus pay more local rates than any other communities. So, according to the second criterion—local rates paid—I think Hindus are entitled to more seats than they can claim according to their population. If according to population they are entitled to 12 seats, I think according to the second criterion they are entitled to more than 12 seats.

Then, Sir, I think both the categories—area held and local rates paid—are inter-linked. Because a person who pays local rates has to be presumed to hold area and hence I take both these together. I submit, Sir, the Hindus pay more local rates and hold more area than any other communities. If I am not correct in my contention I would request the Government to contradict the same by figures but I maintain that the Hindus pay more local rates and hold more area than the Muslims and as such they are entitled to more seats than what they can claim under the population basis. So, it is clear that all these criteria—population, area held, local rates and taxes paid—have been ignored in making the said distribution of seats.

In South Sylhet also I find from a paper report that the number of non-Muslims are greater than the Muslims. But in the new allocation of seats the Muslims get 10 seats whereas the non-Muslims get only 9. According to the figures that were published in the same paper it seems that if 10 seats go to the Muslims at least 12 seats must go to the non-Muslims according to population. So, at least from these two instances I find, Sir, that neither the population nor the local rates nor the figures about the area held, justify that distribution. Apart from this there is another thing mentioned in that proviso as “among other things”. “Among other things”, I think, backwardness of communities must be taken into consideration and backward communities are certainly entitled to more seats than their population justifies. Scheduled Caste people are admittedly the most backward among all communities, yet no weightage has been given to them. In Karimganj even according to population they are entitled to more than 2 seats which have been allotted to them under the new distribution. So, Sir, even on this ground also I do not find any justification for the allocation of seats that has been made.

Now apart from this unfair distribution in elected seats there has been a novel innovation introduced in reserving seats for particular community among the nominated seats. With regard to nomination there is an express provision in the Rules—I refer to Rule 19(i) which runs as follows:—

“The members of each Local Board who are under the provisions of section 4(1) and (2) of the Act to be appointed, shall be appointed by the Local Government after taking into consideration the claims of those castes, communities, localities and interests which are not adequately represented by the elected members.”

Thus it is clear that nomination shall be made from among the castes, communities and interests that are not properly represented by elected members. This presumes that nomination has to be made after considering the result of the election. But in spite of this rule in the Karimganj Local Board, out of the two nominated seats one.

has been reserved for the Muslims. I do not know what is the basis of reserving this one seat for them. How that can be legally possible when that specific rule—rule 19—which I have just now quoted, remains as it is. The rule clearly states that nomination is intended only to represent persons, interests and communities which are not adequately represented by a general election. So nomination must be done after election has been held. I therefore do not know, Sir, what is the basis, what is the justification for reserving even nominated seats for a particular community. I have already stated that neither population nor taxes paid justify 14 seats for the Muslim community in the Karimganj Local Board, and as such, I do not know what is the further justification for reserving one more seat for that community. I do not object to the Muslim community members getting 14 or 15 seats but if they get 15 seats I expect from the Government equal treatment for the non-Muslim communities. Another novelty that has been introduced in this allocation is that a Caste Hindu constituency has been created. I do not know what is the definition of caste Hindus and what will be the fate of those who are neither Muslims nor caste Hindus nor belong to Scheduled Caste community. Will they be logically fit to be voters in any of the local board constituencies? There are Christians, Sikhs and many others who are neither belong to Caste Hindus nor Schedule Castes nor Muslim community. Will they be competent to vote in any of the constituencies—will they be able to stand in Local Board elections? I do not think that will be legal unless this Caste Hindu Constituency is defined and includes such persons. But I do not think that any definition of this Caste Hindu Constituency has been given in this new allocation of seats. So, Sir, I say that by this allocation of seats and distribution of constituencies the express provisions of the Local Self-Government Act have been violated and the principle enunciated in the rules for making nomination has also been ignored. Now, Sir, the position comes to this that if the population figures are taken into consideration, there will be one seat for 30,000 caste Hindus whereas 20,000 Muslim voters will get the same representation by one member. I think this matter has already been referred to by my hon. Friend Babu Rabindra Nath Aditya. I don't think Government is justified in making this discrimination. The intention of the Local Self-Government Act also was never to make an unequal and unfair distribution of seats among the different communities. Therefore, I submit, Sir, that this allocation of seats and redistribution of constituencies have been most unfair and inequitable and in utter disregard of the provisions of the Act and the rules made thereunder. Lastly, Sir, when Government have already taken four years only for the purpose of allocation of seats, they should have made other amendments in the Local Self-Government Act. The Act was passed in 1915 and it admittedly requires much improvement. Government should therefore along with allocation of seats, take up other important matters for improvement of the Local Self-Government Act. With these words, I oppose the present Bill.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, at the very beginning I must congratulate the Government for their right move—I say right because they have been successful in their move. In the last Budget session, when the postponement of Local Board Elections Bill was brought before the House, hon. Members cried at the top of their voice asking Government not to postpone the election to the Local Boards any longer, but this time, due to the clever move of the Government the same hon. Members are crying to postpone the election. Sir, the allocation of seats has been made in such a way that the hon. Members who really feel for their constituency and for their country with unbiased minds cannot but lodge a protest. It has been rightly said by my hon. Friend Mr. Sen that the plea for postponing is the same which we have been hearing for the last five years. Sir, you will find that the last few sentences in the Statement of Objects and Reasons of the Bill are merely childish ones. It requires two months before the date fixed for general election. Preliminary Electoral Rolls are to be published for filing claims and objections. When they took extension in the last year, was it not considered by them that 12 months' time was

sufficient? Sir, it is well-known to the House that the election was to take place before the 31st March 1941, time was extended up to the 31st March 1942, then up to the 31st March 1943, then again to 31st March 1944, then again by the 31st March 1945; and now the Government have come for another extension. The second reason for which I congratulate the Government is that they have appointed such a time that those who have got the experience of their constituency, especially in the plains districts, cannot but lodge a protest, for at that time it will be a very difficult task for the candidates to bring their voters to the polling booth.

Now, Sir, if you refer to the Bill passed by this House last year it will be seen that section 2 reads thus—"Notwithstanding anything contained in section 9 of the Assam Local Self-Government Act, 1915, or in the Assam Local Board Elections (Emergency Provisions) Act, 1942, the Local Board Elections due to be held before the 1st April 1944 may be postponed by order of the Provincial Government for such period as they may deem necessary;

Provided that such period shall not extend to a date later than the 31st March 1945."

By the proviso they made it perfectly clear, that the election will be over by 31st March 1945. Now, Sir, my hon. Friend Mr. Aditya was blaming the Ministry. There I cannot agree with him. It would have been right on his part instead of blaming the present Ministry as anti-Hindu to blame the man of his own community who is in charge of Local Self-Government Department. Sir, it is an irony of fate that the Hon'ble Srijut Hirendra Chandra Chakravarty, the Minister-in-charge of Local Self-Government, is not only a Hindu but a Hindu Brahmin. Sir, I remember that when this point was raised and discussed outside the House a few days back two of the Hon'ble Ministers of other community—I mean the Muslim community—replied that the Hon'ble Minister-in-charge was a caste Hindu and that if we could not expect redress from him, how could we expect redress from them. I admire the remarks, Sir, that they had the courage and boldness to reply in these words.

Now, on the other hand my hon. Friend, Mr. Sen, was crying that he could not follow the basis according to which the seats have been allocated. Sir, the basis is the "convenience basis". Where population served the purpose of the Ministry or the Minister-in-charge, it has been adopted as a basis. Where area served the purpose, the area has been taken in. Where local rate served the purpose, the local rate has been taken as the basis. If the list of allotment of seats is supplied to the hon. Members, then, Sir, I shall be able to prove this that in some cases the population basis has been taken into consideration, in some cases the population basis local rate has been taken into consideration, in some cases—the area, and in some cases the "Convenience". So I say that the basis is the basis of

Now, so far as the Planting community is concerned, which I have the honour to represent in this House, the present Government have tried to keep their seats as they were before. May I ask the Hon'ble Minister to let us know the basis on which the seats of the Planters throughout the Province have been kept as they were before, if local rate was taken into consideration; more local rate is being paid now than before. And if area was taken into consideration, certainly the area is not less than before. And if population was taken into consideration, the population in the tea gardens is not less than before.

Now, Sir, in some cases it will be found that in the past the Planters were the balancing factors in some of the Local Boards. But though the number of seats for the Planters have been kept as they were before, they are no more the balancing factor. It has been arranged in such a way that one community can hoodwink the other community of the Province in most of the Local Boards especially in the Surma Valley. What about the reservation of seats for the Indian Tea Planters? Now, Sir, it has been stated in the Statement of Objects and Reasons of the Bill and also in the speech of the Hon'ble Minister that the District and Subdivisional Officers were very busy with war work and other urgent work and so, they could not supply Government with necessary materials in time. But, Sir, I

understand that the materials almost in all cases were supplied in time, but the materials and the recommendations of the District and Subdivisional Officers were not taken into consideration. I shall be thankful to the Hon'ble Minister-in-charge if he would kindly read out the recommendations of the Deputy Commissioners of Sylhet and Cachar, so far as the allocation of seats is concerned. In the light of their recommendations what has been done by the Government will be clear to the hon. Members and it will also be clear how much importance and value were attached to those recommendations. Now, Sir, I have said that it was we who wanted to hold the election at an early date. But now, owing to the clever move of the Government, it is we who are now crying to stop the election at present and to change the date and to reconsider the allocation of seats and the constituencies. Sir, the constituencies have been created in such a way by Government that we cannot but request them to come to our rescue to do justice and to help us by postponing the date. It is not Government this time that want to postpone the elections of the Local Boards, but it is the Members of this House who are requesting the Hon'ble Minister-in-charge of Local Self-Government to postpone not only up to 15th June but for some time more and if he thinks that he will not be able to do justice to us let him please postpone the election indefinitely or to a date when he will be able to do justice to all the communities or for his successor in office. With these observations, Sir, I again appeal to the Hon'ble Minister-in-charge of Local-Self-Government to do justice to all the communities and not to forget his own community, being overzealous of helping the other communities under whose shelter he is sitting to-day. Nothing can be more disgraceful than this.

Babu KARUNA SINDHU ROY: Mr. Speaker, Sir, it is known to almost all the Members of the House that there is discontentment in the constituencies regarding allotment of seats and delimitation of constituencies. For distribution of seats on population basis is essentially necessary to satisfy all sections of people. In my opinion there should be single-member constituencies. Electoral rolls must also be recompiled. Nomination must be done away with. So, sufficient time is required to come to a satisfactory settlement. A committee is required to be constituted to have satisfactory settlement. So, in my opinion, time may be extended to next winter. Especially in our parts of the Province it is very difficult to run election in the rainy season, and more especially when everything is costly now; boat expenses will be very high. All organisations and the individual candidates, as the case may be, will have to spend high amount of money in the election campaign in the rainy season. So, election cannot be held in the rainy season. When this winter has been wasted, the election may be postponed to the next winter.

Mr. A. WHITTAKER: Mr. Speaker, Sir, on raising of the observations by Maulavi Abdul Bari Chaudhury I would like to underline certain points made by Mr. Mookerjee. The Planting community is the only community whose seats remain exactly as they were. It is perhaps the only community which, owing to the very large increase in the number of seats, has suffered a substantial drop in the percentage of seats held. So long as section 4 of the Local Self-Government Act remains unchanged the allocation of seats is governed by three factors—population, local rates and area. I would like to suggest to Mr. Abdul Bari Chaudhury that the Planting community has in two respects a strong case and in one respect a somewhat weak case. I do not think it is any use pretending about those seats. I think the only thing to do is to state the question quite frankly. Four years ago my office took the trouble to work out on the basis of local rates, population and area what the allotment of seats should be for the Planting community. There is one assumption which I must make. By population I am making an assumption that the Planting members have the right to speak for the large labour forces in their tea gardens. In a perfect democratic constitution that position would not hold good for the labour would have its own representative. But so long as Government themselves appear to agree that the labour population on a garden should be represented by the Planting members of those Local Boards, I am entitled to take advantage on this population test. I do not say that in this

respect I have a good case. In fact I personally regarded it as a weak point. But in course of any time there is no doubt whatever that the labouring population on tea gardens will be politically more conscious, educationally better qualified to exercise the vote and this time is obviously rapidly coming when tea garden labour should, like every other community, be represented by one of its own spokesmen on this Local Board. But until that time comes, Sir, I am entitled to ask this Assembly to consider the population of the tea gardens as one of the factors to be taken into account. I would, therefore, like to mention the case of Silchar. At the present moment the Tea Planters hold 7 seats. If however we relied entirely on local rates they would be entitled to hold 12 seats. If we took only the population they would be entitled to hold 9 seats. If we took only the area of the tea gardens they would be entitled to hold not 7 seats, as they have been given, but 6 seats. A stronger case is that of Dibrugarh. At the present moment the Planting community holds 10 seats out of 28. If we were allotted seats on the basis of the local rate, out of the new allotment of 30 seats we should be entitled to 14. If we were allotted seats on the basis of population we should be entitled to 15. If we were allotted seats on the basis of area we should lose 4 seats and be entitled only to 6.

Now, Sir, I am, being quite frank about the Planting case—the whole of my case depends upon our temporary assumption, namely, that the Planting community is at present—speaking, and I think speaking very fairly, for its labour force. And when that assumption disappears—as it will disappear—it will undoubtedly be necessary to alter section 4.

Maulavi ABDUL BARI CHAUDHURY: What about Sylhet (North Sylhet) and Karimganj?

Mr. A. WHITTAKER: In Karimganj, Sir, where my Friend, Babu Kamini Kumar Sen comes from, at present we have been allotted 6 seats out of 20 seats. If the number of seats is raised to 28 we should be entitled on the basis of local rates to 8 seats. If we claim on the basis of population we should be entitled to 3 seats and if we are allotted purely on the basis of area we should be entitled to 5 seats. As it is, we have received 6 seats. My contention, Sir, therefore, taking my two strong and one weak points into consideration, is that the Planting Community we have no substantial complaint about this allotment of seats. We are prepared to ignore the theoretical argument that in the increase of other seats our percentage of seats has been reduced.

One point on the merits of the Bill. On several occasions I have been in charge of Local Board elections. I do not believe that the district officers of this Province even if they begin to-day or to-morrow can possibly finish this election by the 15th of June and in that belief, Sir, I would support the argument of those gentlemen who would like to see a later date than the 15th of June purely for those mechanical difficulties already mentioned.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, the Bill which we are now considering seeks for one thing only, *i.e.*, a further postponement of the next general election of Local Boards. Previously the Government came forward for postponement for one year, and, in one case for two years but this time there is one departure that the period sought by the Government is not one year but it is a lesser period. Members will be compelled either to accept the postponement or to say that it should be extended to a further time, *i.e.*, at least one year. It has been heard from all quarters that the present arrangements for the allocation of seats are not quite suitable to each of the communities. Sir, Mr. Sen argued that Karimganj has been much more hard hit. He said that even by reserving the nominated seats for the Muslims the interest of the Hindu community has been jeopardised while Mr. A. Bari Chaudhury was not satisfied with the weightage given to the Planting constituencies and Mr. A. Whittaker also asks for more seats for tea gardens. Sir, allocation of seats in Local Boards is to be made on certain criteria and those criteria have been enumerated by Mr. Sen. There are certain facts which must be considered in matters of allocation of seats. In the absence of one it is nowhere said that the other should not be taken into consideration.

The representatives we send in our Local Self-Government institutions are the representatives of the people. So it goes without saying that the member is to be sent by the people. I would, therefore, say that the population basis must be given more weight than those of other criteria. There are certain big *haors* and we cannot presume those *haors* or big beels should send their representatives. I have said at the very outset and my argument is that the foremost consideration must be given to the basis of the population.

As for the local rate which has been so much stressed by Mr. Sen and Mr. Whittaker, Sir, so far as I know the local rates which are paid in the names of zemindars do not actually go from their coffers. In my subdivision there are big zemindars and they realise local rates from their tenants and pay it into the Government treasuries in their names. It is the tenants who actually pay the local rates to the zemindars and then it comes in their names. So, if anybody is to get the benefit for the purpose of paying local rates it should be the tenants. It is well-known that the tenants form the major part of the population in the district of Sylhet. Let me speak about the population in the Subdivision of Habiganj. Out of the population of 6 lakhs the Muslims form more than 4 lakhs and how many seats have been given to the Muslims—only 18 seats out of 33.....

Babu KAMINI KUMAR SEN: How many to non-Muslims ?

Maulavi ABDUR RAHMAN: Seven seats to Hindus and three to Scheduled Castes.

Babu KAMINI KUMAR SEN: Is it not a fact that the existing number is also ten ?

Maulavi ABDUR RAHMAN: Yes, let us make a ratio. If the Hindus and the Scheduled Castes get ten seats according to population, the Muslims are entitled to get 20 seats. According to the present ratio which has been assessed by the Government, Muslims are entitled to get 20 seats, but they are given only 18 seats. If the Muslims get 20 seats the Hindus get 9 seats. We have been given two seats less than what we are entitled to according to population.

[At this stage the Hon'ble the Speaker vacated the Chair and Babu Rabindra Nath Aditya (Chairman) occupied it.]

As regards postponement, one thing has to be considered whether there should be a delimitation of seats; whether there should be single constituency in each Thana. There were recommendations from the local officers that if possible areas in each Thana should be divided into a number of constituencies according to the number of seats allotted to each. I do not know what steps Government have taken in the matter. I find that Government could not take up any measure because of the paucity of time. There have been much criticism regarding the inability of the Government only on the ground that their officers were engaged in war measures and had not had sufficient time to take this work in hand. If the hon. Members of the House want that the areas should be divided according to the seats allotted for each of the Thanas, I think, time at the disposal of the Government is really too inadequate.

The postponement is justified on the ground of the time being inopportune one—the rains will set in in June. Really it will be difficult for the people of low-lying areas to collect the voters. But earlier election is now absolutely impossible. I would therefore suggest if it is to be postponed it should be postponed for one year. I may suggest that if possible on the part of Government it should be shifted to the end of December next.

Srijut SURENDRANATH BURAGOHAIN: Mr. Chairman, Sir, in rising to speak on the Motion before the House I have to make certain comments particularly on the distribution of seats that has been made by Government in this matter. Sir, I feel very much helpless that Government have not made public the distribution they have arrived at as far back as December last. But I have to rely in this matter

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on certain statements that have appeared in the Press in the Assam Valley from the hon. the Leader of the Opposition, Mr. Bardoloi. If his figures were correct—of course, so far there has not been any official denial of these figures—so I must assume that the figures were correct, I find that in spite of what has been said from this side of the House accusing the Hon'ble Minister-in-charge of his anti-Hindu attitude I find it quite otherwse. I find that for 28 lakhs of caste Hindus, he has made provision for 163 seats.

Srijut GOPINATH BARDOLOI: You are making a mess. 38·6 lakhs is the population of Hindus.

Srijut SURENDRANATH BURAGOHAİN: I think, my hon. Friend is not correct. I have the figures with me. We had the opportunity of being supplied with certain figures in an answer to a Question in the Upper House. That is Unstarred Question No. 12 on the 17th November, 1942, in the Upper House. According to this the population figures of 1941, the Hindus, excluding the Ahoms and the Tribals, are 28 lakhs in all, in Assam British portion and excluding Tea gardens and mines.

So, he had provided for 28 lakhs of caste Hindus 163 seats. If this is to be taken as the basis, I find that it works out for my community 18 seats; but now he has provided only half as much—9 seats. As for the Tribals, this community has also been similarly very badly treated. They are now provided with 36 seats though their turn also get more seats but at present they are provided with only 28 seats. They will get 36 seats and the Muslims will get some increase in their seats. The Muslims are getting 174 seats, but they will get about 20 more seats on this basis. In spite of what has been said by the Hon'ble Minister and in spite of the provision of section 4 of the Assam Local Self-Government Act the criterion for this distribution of seats has to remain on population. In this connection I have to refer to a reply given by the Hon'ble Prime Minister in answer to a question of my hon. Friend, Maulavi Syed Abdur Rouf during the last November Session. This is in answer to Unstarred Question No. 107. The Hon'ble Prime Minister on that occasion admitted that it was impossible to collect the information regarding the area held and the local rates paid by the different communities. Of course, this question was asked with regard to Goalpara and Kamrup Districts and the Hon'ble Prime Minister made it perfectly clear that it was incommensurate with the labour involved to collect these figures. So, in view of this admission of the Hon'ble Prime Minister I have to say that the only possible criterion, and the reasonable and legal criterion, must remain population for the basis of any distribution.

Sir, in this dispensation of the seats to the various communities, the Ahoms and the Tribals are most hard hit. Even the Scheduled Castes are treated better than these two communities. If we take the standard of Scheduled Castes the Ahoms will get 14 seats and the Tribals will get about 54 seats. And if the seats allotted to the Muslims are taken as the standard, Sir, we shall get 16 seats and the Scheduled Castes will get 32 seats and the Tribals will get about 54 seats. So, Sir, whatever standard you will adopt it will be found that these two communities have not been fairly treated.

Sir, in the Statement of Objects and Reasons of the Bill and also in the speech of the Hon'ble Minister, he has said that only 2 months' time is needed to comply with the provisions of the Act in publishing the preliminary electoral roll. Now, if this Bill is passed, the Government will have at their disposal 3½ months' time from now and within this time the Government will have quite enough time to re-examine the question of distribution of seats. I think if they wish they can very easily accommodate the claims of these communities and I urge upon them to re-examine this question and give these two communities their due.

Sir, my second criticism is with regard to arrangement of the constituencies and delimitation of them. I do not know whether Government have taken any decision in these matters but I have known of some district authorities recommending reserved constituencies to extend over more than one unreserved constituencies. Sir, this

will bring about a very anomalous position. Seats should be reserved in a general constituency for the Scheduled Castes, Tribals or the Ahoms, as the case may be, and such constituencies should be plural-member constituencies with cumulative voting. But instead of that I know that certain Deputy Commissioners have recommended that these reserved constituencies are to extend over more than one constituency in some cases. In the case of Scheduled Castes, for instance, in Jorhat the Deputy Commissioner has recommended that they should extend over 5 or 6 unreserved General Hindu constituencies. Sir, this will bring about an impossible position. Are we going to give an additional or extra vote to the members of these communities which the members of the general Hindu community will not have? If we are going to give an extra vote which the general Hindus will not have, then, of course, it will be a task for the presiding officer to give an extra ballot paper to the members of these communities. If that procedure is adopted, we shall have no objection. But if each voter is to be given only one ballot paper, this will deprive the members of these communities from contesting and taking part in the election of the unreserved seats. So this is an anomaly which I hope the Government will look into and will try to regularise.

Sir, if this Bill is thrown out, the position will be that we revert to the existing position. That means the present arrangement where the members of my community and those of the Scheduled Castes and the Tribal population have no place. As the Government have come forward with this Bill reluctantly, we also extend our support with reluctance, for if this Bill is thrown out, these communities will have to go unrepresented. In any case, Sir, I hope the Government will try to accommodate the claims of these communities within the time they will have at their disposal. They may even ask for little more time to do this. With these few observations I extend my support to this Bill.

Mr. A. WHITTAKER: On a point of information, Sir. The population of other Hindus in the Province of Assam is 386 lakhs excluding Scheduled Caste Hindus. The population of Scheduled Caste Hindus is 6.7 lakhs. The population of what is known as other Hindus for the Province of Assam is 38.6 lakhs and not twenty-eight point something.

Mr. CHAIRMAN: Mr. Buragohain is taking his stand on the reply given by the Hon'ble Minister.

Mr. A. WHITTAKER: But I am standing on the Census Commissioner's Report of 1941.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It does not include tea garden population.

Mr. A. WHITTAKER: The Census headings are as follows—
 Scheduled Caste Hindus,
 Other Hindus,
 Muslims and
 Tribals.

These are the only classifications in 1941 Census.

Srijut SURENDRANATH BURAGOHAİN: May I enquire, Sir, if the tea garden population, I mean the labour force, have been included in the 38 lakhs?

Mr. A. WHITTAKER.—I am not sure.

Srijut SURENDRANATH BURAGOHAİN: Sir, perhaps Mr. Whittaker's figure includes town population which is to be excluded from the Local Boards, the tea garden population, and the population of the Indian States, and it definitely includes the Ahoms.

Mr. A. WHITTAKER: That might be so.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Sir, I must congratulate Mr. Buragohain for his brilliant speech. He tried to correct the wrong figure produced by the hon. Leader of the Opposition in his statement published in the Press recently. May I ask the hon. the Leader of the Opposition what was the source from which he borrowed this wrong figures? This is the way, Sir,

how the Members of the Opposition try to make propaganda throughout the whole Province and thereby poison the minds of their co-religionists. Mr. Mookerjee, though a Brahmin himself, has started quarrelling with the Hon'ble Minister who is also a Brahmin and so I do not like to interfere in this domestic quarrel.

The Hindu Press has started an agitation against the present Bill. Then the Hon'ble Minister-in-charge of Local Self-Government tried to do justice to all sections of the communities.....

The fact is this, Sir, that the Caste Hindus who were so long ruling the Local Boards do not like to part with their power and want to establish a permanent Caste Hindu Raj in the Local Boards.

Babu KAMINI KUMAR SEN: On a point of information, Sir. How many Chairmen in the Surma Valley Local Boards belong to Caste Hindu community?

Mr. BAIDYANATH MOOKERJEE: The statement of the Khan Sahib is quite untrue, Sir.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: No, Sir, my statement is quite true. The interested people started agitation issuing wrong figures through press in order to poison the minds of the public.

With these words, I support the Bill brought by the Hon'ble Minister-in-charge of Local Self-Government.

Srijut KAMESWAR DAS: Sir, I rise to oppose the Bill. Firstly, because the time proposed for holding the election is most inopportune and inconvenient, and secondly, because the allocation of seats is wholly unsatisfactory and unfair in almost all the Local Boards of the Province as is clear from the trend of discussion in the House to-day.

So far as Barpeta Local Board is concerned, the seats have been fixed neither on population basis, nor on area basis, nor on the basis of local rates paid. Various objections have been raised from various quarters of this House with regard to allotment of seats. So long as the Assam Local Self-Government Act has not been amended, the criteria referred to by hon. Mr. Whittaker and hon. Mr. Kamini Sen of population, area and local rates should be followed. In the Barpeta Subdivision the Muslims are reported to have been given 12 seats. If on the basis of population the Muslims get 12 seats the caste Hindus alone are to get more than 11 seats. If area held is taken into consideration, the Muslims get 12 seats and the non-Muslims are entitled to more than 16 seats. If local rate paid is taken into consideration the Muslims get 12 seats and the non-Muslims are entitled to get more than 17 seats. So from all standpoints the non-Muslims are entitled to more seats than what they are reported to have been given. In the delimitation of constituencies also, if the report is correct, the constituencies have been made as to put hardship to the voters and most of them will be deprived of their right of exercise of votes because of serious inconveniences that they will have to face in coming over long distances.

(At this stage the Hon'ble the Speaker re-occupied the Chair.)

So, Sir, from all considerations—allotment of seats, delimitation of constituencies and the time suggested for holding the election—the present Bill is most unsatisfactory and unfair and I oppose the Bill.

Srijut LAKSHESVAR BOROOAH: Sir, I rise to oppose the passing of this Bill simply because election of Local Boards are proposed to be held by creation of new electoral units by executive action. The proposed elections are going to be held under the Local Self-Government Act enacted as far back as 1915. Since after the inauguration of Provincial Autonomy in this Province there has been a feeling in the country that the principles of the Act should be remodelled and a new Act brought into existence in consonance with the progressive views and ideals of the time. Sir, feeling that seat allotted to the planting community was in excess of what was due to them, I brought in an amending Bill to this old Act of 1915 in 1937. My hon. Friend, Srijut Siddhinath Sarma also brought another Bill recommending to do away with the principle of nomination to Local Boards. Sir, both these Bills were very much debated in this Assembly. Both these two Bills were sent out for eliciting public opinion and

there was preponderance of opinion in favour of the proposed change. At that time, the Ministry of the Hon'ble Sir Muhammad Saadulla gave us an assurance that they would bring in a comprehensive Bill to fit in as far as possible with the suggestions made in our Bills, but, Sir, 7 long years have passed, much water has flown down the Brahmaputra, yet the assurance was not acted upon. As my hon. Friends Messrs. Sen and Mookerjee have already stated, the allotment of seats in several places have been unsatisfactory, and have been injurious to Hindu interest. Several other hon. Members have objected to elections being held at the season proposed in the Bill. So, Sir, I would request the Hon'ble Minister-in-charge to bring in a fresh Bill and a comprehensive Bill so that we may have an opportunity to examine exactly how much each community or caste are entitled to representation in various Local Boards in the Province. Sir, I may remind the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla of his assurance that he gave to me and my hon. Friend, Mr. Sarma, to bring in a comprehensive Bill embodying all the suggestions that were made during the discussion of our Bills and may I not expect fulfilment of his assurance? If Government should come forward with a new Bill for enactment embodying provisions to meet the objections raised by different sections of the House, we for ourselves do not object to postpone the election for longer period than sought for in the Bill. If the Government do not see their way to this request I shall be bound to oppose the Bill.

Srijut GOPINATH BARDOLAI: Mr. Speaker, Sir, I don't think there is any other hon. Member who likes to take part in this debate. I myself did not want to speak anything on the subject particularly in view of the fact that I had already issued a statement to the press on the subject. As a matter of fact, when I heard of the postponement of the election, I thought that the points that I expressed in that statement were taken into consideration by the Ministry and that steps were being taken to set right the wrong that was proposed to be done by Government and also to have an amending Bill in the mean time to meet the objections raised by the different sections of the House. I am sorry to note that I have been disappointed in that and now find that the reason that has been put forward for the postponement of the election is that the local officers are not in a position to prepare the electoral roll for the coming election which was notified to be held on the 31st March 1945.

You have, Sir, heard the debate in the House; and at least one fact seems to be clear to me that no one section of the House has been satisfied with the allotment and distribution of the seats proposed by Government. I do not like to take much time of the House on the point of inequity done to the different communities, but I would just like to add one or two words. I feel that not only the General constituency which includes the scheduled castes, Ahoms and the caste Hindus, have been wronged, but the Tribals also have been grievously wronged in the distribution of seats.

My hon. Friend, Mr Buragohain was trying to calculate the population of Hindus according to the information given by the present Government as being 28 lakhs or something like that. Probably in support of what he said he thought that the labour population was included in the figures of Hindu population on account of the recognized fact that the figures now stand at 45.6 lakhs including the Scheduled Castes as shown in the Census Report of 1941. But if he would have taken care to read the replies which the Hon'ble Premier Maulavi Saiyid Sir Muhammad Saadulla gave on the floor of the House regarding the Tribal figure, he would have found that he is making the whole thing nothing but confusion in order to hide the real figure of the Hindus. It is known to many of the hon. Members of the House that when a debate on the Census of 1941 was raised and the authenticity of certain figures was questioned by hon. Srijut Siddhinath Sarma, the Hon'ble Premier stated that so far as the Tribal population was concerned, it was done under the Government of India directions and that through mistake the labour population was included with the Tribals. Now, the same labour population figure has been shown by Government to include the

Hindus also. This is indeed the way the Ministry is trying to confuse the world with all manner of reading of Census figures for a particular purpose. But whatever that may be, in regard to particular communities, we clearly find that between all the communities taken together, the number of seats distributed for all communities other than Muslims and Planters have been less than what should have been according to the population figure of the census of 1941. I have pointed out all these in my statement and I do not want to take more time of the House on this point.

But the principal ground on which permission for postponement of the election, if at all, is to be given, should be only for bringing in an amended Bill in place of a very old Act—an Act of a by-gone age. Sir, it is dated as back as 1915 and to-day we are in the midst of 1945. The world has changed and re-changed in the meantime. Even our Constitution has been changed twice in the meantime, but we have been kept where we were in regard to this legislation.

My hon. Friend, Srijut Lakshesvar Borooah, has just now told the House, and I also know, that two amending Bills were brought by the Congress Party in the past for securing equitable distribution of seats and for abolishing nomination. The Hon'ble Premier was then pleased to assure us that Government would bring in a comprehensive Bill and would look into all aspects of the Local Self-Government to meet all points of objection. It is a tragedy that even after seven years we are holding the same position as we did then. It is therefore only proper and desirable that Government should bring in a comprehensive Bill now. They can bring it in the next session, if not in this session. So far as I am concerned, I have no objection to give Government the necessary time to do it.

If we have not progressed in the meantime, I can say that we have made progress at least in accepting the principles of democracy. This House at any rate represents the country, and whether we are going to have any change—whatever change that may be, the representatives of the country should be taken into confidence before any change is made. It is in this respect and with this view that we bring this proposal before the Government and hope that they will give every section of the House opportunity to discuss the amending Bill which I request them to bring forward. With these few words, I desire to point out that we will be taking our attitude about this Bill according to the decision that Government make.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, with your permission I will reply on behalf of Government, because various questions of policy have been raised in the debate by many hon. Members in criticising my Friend in-charge of the Department even to the length of his being a Hindu and a Brahmin. In my younger days, I read about a "tempest in a tea cup", and to-day in this debate I saw a demonstration of it. The Bill is a very simple one and also a harmless one. We are promise bound to the House that we would not come before the House for postponing the Local Board elections any further. We did everything possible to have the election before the 31st March, 1945. But in spite of our best endeavour, we find that that object cannot be achieved, because in the first place District Officers could not place before the Government all those materials that were necessary for redistribution of Local Board seats, earlier than they did. When, after great difficulty, we got the figures in December last we were confronted by a question and this is about the preliminary publication of the new electoral rolls. Everybody knows that two months are required to prepare the final roll so that entries of people who have been excluded or of people wrongly included may be corrected. It is with a view to implement our promise that the Local Board election should be held as early as possible, that we have come with this Bill seeking the suffrage of the House for the postponement of the election by a short period of 10 weeks. Some hon. Members have thought fit to oppose it not on very convincing grounds, I must say. They have not taken the trouble of considering what will be the position in the country if the present Bill is rejected. I have heard some hon. Members saying that the *status antiquo* will be reached. Nothing of the sort will happen, for the present Local Boards have outlived their normal time. They are on an extended life each year by

the vote of the House on Bills, introduced by Government for extension and that life was extended only to 31st March 1945. Therefore, if this Bill is negatived, there is no chance of any new election being held under the present distribution of seats and there will be a vacuum and there will be no Local Board functioning throughout the Province. A suggestion has been made that the election during the month of May or June will be very inconvenient not only to the intending candidates but also to the electorate. I quite realise that, for the monsoon will begin at that time. But we have got no fancy for a particular date. We wanted to finish the Local Board election as early as possible and for very good reasons. If we are to extend the life, subject to the vote of the House, by another year till 31st March 1946 and the election is held some time in the cold weather of 1945-46—in December or January—what will be the result? We are all hoping that the war will be over by 1945 or at least by the middle of 1946. Everyone in the country and every party in this House is expecting a change in the Constitution which has long been promised and which is long overdue. If the constitution of the Government itself is changed, there will be necessary changes in the constitution of our first institution in Local Self-Government. We will hear the argument, what will be the use of having an election in 1946, which probably shall have to be scrapped some time in 1947. Therefore, we do not want to postpone the election any further than what the Bill seeks for, i.e. 10 weeks. But if the House thinks that on the ground of the inconvenience of the electorate as well as the intending candidates that that date should be postponed, we will have to consider that point. While discussing this simple issue we have had various discussion about the policy in distribution of seats, the allocation of constituencies and so forth. In order to appraise hon. Members of what Government wants to do, a little perspective or a historical background is necessary. Members have often represented that the present enactment is out of date. I agree with them. The first distribution of seats was made in 1920 when the present proviso to section 4 was not in the statute and the Government delegated the power of allocation of seats to the Commissioners and I need hardly say that that allocation followed neither any principle nor any law.

It was the sweet will of the Commissioner who gave certain seats to certain Local Boards. When in 1926 this section 4, sub-section (2) was incorporated in the Act, a fresh distribution was made in 1927. Now, for that purpose, the Census figures of 1921 only was available to Government. How that distribution has been mischievous—mischievous in the sense of the denial of right to different communities, I would like to place before the House, and that, in reply to my Friend Mr. Kameswar Das. In 1921 the Muslim population of Barpeta was 40,197 and in 1941 Census the same population has swelled to 2,22,774. I could multiply figures but there is hardly time. Therefore I will not go into further details.

In the previous Census the population was divided into Muslims or rather Muhammadans—that is the official term and non-Muhammadans, thereby constituting the Hindu community, the residuary legatee of all the other population. They have, therefore, had representation of superior numbers not granted by their own population figures. Now that justice is going to be done not merely by the Brahmin Minister-in-charge, but by the entire Cabinet who have got joint responsibility and in administering justice to all sections of the people, there has been such a howl that if there is a Goddess of justice she had to hide her face in shame.

Now, criticisms have been levelled against the Government that in arriving at the distribution of seats this House has not been taken into confidence. Sir, the entire jurisdiction has been left to the local Government. In section 4, sub-section (2) it is laid down "Subject to the provision of sub-section (1), the Local Government shall, by notification, fix for each Local Board—

- (a) the total number of appointed and elected members ;
 - (b) the distribution of the elected members among the different sections of the community and in different localities ; etc. "
- It is the Local Government and not the Legislature which have got power in the

matter. Much power has also been given in the proviso to that clause where it is said :

“Provided that in making the distribution of members among the different sections of the community and in different localities under clause (b) the Local Government shall take into consideration among other things the population of each such section, the area held and the local rates and taxes paid by each.” So we have taken into consideration all those factors that are necessary in arriving at the suitable distribution. In the very nature of things, as we have got no record-of-rights we cannot get proper figures for local rates in the two permanently-settled districts of Goalpara and Sylhet. We asked the Deputy Commissioners to help us in this matter. The reply of the Deputy Commissioner of the big permanently settled district of Sylhet is that it is not possible to get local rate and area figures, and he suggested that the Assembly and Council rolls should be taken into consideration. We are in the hands of our local officers. They cannot provide us the real figures of local rates. Therefore, we had to improvise the usual golden mean formula and distribute seats accordingly and I think nobody can challenge that distribution has not been fair or equitable.

Now, much we heard about Karimganj. According to 1941 census the total population figure is 5,68,228 of whom 3,11,881 are Muslims or 55 per cent. of the total population of that subdivision are Muslims. There are 88,213 Scheduled Castes, 1,56,704 Hindus and this Hindu figure includes if not the whole a part of the tea garden population which stands at 53,706. Now, what has been our allocation for Karimganj.

We proposed a total number of 30 seats for that Local Board on the basis of population, as the Muslims are over 50 per cent., that is, 55 per cent., they should have got a little more than 15 seats whereas in our allocation, we have given them 14 only. They have lost, but with the usual traditional formula of giving weightage to the minority community the majority has got to make a little sacrifice, and therefore, they have been provided with 14 seats. We started by the other equitable formula that in our distribution we should not reduce anywhere the present allocation of seats. My friends the Caste Hindu community might say that that was not observed in their case. Yes, it could not be observed in their case because formerly they were there not as Caste Hindus but as non-Muhammadans. This time Government has thought it fit, following the Assembly constituency, to divide the Local Boards seats in giving representations to communities that have been enfranchised for the purpose of Provincial Legislature. Therefore, those seats which were formerly enjoyed by the Caste Hindus are now going to be shared by Caste Hindus, Scheduled Castes, Tribals, Ahoms and others.

I was surprised with the complaint made by Mr. Buragohain and during his speech he made a curious criticism that the Scheduled Castes enjoyed so much and have been given so much. The Scheduled Castes did not enjoy anything in the last distribution. Hardly one or two members got a chance of being elected. This time we have given them reservation of seats similarly for the Ahom community on the bare basis of population of localities. Apart from other considerations which Government have to take into notice, Mr. Buragohain complains on a comparison of Hindu seats. I will say that it will be biting the hands that feed them.

(A voice, it is always the case.)

The Hon'ble the SPEAKER : How long will the Hon'ble Prime Minister take to finish his speech.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will take another 15 minutes.

The Hon'ble the SPEAKER : The debate will continue tomorrow.

Adjournment

The Assembly was then adjourned till 2 P.M. on Friday, the 2nd March, 1945.

SHILLONG :

The 7th April, 1945.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

Appendix 'A'

The 3rd January 1945.

No.LML.203/43/22.—In exercise of the powers conferred by section 296 of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendments in the rules published with Notification No.947-L.S.-G., dated 9th March 1936, for the issue of license for places of recreation and amusement :—

I. For rule 1 substitute the following :—

I. Every application for the grant of a license under section 236A(1) shall be placed before the meeting and shall be included in the agenda for the meeting of the Board next following its receipt in the Board's Office and shall be placed before that meeting.

II. In rule 4 the words "or permission" after the word "license" in the 2nd line shall be deleted.

III. In rule 4(i) after the word "Commissioner" wherever it occurs the words "in the case of the Assam Valley Division and the Provincial Government in the case of the Surma Valley and Hill Division" shall be inserted.

IV. For rule 4(ii) substitute the following :—

4(ii). In the case of an application for a license under section 236A(2) :—

- (1) that the license fee imposed by the Board, be paid in advance,
- (2) that the number of persons admitted at any time shall not exceed such number as the Board may decide,
- (3) that the licensee shall engage to maintain the premises clean and in good order,
- (4) that staff and attendants shall be provided for the preservation of cleanliness and the convenience of the public as may be necessary,
- (5) that a responsible person shall be nominated to have charge of the premises,
- (6) that such passages shall be kept open for the ingress and egress of the public as the Board may decide.

V. Add the following as a new rule :—

6. Every license issued under section 236A(2) shall be in the following form :—

License under section 236A(2) of the Assam Municipal Act, 1923 (Assam Act I of 1923) as subsequently amended

FORM No.

GOVERNMENT OF ASSAM

Assam Municipal Act, 1923, as subsequently amended
No.

The premises known as

(a) Description of premises.

(a)

(b) Address.

situated at (b) within the limit of the Municipality in the district of are licensed under section 236A(2) of the Assam Municipal Act, 1923, (Assam Act of I 1923), as subsequently amended, as a place where (c)..... provided that not more than.....*persons shall be admitted at any one time and that the following passages shall be kept clear namely :—

(c) Purpose.

*The number should be filled in by the Chairman or Vice-Chairman before he signs the license.

(d) Name of applicant.

..... This license is granted to (d)..... and shall remain in force for..... unless sooner revoked and the said (d) owns, leases or †manages the said (a).....

†Strike out the words not applicabe.

This license is granted subject to the provisions of the Act and the rules thereunder and subject to the following further conditions that the said

- (d)
 (1)
 (2)

etc.

The fee levied for this license is Rs.....
 The.....194 .

Chairman or Vice-Chairman,

S. L. MEHTA,

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

APPENDIX ' B '

Amendments to the Assam Motor Vehicles Rules 1940.

(1) After Rule 6 in Chapter II of the Assam Motor Vehicles Rules, 1940 *insert* the following as a new rule:—

6A. The licensing authority, if he is satisfied that the applicant previously held a licence and was by reason of his absence out of India on service in army units abroad prevented from obtaining or renewing a licence in accordance with the Act on the expiry of his previous licence, may exempt him from paying either in part or in full all or any of the fees payable for grant or renewal of a licence or fees for tests in that connection.

[Home Department Notification No. HMV. 14/43/12, dated 6th December 1940.]

(2) After clause (c) of Rule 12 in Chapter II of the Assam Motor Vehicles Rules, 1940 *insert* the following as a new clause:—

(d) No fee shall be charged for the test if the applicant previously held a licence granted or renewed under any provision of law which was in force in British India at the time it was granted or last renewed, to drive a vehicle of the class to which the application refers and was prevented, by reason of absence out of India on service connected with the present war, from obtaining or renewing a licence in accordance with the provisions of the Act, on the expiry of the previous licence.

[Home Department Notification No. HMV. 14/43/12, dated 6th December 1943.]

(3) In Rule 33 of the Assam Motor Vehicles Rules, 1940:—

Substitute a 'comma' for the word 'or' between the words 'Police Force' and 'Fire Brigade' occurring in the first and second lines, and for the words 'when licences to drive Police or Fire Brigade motor vehicles are issued to them' 'when licences words 'Salvage and A. R. P. Services or the Assam Transport Organisation' *substitute* the licences are issued to them to drive motor vehicles belonging to the respective organisations'.

[Home Department Notification No. HMV. 14/43/12, dated 6th December 1943.]

(4) 1. Rule 34, *substitute* "45" for "44" in the last line of sub-rule (a).

2. Rule 36, *substitute* "41" for "40" in the penultimate line.

3. Rule 39, *substitute* "38" for "37" in the first line of sub-rule (a).

4. Rule 41, *omit* Balipara Frontier Tract, Sadiya Frontier Tract and

Naga Hills and the corresponding entries against them in sub-rule (a).

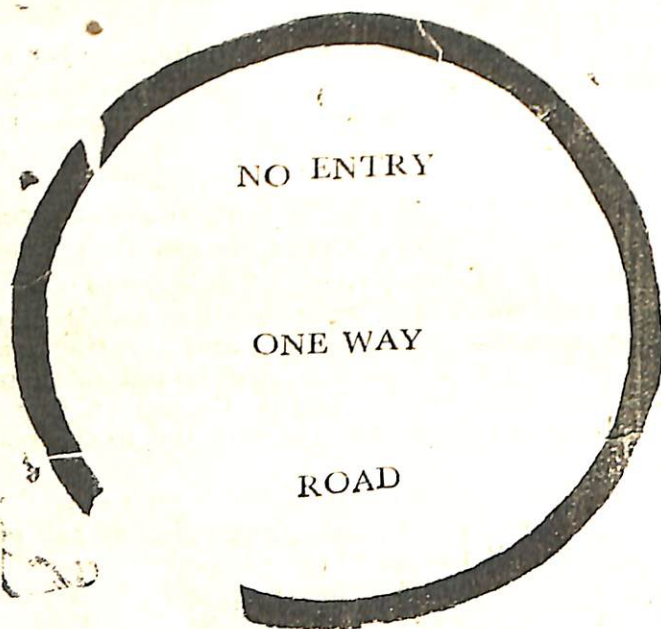
5. Rule 42, *substitute* "41" for "40" in the last line of sub-rule (a).

6. Rule 56, *substitute* "58" for "57" in the last line of sub-rule (b).

7. Rule 58, in the heading *substitute* "manufacturers" for "manufactures".

8. Rule 57, Note, *substitute* the word "Superintendent" for the words "Deputy Commissioner in charge" in the 2nd line of the Note.

9. Rule 67, *substitute* "k" for "f" in the 3rd line and "62" for "61" in the 4th line of sub-rule (a).
10. Rule 79, *substitute* "80" for "81" in the last line and "78" for "79" in the 3rd line of sub-rule (a).
11. Rule 83, *substitute* "81" for "82" in the 2nd line of sub-rule (a) and "82" for "83" in the 2nd line of sub-rule (a).
12. Rule 95, *substitute* "147" for "149" in the 3rd line of clause (i).
13. Rule 100, *substitute* "102" for "104" in the 3rd line of sub-rule (m) and *omit* the "Note" thereunder.
14. Rule 109, *substitute* "81" for "82" in the last line of sub-rule (c) and "82" for "83" in the last line of sub-rule (c).
15. Rule 111, *substitute* "203" for "206" in sub-rule (b).
16. Rule 115, *substitute* "41" for "40" in the last line of sub-rule (1) (b).
17. Rule 134, *insert* "and" between Tura-Mankachar and Tura-Phulbari and *omit* the words "and Dimapur-Manipur" in the third and fourth lines of sub-rule (d).
18. Rule 167, *substitute* "147" for "149" in the first line.
19. Rule 176, *substitute* "136" for "138" in the second line.
20. Rule 202, *substitute* "111" for "113" in the second line.
21. Fourth Schedule—
- (i) *Insert* the words "and Lakhimpur Frontier Tract" after the words "North Lakhimpur Subdivision" after Lakhimpur against Upper Assam Region, as amended by Notification No.HMV. 98/42/6, dated the 11th August, 1942.
- (ii) *Insert* within parenthesis the words "excepting North Cachar Hills" after Cachar against Surma-Valley Region.
22. Mandatory Signs—
- Insert* the following as a new sign No.11(a) after sign No.11.



Red circle on white ground,
Letters to be red.

2 Ft. Diameter

(5) *Rule 2 (f)*—Add the following below the definition of Inspector of Motor Vehicles :—

“For the purpose of inspection of Assam Transport Vehicles only, the term Inspector of Motor Vehicles shall include an Area Manager or Workshop Superintendent of the Assam Transport”.

[Home Department Notification No.HMV. 120/43/7, dated the 20th April 1944.]

(6) *Rule 46 (a)*—Insert the word “and the Director, Assam Transport in respect of the Assam Transport Vehicles only” between the words “Registering authority” and “may” occurring in the 4th line under Rule 46, Clause (a).

Rule 46 (c)—Insert the following at the end of Clause (c) of Rule 46 :—

“No application for certificate of fitness will be necessary in the case of the Assam Transport Vehicles”.

Rule 46 (h)—Insert the following as *Note* at the end of Clause (h) of Rule 46 :—

“*Note.*—No inspection fees shall be payable in respect of Assam Transport Vehicles”.

[Home Department Notification No. HMV. 120/43/7, dated the 20th April 1944.]

(7). Insert the following as a new rule after rule 200 :—

200A. Nothing in Chapter VI of the Act, or the rules in this chapter shall be deemed to apply to a vehicle belonging to any authorized Fire Brigade, Ambulance or A. R. P. Service, when proceeding to the scene of any fire, accident, or air raid incident, provided that such vehicle is equipped with a gong or horn approved in this regard by the Registering Authority, and such gong or horn is continuously sounded.

[Home Department Notification No.HMV. 85/44/5, dated the 21st August 1944.]

(8). In sub-rule (a) of rule 73 after the words ‘as the case may be’ in the third line, insert the following :—

“or by any other officer to whom the Provincial Transport Authority or the Regional Transport Authority may with the approval of Government delegate all or any of its powers under this rule”.

[Home Department Notification No.HMV. 86/44/6, dated the 13th September 1944].

(9) Insert the following as a new rule after rule 173 under the head “Special Rules applicable to Motor Cabs” :—

Rule 173A. Fitting of Meters.—Every Motor Cab shall be fitted with a meter which shall be maintained in proper working condition and adjusted to the legal fares. A seal shall be attached to the meter which shall not be broken without the permission of the Authority authorised to fix the fares.

[Home Department Notification No.HMV. 152/44/5, dated the 12th October 1944.]

(10) Insert the following as sub-rule (d) to rule 196, and re-number the existing sub-rules (d) and (e) as sub-rules (e) and (f) :—

“(d) In the case of a driver of a vehicle belonging to the Assam Transport organisation, it shall be sufficient compliance with the provisions of sub-section (1) of section 86 of the Act if the licence is produced within ten days by the Area Manager under whom the vehicle is operating to the officer-in-charge of the Police station whose jurisdiction the office of the Area Manager is situated”.

[Home Department Notification No.HMV. 42/44/18, dated the 13th October 1944.]