

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

The Assembly met in the Assembly Chamber, Shillong, at 11 A.M. on Saturday, the 10th March, 1945.

P R E S E N T

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and fifty-nine hon. Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given).

Bus Service between Dibrugarh and Tinsukia

Srijut LAKSHESVAR BOROOAH asked :

*74. (a) Are Government aware that there was a regular Bus Service from Dibrugarh to Tinsukia and back before the War ?

(b) Are Government aware that extreme difficulties are felt by the public of Dibrugarh for abolition of this Bus Service and owing to curtailment of a number of the Dibru-Sadiya Railway passenger trains ?

(c) Do Government propose to issue permit to private owners of the buses to ply between Dibrugarh and Tinsukia and back or open Passenger Service under the Assam Transport Department or take necessary steps to increase the number of the Dibru-Sadiya Railway passenger trains ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

74. (a)—Yes.

(b)—Yes, the Provincial Transport Authority is considering the question, which is also under examination by the Provincial Motor Transport Controller in regard to provision of vehicles for additional routes.

(c)—The Provincial Government are not competent to provide transport on the Railway, as for bus routes the obstacle has been petrol rationing, but the matter has been taken up with the Central Government in all its aspects.

Service of Assam Transport Vehicles for the Civil Population

Srijut LAKSHESVAR BOROOAH asked :

*75. Will Government be pleased to state—

(a) The number of applications written or verbal received for service of Assam Transport Vehicles for the civil population, excluding the Tea Industry, in each of the towns of Gauhati, Jorhat and Dibrugarh in the year 1944 ?

(b) The number of cases in which requests were complied with ?

(c) Whether there is any Passenger Service of the above Organisation ?

(d) If not, whether Government propose to open such service to ease the extreme difficulties of the travelling public ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

75. (a)—Most of the applications are made verbally, and numbers are therefore not available. There are 21, 14 and 22 vehicles of Assam Transport allocated to the areas served by these towns respectively, for carriage of civil supplies.

(b)—Does not arise.

(c)—No.

(d)—No. Passenger transport has not been considered suitable to the organisation and is left to private operators.

Town Committee at Chhatak

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY asked :

*76. (a) Will Government be pleased to state whether they propose to start a Town Committee at Chhatak in the sub-division of Sunamganj ?

(b) Is it a fact that the demand for starting a Town Committee at Chhatak was made to Government by the local public long ago ?

(c) If so, why this has not been started as yet ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

76. (a)—Not yet.

(b) & (c)—No request appears to have been received in the past.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Will Government be pleased to make an enquiry into the matter, Sir ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Will local public approach Government with the prayer, I think, Government will do so.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Sir, will Government be pleased to take an initiative in the matter ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, will Government on their own motion won't make the enquiry. But if it is the desire of the local people, and if they approach Government, they will be very glad to do so.

Repairing of Sylhet and Gauhati Municipal Roads

Mr. BAIDYANATH MOOKERJEE asked :

*77. Will Government be pleased to state—

(a) Whether they have tried or are trying to get money from the Central Government or Military authorities for the repair of the Sylhet and Gauhati Municipal Roads which have been badly damaged by the use of the heavy Military trucks, etc. ?

(b) If so, since when they have been trying and whom they approached ?

(c) Whether any amount has been sanctioned for the purpose till now ?

(d) If so, what amount has been sanctioned for each of the two aforesaid Municipal Boards ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

1944. 77. (a) & (b)—Yes. The Government of India were first approached in June

(c) & (d)—No. The Military have however improved some roads at Gauhati.

Mr. BAIDYANATH MOOKERJEE: What about Sylhet, Sir?

The Hon'ble the SPEAKER: No improvement.

Mr. BAIDYANATH MOOKERJEE: What about Sylhet, Sir? The reply is, "The Military have however improved some roads at Gauhati." My Question was both for Sylhet and Gauhati.

The Hon'ble the SPEAKER: The implication is that no improvement has been made in Sylhet.

Mr. BAIDYANATH MOOKERJEE: What about Sylhet town, Sir? Is there any chance of its roads being improved?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, we are still in correspondence with the Government of India and I think, if the Government of India provide money, there will be funds for improving Sylhet roads also.

Babu KAMINI KUMAR SEN: May we know, Sir, how long that correspondence will continue?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Our last letter was posted on the 28th February this year.

Mr. BAIDYANATH MOOKERJEE: What was the indication given in the last letter about Sylhet? Whether they have refused or there is some chance of getting some money for improving the roads, Sir?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: In our previous letter, Sir, we informed the Government of India what funds would be necessary for improving all the municipal roads that are damaged by the heavy Military traffic. Then the Government of India asked us to supply them with further details in the matter.

Mr. BAIDYANATH MOOKERJEE: Sir, if the Central Government refuse, will the Provincial Government provide sufficient funds for the improvement of these roads?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: That matter cannot be decided now, Sir, unless the Central Government have decided the matter.

Babu RABINDRA NATH ADITYA: Sir, cannot the Government of Assam advance the money for the purpose and then get re-imbusement from the Central Government?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I think, Sir, that will weaken our case and will be a very unwise step because, if our Government provide the funds for the purpose our case for getting help from the Central Government will be weaker.

Mr. BAIDYANATH MOOKERJEE: Sir, will Government be pleased to state whether the present move they have taken is a very wise move?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Certainly, Sir; besides, the Municipal Boards are doing their best to improve the roads and keep them at reasonable repairs.

Mr. BAIDYANATH MOOKERJEE: Sir, is it not a fact that the Sylhet roads are in a horrible condition?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, the condition of the roads is bad but I do not think that the condition is horrible.

Mr. BAIDYANATH MOOKERJEE: Sir, is it not a fact that practically there was no repair works done so far as the roads of the Sylhet Municipality were concerned for the last two years?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, I cannot accept that statement.

Mr. BAIDYANATH MOOKERJEE: Sir, I think, the Government should take that statement as representing the correct state of affairs because, I am a Commissioner of that Municipality and I know things better than the Hon'ble Minister. (After a pause) I want a reply, Sir, because he knows it but he says that he does not know it.

(No reply).

Babu RABIN RA NATH ADITYA: Sir, are there no instances where the Provincial Government gave advances and then got re-imbusement from the Central Government?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, it is a very general question. Sir, if some local bodies approach Government for a particular grant for a particular purpose, Government scrutinise that and if they think that the demand is reasonable and if they have funds to provide, they do provide.

Babu RABINDRA NATH ADITYA: Sir, having admitted that the roads are in a deplorable condition is it not the paramount duty of the Government to repairs them and then see whether they can or cannot get the money from the Centre?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: The repairs to roads and all these are the duties of the municipal boards.

Babu RABINDRA NATH ADITYA: What is the cause of that misapprehension that if the roads are now repaired, the case for getting re-imbusement from the Central Government will be weaker?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, the Central Government may straightway say that you have got the funds and then why do you approach us.

Mr. BAIDYANATH MOOKERJEE: Is it a fact, Sir, that the Government are waiting for some accidents so that they can put the case better before the Central Government?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, am I to answer this Question?

Babu KAMINI KUMAR SEN: Sir, even if the Central Government refuse to grant any money is it not the duty of the Provincial Government to repair these roads?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, though it is the primary duty of the boards concerned to see that their roads are kept in proper repairs, if we do not get any fund out of the Central Government, this Government will have to decide what help they can give to the municipal boards to bring their roads to a reasonable repair.

Mr. BAIDYANATH MOOKERJEE: Sir, is it not a fact that the Sylhet Municipality moved for some extra amount for the heavy repairs to be secured from the Military? How can the municipalities keep their roads in proper order without some extra funds?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, no municipality is getting any extra fund from the Military. Of course, in some places the Military are doing the operations of the road repairs themselves.

Babu RABINDRA NATH ADITYA: Did not Government base their claims on the damages done by the Military? This does not detract from the merits of their claim even if the repairs are done in the meantime?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: We made it clear in our letter to the Government of India that the military vehicles were damaging our roads and it is very reasonable that the Government of India should help us with funds.

Srijut GAURI KANTA TALUKDAR: Sir, the so called repairs done to the Municipal roads at Gauhati are very insignificant and most of the roads are in horrible condition.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I do not know what does the hon. Member mean by 'so called' repairs.

Srijut GAURI KANTA TALUKDAR: I say from my own experience that most of the roads in the town of Gauhati are in a horrible condition due to heavy military traffic and the repairs which the Hon'ble Minister mentions are quite insignificant and that is why I call the repairs of 'so called'. Will Government be pleased to see that these roads are repaired at the cost of this Government and the money so spent are reimbursed from the Central Government?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, the difficulty is that in these abnormal times when the traffic is so heavy, no repairs can

stand over for a long time, because we have seen that as soon as a portion of a road is repaired or even when a road is in the process of repair, military lorries ply over the road and as a result of which no road can be perfectly repaired.

Mr. BAIDYANATH MOOKERJEE: Is it beyond the competence of this Government to close those roads which are under repairs to traffic?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: There are certain roads which cannot be closed to traffic because those are gateway roads.

†Maulavi ABDUR RAHMAN: May I know, Sir, whether Government had received any deputation from any municipality in the Province asking for repairs of damaged roads?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Yes, Sir. The municipalities are clamouring and that is why we have been moving the Government of India.

†Maulavi ABDUR RAHMAN: May I know, Sir, whether Government took the initiative in this matter and asked the local bodies to submit their claims for compensation for the damages caused to their roads?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: While we submitted our estimates to the Government of India requesting them to help us in this matter, we certainly enquired from the various local bodies of the Province as to their requirements.

As regards the Gauhati Municipal Board, I can say that as this Board is under Government control that is why some reasonable repairs are being done and people are also getting water and other comforts, which are not altogether curtailed.

†Babu RABINDRA NATH ADITYA: Is it the contention of Government that they should strengthen their case by allowing these roads remaining unrepaired?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Certainly, not.

†Babu KA. MINI KUMAR SEN: Is it the policy of Government to make the road condition worse by wasting time in correspondence with the Government of India though they admit that the roads are in a horrible condition?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Every day we are expecting a favourable reply from the Government of India and that is why we cannot suggest taking initiative in this matter now. I do not think it will take very long for the official reply to come.

Mr. BAIDYANATH MOOKERJEE: Sir, in view of the statement made by the Hon'ble Minister of Local Self-Government that it is the primary duty of the local bodies concerned to get their roads repaired, is it not a fact that this Government who is in charge of the Gauhati Municipal Board has failed in this matter?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: No, Sir, Government have not failed.

†Srijut GOPINATH BARDOLOI: Could not the Government, Sir, insist on the Military using some particular roads, thus making several other roads free from military traffic?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I think, the suggestion of the hon. Member may be examined, Sir. The Military has been scattered throughout the Province and I do not know which particular roads are not being used by them.

Mr. A. WHITTAKER: Mr. Speaker, Sir, may I suggest that when the Hon'ble Minister goes to Delhi to attend the Civil Defence Council he can very well take the opportunity of discussing the matter with some high official there and get an immediate decision instead of wasting time in correspondence? We know, Sir, when the Hon'ble Prime Minister goes to Delhi he gets action within a few days and I would suggest that the Hon'ble Minister for Local Self-Government should follow the example of the Hon'ble Prime Minister.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I can inform the hon. Member that I am not sitting idle over this matter. However, as suggested, I will do so when I go to Delhi next and see if anything comes out of that.

Mr. BAIDYANATH MOOKERJEE: If for maladministration, the Gauhati Municipality could be superseded, will Government following the same analogy supersede the Local Self-Government Department for its maladministration?

Post-War Reconstruction Works

Mr. BAIDYANATH MOOKERJEE asked:

*78. Will Government be pleased to state—

(a) The names of different Departments for which post-war reconstruction works are proposed to be taken up by Government?

(b) What steps, if any, they have taken to increase the number of qualified men up to the requirements of those Departments?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

78. (a)—All Departments have submitted schemes which are under consideration and on which it is expected that the Assembly will have an opportunity to express opinion at this Session.

(b)—It is intended among other recruitment measures, to send ten students abroad for higher training sponsored by this Government.

Mr. BAIDYANATH MOOKERJEE: Will that serve the purpose of Government if only ten students are sent abroad?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That will form the first step only, Sir.

Mr. BAIDYANATH MOOKERJEE: May we know for what purpose these ten students would be sent abroad?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Rather the subjects for which they will be trained? My Hon'ble Colleague the Education Minister who is in charge will be able to tell the House.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Among the subjects to be taken up by these students, I think, we have included: Electrical Engineering, Hydraulic Engineering, Mechanical Engineering, Industrial Chemistry, Sericulture, Animal Husbandry, Forestry and Textile Engineering.

The Hon'ble the SPEAKER: I think, there has been a Notification in the Gazette about this.

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

Mr. BAIDYANATH MOOKERJEE: One student for each subject?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, one student for each subject.

Mr. BAIDYANATH MOOKERJEE: Do Government consider that with one student properly educated, they will be able to conduct the Post-War Reconstruction Department?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: This is the first batch to be sent up.

Mr. BAIDYANATH MOOKERJEE: Can we have some idea as to when the second batch would be sent?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That depends upon accommodation available for students outside. We are awaiting for Government of India's direction in this matter.

Mr. BAIDYANATH MOOKERJEE: In this connection, may I enquire from the Hon'ble Premier, when the scheme for Post-War Reconstruction will be available? If

I remember aright, we heard from him the other day that the scheme would be prepared and supplied to every hon. Member by the 10th but we have not got any copy of it as yet.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have just now got a proof copy from Mr. Roy and he has promised to make it available to hon. Members within an hour.

Mr. BAIDYANATH MOOKERJEE: Thank you, Sir.

Re: Rationed Commodities

Mr. BAIDYANATH MOOKERJEE asked:

*79. (a) Will Government be pleased to state (i) the names of various commodities they have rationed up till now, (ii) the quantity of each commodity rationed per head per week and (iii) the price of each of these commodities in each district, showing the date of rationing in each case?

(b) Will Government be pleased to state whether the rationed commodities were and are being supplied in all districts regularly according to the quota fixed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

79. (a)—A statement is laid on the table.

Statement showing names of commodities rationed and quantities allowed per head per week.

79. (a) (i) Names of commodities rationed	(ii) Quantities allowed per head per week
1. Rice	3 seers per head per week.
2. Atta	1 seer „ „ „
3. Flour	According to stock position.
4. Salt	2 chhataks.
5. Sugar	1 <i>powa</i> .
6. Kerosene	3 bottles of 2½ <i>powa</i> each per family per month.

7. Mustard oil is distributed by the Additional Deputy Commissioner, Shillong, on *per capita* ration basis at 3 chhataks per week.

(iii) Rationing has been introduced in the following nine towns with effect from the date noted against each:—

1. Sylhet	4th June 1944.
2. Silchar	30th July 1944.
3. Shillong	1st October 1944.
4. Gauhati	30th July 1944.
5. Dhubri	18th June 1944.
6. Tezpur	18th June 1944.
7. Nowgong	16th July 1944.
8. Jorhat	28th May 1944.
9. Dibrugarh	30th July 1944.

Prices of commodities rationed

Atta and Flour	...	...	...	...	Annas.
Salt	...	...	...	...	0 6 6 per seer.
Sugar	...	...	...	...	0 4 0 " "
Rice	...	...	...	...	0 8 6 " "

as per modification below.

The 5th December 1944.

No. SD.(A)293/43/238.—In accordance with the provisions of paragraph 3 of the Assam Food-grains Prices Control Order, 1943, and in continuation of this Department's Notification No. SD.293/43, dated the 22nd February 1944, announcing gradual reduction in the maximum prices of rice and paddy, the Governor of Assam is pleased to fix the following maximum prices of rice and paddy per standard maund of 40 seers of 80 tolas a seer with effect from the 1st January 1945, till the 30th June 1945.

For all varieties other than Aus and Boro :—

		Wholesale		Retail sale	
		Rs.	a. p.	Rs.	a. p.
In Goalpara District, Barpeta Subdivision and the Thanas of Barama, Nalbari, Hajo, Rangiya and Kamalpur of Kamrup District, Darrang District and North Lakhimpur Subdivision, Balipara Frontier Tract.	(a) Rice ...	13	8 0	14	12 0
	(b) Paddy ...	7	6 0	8	2 0
In the Thanas of Chhaygaon, Boko, Palasbari and Gauhati of Kamrup District and the District of Nowgong.	(a) Rice ...	14	0 0	15	4 0
	(b) Paddy ...	7	11 0	8	7 0
In Sibsagar District, Dibrugarh Subdivision of Lakhimpur District, Frontier Tracts of Sadiya and Tirap.	(a) Rice ...	14	8 0	15	12 0
	(b) Paddy ...	8	0 0	8	12 0
In the Districts of Sylhet and Cachar	(a) Rice ...	13	8 0	14	12 0
	(b) Paddy ...	7	6 0	8	2 0

For Aus and Boro :—

		Wholesale		Retail sale	
		Rs.	a. p.	Rs.	a. p.
In all Districts	(a) Rice ...	11	8 0	13	0 0
	(b) Paddy ...	6	0 0	6	12 0

(a) The prices fixed above are for Arua or white rice. For Ushna or part boiled rice a premium not exceeding Re. 0-8-0 (eight annas) per maund may be charged over these prices.

(b) The wholesale prices fixed above include the price of bags and bagging charges and where rice and paddy is sold in bulk without bags the maximum wholesale prices shall be reduced by six-annas per maund in the case of rice and eight annas in the case of paddy.

(c) All the wholesale prices fixed above are *ex-mill* or *ex-godown* except in the case of Garo Hills, Khasi and Jaintia Hills, Naga Hills and Lushai Hills. In

the case of these four Hill Districts, the maximum prices refer to the prices at the nearest rail or steamer head to which cost of transport may be added within reasonable limits allowed by the District Magistrate concerned.

(d) When the rice or paddy is a mixture of more than one grade and the percentage of the lower grades exceed five per cent., the whole quantity shall be deemed to be of the lowest grade in the mixture.

K. W. P. MARAR,

Secy. to the Govt. of Assam in the Deptt. of Supply.

(b)—The imported commodities like atta, flour, salt and sugar are generally supplied regularly to the rationed areas.

Mr. BAIDYANATH MOOKERJEE: From the statement I find that *dal* has not been mentioned. Are we to understand that *dal* has not been rationed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Controlled articles include *dal* also, but not rationed.

Mr. BAIDYANATH MOOKERJEE: But it has not been mentioned, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am afraid, Sir, this might have been a mistake.

Mr. BAIDYANATH MOOKERJEE: Is the list of prices of all these commodities sent to all the rationed areas?

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

Mr. BAIDYANATH MOOKERJEE: But as regards kerosene, no price has been given.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The fact is that the price of this is fixed according to the ration obtained by the companies supplying. Therefore, Government do not fix the price itself.

Babu KAMINI KUMAR SEN: Is it not a fact that in the rural areas the price of rationed articles is a bit higher than in urban areas?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, in the rationed areas, as I mentioned yesterday, the price of commodities sometimes become higher, in view of the fact that for regular supply we keep at least two month's stock and if the price of that happens to be higher at the time of purchase, then they are to be sold at a higher rate.

Mr. BAIDYANATH MOOKERJEE: Does the Hon'ble Premier consider that the flat rate of supply of 3 bottles of Kerosene, each containing $2\frac{1}{2}$ *powas*, for each family is fair and equitable?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We tried various methods for equitable distribution of this article, but found it impossible. So, now the Deputy Commissioner, in consultation with the distributors, are supplying the stock in the present method.

Mr. BAIDYANATH MOOKERJEE: Will Government consider the desirability of distributing it on the *per capita* basis?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It was tried, but we failed. As for instance, there may be a large number of persons in one house but they use a few lights of kerosene and there may be a small number of persons in a family who burn more kerosene. So the experiment of distribution *per capita* basis did not succeed.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Premier again try to solve this problem?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will consider, Sir.

Babu KAMINI KUMAR SEN: Are Government aware that in rural areas retailers charge higher price on the ground that they are to bear more cost of transport?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have not received any complaint to that effect, but I will take my Friend's statement as correct.

Babu KAMINI KUMAR SEN: Will the Hon'ble Premier make an enquiry ?
The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, Sir.

Requisition of residential quarters and clinic of Dr. O. Hasan, a dentist of Silchar

Maulavi MUZARROF ALI LASKAR asked :

*80. (a) Is it a fact that the residential quarters and clinic of Dr. O. Hasan, a dentist of Silchar was requisitioned for the A. R. P. Depot in July 1942 ?

(b) Are Government aware that the said Dr. Hasan had to stop his profession on account of requisitioning of his clinic ?

(c) Is it a fact that he submitted representations to the Hon'ble Minister-in-charge of Civil Defence as well as to the Hon'ble Premier on the subject ?

(d) If so, will Government be pleased to state whether any action has been taken on them ?

(e) If not, why not ?

(f) Is it a fact that he represented his case to the Chairman of the Provincial Requisitioning Board ?

(g) If so, when ?

(h) Are Government aware that he asked for appointment of an Arbitration Board in this connection ?

(i) Do Government propose to constitute an Arbitration Board for the purpose and expedite an early settlement of his case ?

(j) Will Government be pleased to state whether he has been granted any professional loss as yet ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

80. (a)—Yes.

(b)—Yes.

(c)—He represented the matter to Government.

(d)—Yes, the Deputy Commissioner was asked to submit a report which has recently been received.

(e)—Does not arise.

(f)—Yes.

(g)—8th September 1944.

(h)—Yes.

(i) & (j)—With regard to his claim for professional losses, the Deputy Commissioner is being instructed how to make an assessment, and to communicate his offer to the claimant, if the latter is not satisfied, the case will be referred to Arbitration.

Maulavi ABDUR RAHMAN: May I enquire of the Hon'ble Minister since when those houses have been requisitioned ?

The Hon'ble Maulavi MUNAWWAR ALI: Perhaps from June 1942.

Maulavi ABDUR RAHMAN: May I know, Sir, why up till now no compensation has been paid ?

The Hon'ble Maulavi MUNAWWAR ALI: Because the matter has been agitated on its various aspects.

†Maulavi MABARAK ALI: Whether any compensation has been paid for removal of his belongings to his native home at Baniyachong ?

The Hon'ble Maulavi MUNAWWAR ALI: His claim is under consideration. He has also preferred a claim for his professional loss which is a very intricate matter and is under our consideration also.

UNSTARRED QUESTIONS

(To which answers were laid on the table.)

Last Conference on Land Settlement in Assam Valley

Srijut MAHI CHANDRA BORA asked :

50. Will Government be pleased to state—

- (a) Whether they propose to supply the Members of the Assam Legislative Assembly and Council with copies of proceedings of the last Conference on Land Settlement in the Assam Valley held in December 1944 ?
- (b) Whether the copies of notes submitted for consideration in that conference by Srijuts Gopinath Bardaloi, Rohini Kumar Chaudhuri and Rabi Chandra Kachari for classification of their stand point in reference to the proceedings recorded are proposed to be supplied to the Members of the Assam Legislature ?
- (c) Whether they propose to supply the Members of the Assam Legislature with copies of notes submitted, if any, by the representatives of the Scheduled Castes and Muslim League for consideration in the said Conference ?
- (d) Whether it is a fact that all the recommendations of the three aforesaid members of that Conference mentioned in Question (b) above were not accepted by Government in their Resolution dated the 15th January 1945 ?
- (e) If so, why ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

50. (a)—A copy has been laid on the Library Table.

(b)—No.

(c)—No.

(d)—No. The Resolution, except in one particular, closely followed the recommendations of the Conference, which on all major issues were practically unanimous.

(e)—Does not arise.

Srijut MAHI CHANDRA BORA: May I know whether it is a fact that notes were submitted by Srijuts Gopinath Bardaloi, Rohini Kumar Chaudhuri, and Rabi Chandra Kachari for clarification of their stand point in reference to the proceedings recorded and whether they form a part of the proceedings ?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir. They purported to attempt at some clarification, but what they actually did at the same time was to digress from the points. This note did not form part of the proceedings.

Srijut ARVESWAR BARUA: With regard to (d), Sir, it is said that the Resolution, except in one particular, closely followed the recommendations of the Conference. May I know what was that particular recommendation of the Conference ?

The Hon'ble Maulavi MUNAWWAR ALI: The hon. Member is referred to paragraph 18(c) of the Resolution.

Srijut SARVESWAR BARUA: What is that, Sir ?

The Hon'ble Maulavi MUNAWWAR ALI: In cases of hardship Deputy Commissioners have been given discretion.

Srijut ROHINI KUMAR CHAUDHURI: As regards (d), Sir, may I know the reason why that particular recommendation was not accepted ?

The Hon'ble Maulavi MUNAWWAR ALI: All the recommendations have been accepted, Sir, but in one particular respect only the discretion has been given to the Deputy Commissioners in cases of hardship.

Srijut GOPINATH BARDOLOI: Is it not a fact that almost all the points of difference of the outlook of the signatories to the memorandum were definitely pointed out and that the entire note was signed subject to those objections?

The Hon'ble Maulavi MUNAWWAR ALI: They stated to have done so, but they were wholly irrelevant.

*Srijut ROHINI KUMAR CHAUDHURI: Is it not a fact that all the recommendations had the unanimous opinion, excepting the opinion of one hon. Member representing the Muslim League?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir.

*Babu KAMINI KUMAR SEN: Is it not contentious that the Government has the right to refuse the publication of the minute of dissent that was considered irrelevant?

The Hon'ble Maulavi MUNAWWAR ALI: That was not a minute of dissent but a note purporting to explain the view point of certain hon. Members who took part in the proceedings.

Srijut GOPINATH BARDOLOI: Are those very points not sufficient and in some cases fundamentally different from the way in which proceedings were recorded?

The Hon'ble Maulavi MUNAWWAR ALI: Decisions were arrived at and the Hon'ble Premier who presided over the meeting dictated the decision in presence of all and those recommendations in *toto* have gone into the proceedings.

Srijut GOPINATH BARDOLOI: Is it not a fact that the whole proceedings, *i.e.*, whatever that might have been recorded as such were sent to us for signature?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, the time was too short and the hon. Members were anxious to get away.

Srijut GOPINATH BARDOLOI: Is it not a fact that immediately on receipt of the note we submitted our memorandum explaining our attitude, and that subject to it, we said we signed the proceedings.

The Hon'ble Maulavi MUNAWWAR ALI: Not very immediately but a few days later.

Proportionate share of Muslims in Government service and contracts, etc.

Maulavi MATIOR RAHMAN MIA asked:

51. Will Government be pleased to state—

(a) The proportionate share of the Muslims in Government service and contracts, etc., of all categories under Government?

(b) Whether the immigrant Muslims have so far got their share of Government service and contracts under Government?

(c) If not, why?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

51. (a)—The proportionate shares of communities in employment under the Provincial Government have been laid down in a circular issued to all appointing authorities in January 1945, and vary according to whether recruitment is on a provincial, divisional or district basis. The provincial proportions for Muslims of the Surma Valley and Assam Valley are 23.3 and 14.29 per cent. respectively. Though Government have approved the same general principles for observation when contracts are under consideration they do not insist on a rigid distribution of contracts on the same percentage basis, as much depends on the rates for work tendered.

(b)—Immigrant Muslims are included in the total of Muslims in each case.

(c)—Does not arise.

*Speech not corrected.

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: May I ask the Government to follow the principle rigidly as regards contracts on communal basis ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am happy that my Friend has raised this point in a Supplementary Question. I wish I could lay down rigid principle so far as contracts are concerned but by the very nature of things, Government contracts are granted on the basis of sealed tenders being called for and therefore rates in tenders form the main guiding principle in giving contracts and therefore a very rigid distribution on communal lines is not possible. I can lay the principle, if tendered rates are equal Government will insist on the communal proportion being given effect to in distribution of contracts.

Maulavi ABDUR RAHMAN: With regard to (b), Sir, may I enquire of the Hon'ble Prime Minister whether it is a fact that immigrant Muslims are generally ignored in getting services in all the Departments ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, my Friend the hon. Questioner knows that at present Government can give appointments only on the recommendation of the Public Service Commission. Whenever any candidates from the immigrant Muslims obtain such recommendations they are provided.

Maulavi ABDUR RAHMAN: Is it not a fact that innumerable appointments have been made without making any reference to the Public Service Commission and that in none of those appointments immigrant Muslims have got any chance ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not correct. Originally, as I mentioned two days ago to the House in reply to a Question, Government on their own accord appointed 79 Sub-Inspectors of Supply but later on all these appointed persons were interviewed by the Public Service Commission. They accepted all except four who were removed from their services. It is also correct to say that almost all qualified immigrants who applied for service did get appointments.

Maulavi ABDUR RAHMAN: Is it not a fact that the immigrant Members of this House are always agitating over this question that they are not getting their due share in the Government service ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not so, Sir. Although they have represented the matter personally, I have also explained the Government position that in every appointment which is to be filled up by the Public Service Commission, Government could only appoint if candidates of different communities do get their recommendation. Even when the Government want to vary the order of preference, then things go out of the hands of the Ministry and final orders rest entirely in the hands of His Excellency, the Governor.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Is it not a fact that the District Authorities while making appointments neglect the claims of the immigrants ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, it is not so.

Maulavi ABDUL BARI CHAUDHURY: May I enquire how these figures have been arrived at ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is for Provincial appointments.

Superintendents of Supplies

Srijut DHIRSINGH DEURI asked :

52. Will Government be pleased to state—

- (a) If nine Superintendents of Supplies were appointed last year ?
- (b) Whether it is a fact that none of the above nine Superintendents of Supplies is a Plains Tribal ?
- (c) If so, why ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

52. (a)—Only eight Superintendents of Supply, one for each of the Plains Districts, were appointed last year.

(b)—Yes. No Plains Tribal candidate was recommended for appointment last year.

(c)—Superintendents of Supply are appointed on Public Service Commission's recommendation.

Srijut ROHINI KUMAR CHAUDHURI : May I know if communal percentages were adopted in filling up these appointments ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : No, Sir. We asked the Public Service Commission to give representation to all under-represented communities in the Department of Supply. So far as I remember, the Public Service Commission did try to recommend candidates of under-represented communities.

Srijut ROHINI KUMAR CHAUDHURI : May I know why that policy was not accepted in making these particular appointments, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That policy was adopted but when the Public Service Commission said that there was no suitable candidates from certain particular under-represented community, Government could not wait and so the posts had to be filled up from other communities.

Srijut ROHINI KUMAR CHAUDHURI : What was the minimum qualification laid down for those appointments ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have not got the advertisement before me at the present moment. As it was published in the Gazette, my hon. Friend may look into it.

Srijut ROHINI KUMAR CHAUDHURI : Was there no application from Tribal candidates for that service ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, there were candidates from Tribal people but the Public Service Commission did not recommend anyone from that community.

Payment of compensation for land requisitioned for Military purposes

Maulavi ABDUR RAHMAN asked :

53. (a) Will Government be pleased to state the basis on which they have calculated the payment of compensation for lands requisitioned for Military purposes ?

(b) Will Government be pleased to state the amount of such compensation they have determined for each Keyer or Bigha of land in the Province ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

53. (a) & (b)—There is no standard schedule of rates. Assessment is made by the District Officers according to the productivity of the land and crop values prevailing in the locality. The hon. Member's attention is invited to the general instructions laid down at pages 3-4 of the memorandum on Procedure for Requisitioning, a copy of which has been supplied to hon. Members.

Maulavi ABDUR RAHMAN : May I enquire from the Hon'ble Minister, in case of any hardship, whether they are ready to reconsider the cases where people have not been given adequate compensation ?

The Hon'ble Maulavi MUNAWWAR ALI : The remedy is with the arbitrator, Sir.

Maulavi ABDUR RAHMAN : If there is any hardship in the matter of giving compensation to the people to whom they are to apply ?

The Hon'ble Maulavi MUNAWWAR ALI : They are to apply to the Provincial Government, who on receipt of the application will appoint an arbitrator.

Maulavi ABDUR RAHMAN: In the memorandum, three classes of authorities have been created and this is only for the purpose of Government but there is no provision, if the people are hard hit in the matter of getting their due compensation, as to whom they are to apply ?

The Hon'ble Maulavi MUNAWWAR ALI: Has the hon. Member not seen the Defence of India Act and the Rules thereunder ?

Village Welfare Centres in the Assam Valley

Srijut BELIRAM DAS asked :

54. Will the Hon'ble Minister-in-charge of Agriculture be pleased to state—
- The number of village welfare centres in the Assam Valley ?
 - Whether these centres are now self-supporting ?
 - What work these centres have been doing towards improving the condition of the agriculturists and their method of cultivation ?

The Hon'ble Mr. NABA KUMAR DUTTA replied :

54. (a)—29.
 (b)—No.
 (c)—A copy of the programme of work is laid on the Library Table.

Compulsory Primary Education

Babu BIPIN BEHARI DAS asked :

55. Will Government be pleased to state whether they propose to make primary education compulsory in the Province ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

- 55.—The matter is receiving attention of Government.

Babu BIPIN BEHARI DAS: May I get an idea of the time when the Government intend to make primary education compulsory in the Province ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I am afraid I cannot give the hon. Member any idea of time just at the present moment.

Ban on public meetings and processions in the Province

Srijut GAURI KANTA TALUKDAR asked :

56. Will Government be pleased to state—

- The names of districts or places in the Province where public meetings are still under bans, giving dates of imposition of such bans in each case ?
- Whether Government are aware of the great hardships caused to the public on account of the banning of public meetings and processions in the Province ?

- If so, whether Government propose to withdraw the bans ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

56. (a)—The power is exercised by all Deputy Commissioners, and they have been asked to report the particulars desired. So far as Government are aware these are :

Cachar, with effect on the last occasion for six months from 16th February 1945. Sylhet, similarly with effect from 14th November 1944.

Dibrugarh sub-division, similarly with effect from 22nd June 1944.

North Lakhimpur sub-division, similarly with effect from 7th October 1944.

Kamrup, similarly with effect from 6th February 1945.

(b)—Government are aware of no hardships caused by the order which gives ample powers of relaxation in favour of meetings for reasonable and necessary purposes.

(c)—Does not arise.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to say whether the reports asked for from the Deputy Commissioners will be made available to the Members of this House?

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

*Srijut MAHI CHANDRA BORA: Am I to understand that there is no ban on holding public meetings so far as the district of Nowgong is concerned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No general ban has been published, but the Deputy Commissioners are empowered to grant permission to hold meetings.

Srijut MAHI CHANDRA BORA: But the curious fact so far as Nowgong is concerned is that the Deputy Commissioner promulgated an order in August 1942 banning public meetings until further orders and that ban is still continuing. Will the Hon'ble Premier be kind enough to enquire into this matter?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well.

Srijut GAURI KANTA TALUKDAR: Is it a fact that three days' notice is required for receiving permission from the Deputy Commissioners?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Deputy Commissioners want sufficient time to make an enquiry as regards the purpose and the people who will be participating in these meetings. Therefore three days' time has been asked for.

Srijut GAURI KANTA TALUKDAR: Does it not create inconvenience in holding a meeting in urgent cases?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It may mean inconvenience in holding a meeting but it also means inconvenience to the Deputy Commissioners if they do not get any time to enquire as to the bona fide of the meeting.

Srijut GAURI KANTA TALUKDAR: Is it not a fact that the whole country is full of spies?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It may be known to my hon. Friend but Government is not keeping any spy.

Srijut GAURI KANTA TALUKDAR: Are Government aware of the fact that great hardships are caused by these orders to those people who have to come from villages to take permission from the Deputy Commissioner, spending money and time?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Surely, if any one wants to hold meetings in these hard days and spend money in building pandals and printing pamphlets, he must be prepared to undergo all these inconveniences.

Srijut GAURI KANTA TALUKDAR: Is it a luxury to hold public meetings, Sir? The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not a luxury, but we have got bitter experience of such meetings. I, as well as you, Sir, attended in order to help a very humanitarian cause, an entertainment held in Shillong by the Communist party which was led by my Friend Mr. Karuna Sindhu Roy. When we went there we found that all the songs that formed a part of the entertainment were seditious. When I mentioned to my Friend Mr. Roy about it, he replied that unless these songs were made a little seditious, people did not attend the meeting and there will be less money collection. This shows that on the plea of public meeting, opportunity may be taken to disseminate sedition amongst the people.

Srijut ROHINI KUMAR CHAUDHURI: Is it not a fact that the Deputy

*Speech not corrected.

Commissioners have no authority to grant permission for holding public meetings without previous consultation with the Government.?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, they have got full authority.

Srijut SARVESWAR BARUA: May I know what is the state of things in Sibsagar? Is it in the same category as Nowgong?

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

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

The Hon'ble the SPEAKER: Now we will take up the consideration of the Assam Local Board Elections (Emergency Provisions) Bill, 1945. Discussion on the *Amendment of Mr. Rabindra Nath Aditya may continue.

Mr. C. GOLDSMITH: Mr. Speaker, Sir, I think an embarrassing situation was created yesterday when I spoke on the Amendment of Mr. Rabindra Nath Aditya. I now realise that I was not in order. Therefore I will take my opportunity at the last stage of the Bill.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise to support the Amendment. Sir, my hon. Friend, the Mover of the Amendment has made it perfectly clear to the House that our rights have been curtailed by the Government. The other day, the Hon'ble Premier said that they had done justice to all the communities concerned. He moreover said that the basis of arriving at the present allotment was the mean of the three factors that should be considered. Sir, I think it would be better on my part if I place before the House the number of existing seats of the Local Boards as well as the number that has been allotted by the Government according to which the next election will take place and I shall prove by facts and figures that the bogy of the 'mean' is all camouflage.

I shall take first of all the subdivision of Dhubri. Existing seats—planters= nil, Muhammadans=9, Non-Muhammadans=12, Appointed=4, Total=25. According to the present allotment, planters=nil, Muhammadans=14, Hindus=8, Scheduled castes=1, Plains Tribal=7, Appointed=3, Total=33.

Goalpara Subdivision.—Existing, seats—Planters=nil, Muhammadans=5, Non-Muhammadans=8, Appointed=3, Total=16. According to the present allotment, planters=nil, Muhammadans=10, Hindus=4, Scheduled castes=1, Plains Tribal=3, Appointed=3, Total=21.

Tezpur.—Existing seats—planters=6, Muhammadans=2, Non-Muhammadans=11, appointed=4, Total=23. According to the present allotment—Planters=6, Muhammadans=4, Hindus=11, Scheduled castes=1, Plains Tribal=2, Appointed=3, Total=27.

Mangaldai.—Existing seats—Planters=6, Muhammadans=2, Non-Muhammadans=12, Appointed=3, Total=23. According to the present allotment—Planters=6, Muhammadans=7, Hindus=10, Plains Tribal=2, Appointed=2, Total=27. And out of these 2 Appointed, one will go to the Scheduled Castes people.

Nowgong.—Existing seats—Planters=5, Muhammadans=5, Non-Muhammadans=10, Appointed=3, Total=23. According to the present allotment—Planters=5, Muhammadans=11, Hindus=9, Scheduled castes=2, Plains Tribal=4, Appointed=2, Total=33.

* Babu RABINDRA NATH ADITYA moved:

That in sub-clause (1), for the words and figures "15th June, 1945" occurring in the fourth line, the words and figures "31st March, 1946" be substituted and the following be added "as a proviso thereto.

"Provided that the Provincial Government shall in the meantime take the approval of both the Houses of Legislature with regard to the proposed re-distribution of seats and revision of constituencies of the Local Boards".

Jorhat.—Existing Planters=6, Muhammadan=3, Non-Muhammadan=11, Appointed=3, Total=23. According to the present allotment Planters=6 Muhammadan, =3, Hindu=12, Scheduled=1, Plains Tribal=2, Ahom=1, Appointed=2, Total =27.

	Plan- ters	Muham- madan	Non- Muham- madan	Hindu	Sche- duled	Plains Tri- bal	Ahom	Appointed	Total
<i>Sibsagar.</i>									
Existing ..	7	2	11	..	..	..	..	3	23
Present allotment	7	2	..	10	1	1	4	2	27
<i>Golaghat.</i>									
Existing ..	6	2	11	..	..	..	..	(1 reserved for Plains Tribal)	
Present allotment	6	2	..	11	1	3	1	4	23
<i>Dibrugarh.</i>									
Existing ..	10	3	10	..	..	..	..	5	28
Present allotment	10	3	..	10	1	2	2	2	30
<i>North Lakhimpur.</i>									
Existing ..	6	2	10	..	..	..	..	2	20
Present allotment	6	2	..	7	1	2	1	2	21
<i>Gauhati.</i>									
Existing ..	2	5	16	..	..	..	..	5	28
Present allotment	2	7	..	16	2	4	..	2	33
<i>Barpeta.</i>									
Existing ..	nil	5	11	..	..	..	..	5	21
Present allotment	nil	12	..	10	1	2	..	2	27
<i>Silchar.</i>									
Existing ..	7	5	7	..	..	..	..	(1 reserved for plains Kachari)	
Present allotment	7	9	..	7	2	..	..	4	23
<i>Hailakandi.</i>									
Existing ..	5	6	5	..	..	..	..	4	20
Present allotment	5	11	..	5	1	..	..	2	24
<i>North Sylhet.</i>									
Existing ..	4	12	7	..	..	..	..	(1 reserved for Muhammadan)	
Present allotment	4	18	..	6	2	..	..	3	26
<i>Habiganj.</i>									
Existing ..	4	11	10	..	..	..	..	3	33
Present allotment	4	17	..	7	3	..	..	3	28
<i>Maulvibazar.</i>									
Existing ..	6	7	7	..	..	..	..	2	33
Present allotment	6	10	..	7	2	..	..	3	23
<i>Sunamganj.</i>									
Existing ..	nil	10	8	..	..	..	..	2	27
Present allotment	nil	18	..	7	3	..	..	4	22
<i>Karimganj.</i>									
Existing ..	6	9	8	..	..	..	..	2	30
Present allotment	6	14	..	6	2	..	..	3	26
								2	30
(1 reserved for Muslims)									

† Srijut ROHINI KUMAR CHAUDHURI: On a point of information. Does the Hon'ble Minister accept these figures as correct?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I think they are; but I cannot verify them.

The Hon'ble the SPEAKER: Where did the hon. Member get these figures from? Mr. BAIDYANATH MOOKERJEE: From the Local Boards, Sir.

† Srijut ROHINI KUMAR CHAUDHURI: I want to know whether the figures for the present distribution of seats are accepted as correct.

The Hon'ble the SPEAKER: The Hon'ble Minister says that he is not in a position to verify them.

† Srijut ROHINI KUMAR CHAUDHURI: But he does not challenge those figures.

Mr. BAIDYANATH MOOKERJEE: How can he challenge them? I have got those figures from the Local Boards.

† Srijut ROHINI KUMAR CHAUDHURI: If these figures are accepted as correct, we can make our submission on the basis of these figures.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: The figures that are supplied to the Local Boards are correct, but I cannot say whether my hon. Friend has committed any mistake in taking them down and placing them before the House.

Mr. BAIDYANATH MOOKERJEE: Let the Hon'ble Minister verify these figures.

The Hon'ble the SPEAKER: Unless there is any objection as to the accuracy of these figures, the House can accept them as correct.

Mr. BAIDYANATH MOOKERJEE: Sir, I shall first take up the North Sylhet Subdivision. So far as the Planters are concerned, the number of their seats remains unaltered. So, I shall take up the other communities. According to the existing arrangement there are 12 Muhammadan seats and 7 non-Muhammadan seats; according to the present allotment the number of Muhammadan seats has been raised to 18, and so far as the non-Muhammadan seats are concerned, Hindus have got 6, and Scheduled castes 2, making a total of 8. That is, whereas the figure for the Muhammadans has been raised from 12 to 18, that for non-Muhammadans has been raised from 7 to 8 only.

Now, Sir, I shall compare the population figures as arrived at by the 1921 and 1941 Censuses on the basis of which the existing arrangements and the present allotment have, respectively been made. The non-Muhammadan population according to the 1921 Census was 1,44,500 (in round numbers), and the number of seats allotted was 7.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This is not correct, Sir.

Mr. BAIDYANATH MOOKERJEE: May I know the correct figure then?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I shall give it in proper time.

Mr. BAIDYANATH MOOKERJEE: Then I say my figure is correct.

According to the 1941 Census the figure was 1,60,600, and 8 seats have been allotted and so far Muhammadans are concerned the 1921 figure was 3,81,300 and according to 1941 it is 4,90,400. Now, Sir, in the case of the Hindus the increase in the population is about 10 per cent. where as they have got only one seat more; but in the case of the Muhammadans the increase of population is about 28.5 per cent. or 28.6 per cent. but they have got six seats more which is an increase of about 50 per cent. of the previous allotment.

Maulavi ABDUL BARI CHAUDHURY: Base your calculation on the total and not on the increase?

Mr. BAIDYANATH MOOKERJEE: Now, Sir, I shall take another subdivision from the Assam Valley.

The Hon'ble the SPEAKER: It seems that the hon. Member is identifying non-Hindu seats with the Hindu seats; the existing seats are non-Muhammadan but the hon. Member is talking of seats allotted to the Hindus.

Mr. BAIDYANATH MOOKERJEE: Previously there was one heading only as non-Muhammadan but they have now been subdivided into Hindus, Scheduled Castes, Ahom, Tribal, etc.

The Hon'ble the SPEAKER: The hon. Member began by saying that the existing Hindu seats are such and such and the allotment is this. It is rather misleading.

Mr. BAIDYANATH MOOKERJEE: But there is only one head—non-Muhammadans, Sir, at present and I am giving them head by head according to present allotments as well. I think it would be better for me to explain and it is not my fault, but it is the fault of the Government. Previously they were only non-Muhammadans but now according to their arrangements the non-Muhammadans have been divided into Hindus, Scheduled Castes, Plains Tribal and Ahoms, etc. So I am using different names for different allotments.

The Hon'ble the SPEAKER: The reasons for the new allotment of seats were given by the Hon'ble Premier the other day.

Mr. BAIDYANATH MOOKERJEE: I mean to say that he is including the total of the non-Muhammadans under the head Scheduled Castes, Tribal Plains and Ahoms, etc., and by this injustice is being done.

*Khan Bahadur Maulavi KERAMAT ALI: The hon. Member has just said that the seats for the Hindus have been increased by one. Does he mean to say that this increase by one includes all the non-Muhammadans?

Mr. BAIDYANATH MOOKERJEE: Yes.

Now, Sir, let us take the case of Mangaldai subdivision. According to 1921 census the Hindus were 1,36,000 and according to the 1941 census their population is 1,97,000. Sir, we heard about the mean and I want to show how that mean has been calculated. Am I to understand that the Hindu population which has increased by 61,000 is not holding more land or giving more local rates than what they did in 1921 according to which basis the existing allotment of seats was made? At that time they had 12 seats and they are being given 12 seats even now. Of those 12 seats 2 are for the Plains Tribal. Now, Sir, may I ask on what principle Government will justify this allotment? Formerly there were 12 seats and they have at present the same number of 12 seats including 2 seats for the Plains Tribal and for the Hindus 10; the total remains the same whereas the increase in the population is by 61,000 and that is not also in a very large population. As I have already stated in 1921 it was 1,36,000 and now it is 1,97,000.

Sir, another point. If population is alone taken into consideration by Government, if there were 7 seats for the Muhammadans for a population of 88,000, on what ground only 12 seats were allotted to the non-Muhammadans, which means double the number, *i.e.*, 1,97,000?

Now I shall take the case of Sunamganj subdivision. According to 1921 census the Hindus were 2,03,000. But according to 1941 census Hindus are 2,20,000 and Muhammadans according to 1921 census were 3,07,000 but according to 1941 census they are 4,17,000. Now, Sir, mark the percentage of increase from 10 to 18 in the case of Muhammadans in comparison with the increase of percentage of population which was 3,07,000 and 4,17,000 and the increase in the percentage of population percentage of increase in population is 33 or 34 whereas the increase in seats is more than 90 per cent. Of course, there is reason. The Hon'ble Minister has taken his share quite all right. He is not here but the poor Hon'ble Minister-in-charge coming from Hailakandi is here. I find for a population of 85,963 Muhammadans they have been allotted 11 seats in other words there is one Muslim seat for 7,815 persons whereas for the 11,381 of the Scheduled Castes people they have given only one seat.

* Speech not corrected.

Now I come to Karimganj. The population of Muhammadans at present according to 1941 census is 3,11,881, but the seats allotted are 14. Therefore per seat the population is 22,277. (*A voice*—15 seats, one by nomination.) I am leaving that. So far as the Scheduled Castes people are concerned, their number is 88,213 for which they have been allotted 2 seats ; so it comes to this, for 44,106 persons they have been allotted one seat

So far as the Hindus are concerned, the number is 1,56,704. They have been allotted 6 seats, that is, for every 26,117 persons there has been allotted 1 seat...

The Hon'ble the SPEAKER : Does the hon. Member want to exhaust all the subdivisions ?

Mr. BAIDYANATH MOOKERJEE : No, Sir, I have not exhausted all the subdivisions.

The Hon'ble the SPEAKER : Does he want to exhaust all the subdivisions ?

It will be useless, Sir. I have shown from different quarters from the Assam Valley, from Sylhet and Cachar districts, from the Hon'ble Revenue Minister's subdivision, from the Hon'ble Local Self-Government Minister's subdivision and also from the Hon'ble ex-Local Self-Government Minister's subdivision.

*Babu KAMINI KUMAR SEN : Sir, when no other hon. Member has been able to secure the scheme and when the hon. Member has been able to secure it, I think, it will be better if he exhausts all the subdivisions.

The Hon'ble the SPEAKER : The hon. Member may go on.

Mr. BAIDYANATH MOOKERJEE : Sir, so far as the seats for the Planters are concerned, I have already said that when they have been kept as they were, I have got very little to comment but the other day I requested the Hon'ble Prime Minister to let the House know why no seat was reserved for the Indian Planters and the Hon'ble Prime Minister was kind enough to remark that he would be coming to that point, but most probably he has forgotten. Now, Sir, I request the Hon'ble Minister-in-charge to kindly make a note of it so that when he replies I may get my answer regarding non-reservation of seats for the Indian Planters.

Now, Sir, about appointments. So long we heard that these appointments of nominated seats were kept handy in the hands of Government only to protect the interests of the minority communities. Now, Sir, I have shown that according to present allotment all the minority communities except the Indian Tea Planters, of course, have got their separate seats reserved for them. Now, may I ask whether there is any more justification according to them to keep nomination ? When interests of all the minority communities have already been satisfied then for whom these nominations have been kept ? Is it for showing favours to certain persons or on any other ground ? I want to know from the Hon'ble Minister on this point as well.

Now, Sir, I have placed both the existing and allotted seats of all the subdivisions before this House and I have particularly dealt with some of the subdivisions of both the Valleys and it is up to the hon. Members now to judge whether these seats have been allotted according to the rules, *i.e.*, on the basis of the mean of all the three factors, *viz.*, population, area and rates.

The Hon'ble the SPEAKER : I hope the hon. Member will finish.

Mr. BAIDYANATH MOOKERJEE : I shall try to finish very soon, Sir.

I shall now conclude my speech, Sir, with two more remarks. Sir, the other day the Hon'ble Premier said that though all the Ministers were not unanimous on the point, by the point I mean, Sir, the allocation of seats, but still it was the decision of the Cabinet and they have given effect to it accordingly. Now, I would request the Hon'ble Minister-in-charge of Local Self-Government Department to state what his individual opinion was in this matter, just to clarify his position. And I shall make another request, Sir, that the other day we heard a vicarious defence. We are tired of it. We do not want to hear this vicarious reply. The Hon'ble Minister-in-charge will please reply to our queries and meet the position. Sir, it is very painful to remark that only at the time of voting and only at the time of drawing the salaries we find ten

*Speech not corrected.

persons, but it is practically one man's show and we do not like this position at all.

With these words, Sir, I resume my seat.

Srijut SURENDRANATH BURAGOHAIN : Mr. Speaker, Sir, I will not emulate the example of my hon. Friend, Mr. Mookerjee, by referring to the proposed distribution of seats and revision of constituencies. Sir, this matter may pertinently be referred to in the third reading of the Bill and for which occasion I will reserve my remarks on this:

Yesterday you had rightly ruled in the case of my hon. Friend Mr. Goldsmith, that these would properly come under discussion during the debate at the last stage of the Bill. So, Sir, I will confine myself to the simple...

The Hon'ble the SPEAKER : Any discussion about the distribution of seats would be relevant in view of what the hon. Member has just now said, because by showing that some of the distribution of seats was not fair, the Members would be supporting the Amendment.

Srijut SURENDRANATH BURAGOHAIN : Thank you, Sir, for the elucidation of this point. To me, Sir, the Amendment before the House is very simple. The Amendment seeks to postpone the election till the 31st of March 1946 with the object of getting the approval of the proposed redistribution of seats and revision of constituencies by both the Houses of Legislature. Sir, I am sorry that I have to oppose this Amendment moved by my hon. Friend, Mr. Aditya. My first objection to this Amendment is one of form. I am inclined to think that the Amendment, as has been brought before this House, is beyond the scope of the Bill. The Bill seeks to amend a particular section of the Act and the Amendment must, therefore, be confined to that section and that section is, Sir,...

The Hon'ble the SPEAKER : No, it is not an amending Bill. The hon. Member is not correct ; it is a perfectly new Bill. It does not amend any of the sections of the existing Act, but it is an original Bill.

Srijut SURENDRANATH BURAGOHAIN : Yes, Sir. But the scope of the Bill is limited to section 9 of the Assam Local Self-Government Act, 1915. Clause 2 of the Bill reads:

"Notwithstanding anything contained in section 9 of the Assam Local Self-Government Act, 1915, or in the Assam Local Board Elections (Emergency Provisions) Act, 1944, (1) the Local Board elections, etc."

So, Sir, my contention is that this Bill is limited in its scope by this clause—

The Hon'ble the SPEAKER : Has the hon. Member noticed the Statement of Objects and Reasons of the Bill ?

Srijut SURENDRANATH BURAGOHAIN : Yes, Sir, I will come to that. Supposing this Amendment is passed as has been proposed, it will come in direct conflict with section 4(2) of the parent Act which will remain unaffected by this amendment. So, Sir, from that view of things, I think this Amendment is not in order.

The Hon'ble the SPEAKER : Which Amendment ?

Srijut SURENDRANATH BURAGOHAIN : The Amendment proposed by my hon. Friend, Mr. Aditya.

The Hon'ble the SPEAKER : The entire Amendment ?

Srijut SURENDRANATH BURAGOHAIN : Not the entire Amendment, Sir.

The proviso to the Amendment seems to me to be out of order.

The Hon'ble the SPEAKER : Does the hon. Member seriously press this point that this proviso is out of order ?

Srijut SURENDRANATH BURAGOHAIN : Yes, Sir, I do. The House would have been benefited if the hon. Advocate General had been present to give his opinion on this point.

The Hon'ble the SPEAKER : That point has not been raised up till now and therefore there is no necessity for me to give ruling of my own accord, but if the hon. Member want any ruling from me I will certainly give it.

Srijut SURENDRANATH BURAGOHAİN: I would ask for your ruling, Sir on this point.

The Hon'ble the SPEAKER: Very well.

Srijut SURENDRANATH BURAGOHAİN: My next contention is that assuming that the proviso is in order, what is the object to be achieved? By this proviso to the Amendment he wants that the proposed redistribution of seats and the revision of constituencies are to be considered by the Houses of Legislature. This can very easily be done during this month as the Government already told us, the other day, that they had prepared their proposals in this matter. As the Gazette notification has not yet been published, this proposal can be laid before the House during this session as the Assembly is going to sit till the 24th of this month. If, Sir, more time be needed, this can easily be secured by moving His Excellency the Governor. So far as the Upper House is concerned, the adjourned sitting of that House is to commence on the 26th of this month. If my hon. Friend's object was really to get both the Houses consider the proposals, he could as well have achieved this object by insisting on this to be done within the two and half months' time that has been allowed in the Bill. So, Sir, I think that his object is really not to get both the Houses consider the proposals but his object is merely to get the election postponed. He wants to lead the House into a trap.

Sir, my Friend is perhaps now awakened to the apprehension of the provision of seats to the non-Muslim minorities—the Ahoms, the Scheduled Castes and the Tribals, who have hitherto not been recognised for the purpose of these Local Boards. Sir, when you cannot defeat, the policy should be to delay; that is the strategy of my hon. Friend. When the Government came forward with their Bill last year to get the election postponed for one year, my hon. Friend, Mr. Aditya, was very loud in his protest, but today when the Government has come forward with provision of seats to the minorities he wants that the election should be postponed for one whole year. Sir, his object seems to me is to see that the injustice done to those minorities should be continued, if not perpetuated.

He has come forward with another argument for the postponement of election and that argument does not at all impress me. I think most of the hon. Members of this House also will not be impressed by that. He has chosen the plea that the election would take place at a time when mud and monsoon would create difficulties. My hon. Friend is a sturdy lieutenant of a party whose creed is civil resistance. Sir, it seems to me that he has taken the cue from the military resister, being himself a civil resister. Sir, we have known of several occasions when mud and monsoon had been our allies in this war. In the early days of war in 1939, during the Polish campaign, it was mud and monsoon which stood in the way of rapid German advance into the heart of Polish territories. Three years ago in our own frontier it was mud and monsoon which stood in the way of rapid advances of the Japanese into our hearths and homes. And now my hon. Friend has taken advantage of this plea of mud and monsoon of May and June to get the election postponed.

So, Sir, I do not think my hon. Friend is sincere in bringing forward this Amendment in the present form and I am sorry that I cannot extend my support to his Amendment. With these few words, Sir, I beg to oppose this Amendment before the House.

The Hon'ble the SPEAKER: With regard to the point of order raised I find that the Amendment moved by Mr. Aditya, *i.e.*, the second part of his Amendment is quite in order, in view of the reasons given by Government in the Statement of Objects and Reasons of the Bill. However I will give my final opinion later on. Further discussion may continue now.

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I do not know what the attitude of Government will be with regard to the Amendment which has been proposed and moved by my hon. Friend, Mr. Aditya. But I guess the Government have not yet fully made up their mind. It has always been the policy of the Hon'ble Sir Saadulla's Government to have the election postponed with a view to

bring forward a comprehensive Bill by which the system of nomination would be abolished altogether. I interpret the Amendment of Mr. Aditya as an attempt to give Government an opportunity to bring forward a Bill of that kind to which they are practically committed. I therefore do not understand the reason of the haste with which my Friend, the Hon'ble Minister-in-charge of Local Self-Government, wants to hold the election. Sir, my Friend on the right, Mr. Mookerjee, has made out a very strong case for revision of the whole distribution of the seats, as planned by Government. A very ugly situation has been created. There is a general impression that this method of distribution is intended as a blow to the Hindu community and it is very unfortunate that a Hindu Member of the Cabinet should be responsible for infliction of that blow.

It is also very unfortunate that there is a general impression that the overpowering and domineering Member of the Cabinet in the person of the Hon'ble Premier is responsible for this action and it is also said that the Minister-in-charge of the Local Self-Government is under the overpowering influence of the Hon'ble Premier. But I do not subscribe to any such view. But it should not be inferred that my long personal attachment with the Minister-in-charge is responsible for this view. I feel certain that this unsatisfactory state of things is rather due to the haste in which the whole thing was done. Sir, the difficulties in the matter of election during the monsoon may be ignored by sturdy persons like Mr. Buragohain. But I say that such difficulties will by no means be small at least in our part of the country. Elections are generally not held during this season. I therefore appeal to the Hon'ble Minister for Local Self-Government to accept the Amendment put forward by Mr. Aditya. Even if he is not prepared in a Bill he would, I hope, agree to sit around the table and consult various representatives of the Houses in order to find out an equitable method of distribution of seats. If he makes public all the facts in his possession from which he has arrived at those figures it is quite probable that the misunderstanding which has been created in the minds of some Members will vanish. It is also quite probable that he shall be able to convince us as to the reasonability of increasing some seats for the Hindu community and probably we shall also accept those reasons. Therefore, Sir, it will be quite reasonable on the part of Government to accept the Amendment of Mr. Aditya and postpone the election till the 31st March 1946. I do not know exactly what position European Group will take. But, if I remind them of what one of their party Members in the year 1938 said, I suppose they will also agree to the Amendment which has been put forward. Sir, Mr. Clayton who was one of the Members of the European Group in the course of the debate of the Assam Local Self-Government (Amendment) Bill which was introduced in the House by Srijut Siddhi Nath Sarma said—
“In the first place we have been given the assurance that the Government itself is going to come forward with its own Local Self-Government Bill, and when this happens the whole subject will again have to be gone over.”

Now, to deal with the Bill itself. In the first place it proposes to do away with the principle of nomination. Apparently now-a-days no one likes nomination and the discussion we had on the floor of this House only two days ago goes to show that whoever the Government nominates they are bound to be persons and communities who feel themselves aggrieved.....”

So, Sir, the position of the Europeans at the time was that they were to urge for a comprehensive Bill in which the system of nomination might be dispensed with. But what is the position today? If we accept this distribution of seats then we cannot urge on the Government to bring forward a Bill soon. After holding the election the new bodies will be formed with nominated seats and they will continue for three years more. So, the number of seats to be filled by nomination will have to be reduced considerably. There is another ground why the election should be postponed. This concerns the Planting Community. If they were taking too many seats, which they did not deserve, they should now ask for revision of the present distribution of the seats as they cannot remain content with the seats which have now been allotted to them, because with the expansion of the strength of the local bodies, there must be a

proportionate increase in the number of seats from their Community as well. Now, the silence of the Leader of the Planting Group leads me to only one inference and that is that they are getting more seats than what they deserve and their excess has not been curtailed under the present distribution of seats. Either this or the fact that whatever comes from the Congress Group must be opposed will be the explanation of the European Group in this House. Now, Sir, in order to remind the Hon'ble Prime Minister what was the Government position in the year 1938 I may just read out a few sentences of what Rev. J. J. M. Nichols-Roy had said at that time. He was in charge of the Local Self-Government Department. He said: "Sir, on behalf of the Government I oppose this motion. Some of the principles incorporated in this Bill are very revolutionary and will make the administration of the Local Boards very difficult". We are not concerned with that, Sir. Then he said: "As far as the question of nomination is concerned, we ourselves have decided to abolish nomination". That was said as long ago as in the year 1938. Further he said: "Government are going to introduce a Bill in the next session. I have actually drafted the Bill. I have it here with me. We want to introduce communal electorate in place of nomination to give representation to the different communities". Sir, that Bill was there in 1937-38. It was drafted and it must be with the Government. It was there. It was the decision of the Government to introduce a new Bill from 1937. Then again, from 1937 to 1941 no such Bill was introduced and again from 1942 to 1945 no such Bill has yet seen the light of the day. I can well appreciate the position of my hon. Friend, the Minister-in-charge of the Local Self-Government. I think he shares the view which I hold. We must not disfigure a Statute by introducing communal legislation. That may be one of the reasons, but he has done something worse than that by adopting a system of communal representation by his executive orders even without consulting either the Members of this House or the Members of the Upper House. Even if the ratio of communal representation were brought before this House, we would have the opportunity of criticising it or modifying it. Not only we, but the Members of the Upper House would have got that opportunity. Sir, I welcome the Amendment put forward by my Friend, Mr. Aditya, on the ground that he wants to give an opportunity to the Government to come with some sort of legislation so that we can see how far we can support the provisions of that Bill and how far we disagree from that.

Furthermore, Sir, we are still being guided by the Local Self-Government Act of 1915 and it will be interesting to know what the Hon'ble Minister of the day, Mr. Nichols Roy, had said about this Act. He said: "The Act as it is, Sir, is somewhat obsolete; there are many sections which ought not to be in the Act for example the sections regarding village authority which has been repealed by the Assam Rural Self-Government Act. Our proposed Bill makes some provisions to amend these sections. The Act, as I have said, has many defects and in my view will have to be amended. Most of the sections will remain and many will have to be amended. On that Bill we shall have a Committee which will deal thoroughly with the whole question. There is no use of having piecemeal legislation. When we deal with the question of the Local Self-Government Act; it is better for us to revise the whole Act and deal with the many defects that it has. Sir, those remarks stand as true now as it was in those days. The obsolete Act of 1915 is still in force. There was an attempt made to bring an amendment to that Act. Those papers must be with the Government now and it would not be difficult for any Member of the Cabinet to take up the work of amending the whole Act and if the Hon'ble Minister in charge of Local Self-Government takes up that work in right earnest, I am sure, he will be able to bring this Bill and by the end of this year we must have a regular and up-to-date Bill with up-to-date provisions in our Local Self-Government Act. Why should not the Hon'ble Minister agree to that request? It is a mere postponement of election for about nine months. It shall not in any way affect the Government and also shall not in any way adversely affect the running of the Local Boards in the Province. What is the use of having so much

contention over a matter which he might have easily and amicably settled even outside the House? If the Hon'ble Minister has any difficulty which I cannot foresee or imagine in the matter of bringing forward a legislation on this subject, I hope, he will agree to call a conference of the representatives of the various Groups of this House as well as of the Upper House and go into the whole question of distribution of seats. He should place before us or before the Committee all the facts of which he is in possession. He should take into consideration the opinions and the facts and come to an amicable arrangement whereby all misunderstandings in this matter can be removed.

Sir, one other thing which I noticed in the speech of my Friend, Mr. Mookerjee, who after taking a great deal of trouble had collected these figures was that while the increase of population of certain communities had given them more seats than they should mathematically deserve, the increase of population of certain other communities has not been taken into account in increasing the number of seats. It looks as if the whole attempt was made to convert a particular majority community into a minority community in the local bodies. My Hon'ble Friend, the Local Self-Government Minister, should make his position forthwith clear and explain to us the reasons which had prompted him to take this inequitable and unjust attitude towards members of his own community (*Hear, hear*).

I know, Sir, that the Hindus have been all along trying to popularise themselves or gain for themselves the reputation of being liberal, of being unselfish and of giving concessions to the minority communities. That was all right when the Hindus had the undoubted majority, but when there has been a systematic tendency of converting this majority community into a minority community, it is the duty of every one who loves justice, every one who wants to give a fair deal to every community to see that the interests of these newly and artificially made minorities are protected. I know, Sir, that my Hon'ble Friend, the Premier, has always kept a vigilant eye that no particular community is treated unjustly. Although I commend him on his efforts which he makes to improve the position of his own community, he has never, to my knowledge, adopted the policy of particularly oppressing any other community by depriving them of their legitimate rights. That is my belief, but that belief I will have to revise if Government obstinately stick to their present policy and say that they are right and nobody else can be right, that they are infallible and nobody has any suggestion to make to point out their mistakes. If that be the attitude of the Government then all my good opinion about the Hon'ble Premier will have to undergo a change. Sir, I had every confidence in the Hon'ble Minister of Local Self-Government that he would urge this very point in an unflinching manner and without fear of giving offence to the Hon'ble Premier, and secure for us this small mercy—the mercy of revising the whole position in the light of the facts which have been put forward by my hon. Friend on my right.

With these few words, I support the Amendment moved by my hon. Friend on Maulavi MABARAK ALI: Mr. Speaker, Sir, I am really sorry that I have to oppose the Amendment moved by my Friend, Mr. Aditya, from the same place, as he does, I presume that he is acquainted with local circumstances. He knows full well how eagerly the people at large are waiting for the election. I admit there will be difficulty owing to uncertain weather conditions. But is this the only factor to be considered in the case of a general election? We must remember how long the election has been postponed and what amount of dissatisfaction the postponements have caused to the public mind.

Sir, I am rather amused when I find that the hon. Members who so long systematically opposed the various postponement Bills have come forward today for a further postponement of the Local Board elections for a further period of one year on some untenable ground. Do they forget that they were the persons who extracted from the Government a solemn assurance not to postpone the elections any further? In the circumstances I cannot but think that there are some ulterior motives behind the Amendment and such motive is not far to seek. The vested interest and the great weightage that they so long enjoyed at the expense of the Muslim and other minority

communities have been disturbed and this is why they are so much ruffled to-day. Then again, the proviso to the Amendment makes their intentions more clear. Here the cat is out of the bag. This proviso seeks to postpone the election not upto the 31st March, 1946, but to an indefinite period so that my hon. Friends may enjoy the advantages that they are so long enjoying for some time more, as you know, Sir, that the verdict of both the Houses might not be obtained within this period. Coming to the proviso itself I cannot but declare that the whole proviso is *ultra vires* of the provisions of the Local Self-Government Act, because if the proviso is carried by the House and this proviso forms a part of the Bill, the character of the whole Bill will be changed and it will also nullify the decision which Government has rightly and legally arrived at. At the present moment we are not considering an Amendment on the Local Self-Government Act. The present Bill is quite separate and the proviso cannot come under it. There is only one point in the Bill that we are discussing to-day, i.e., the period of postponement. With these few words, Sir, I oppose the Amendment moved by my Friend, Mr. Aditya.

The Hon'ble the SPEAKER: May I ask the hon. Member one thing? Why do Government want this extension?

Maulavi MABARAK ALI: They have already arrived at a decision and if they are not allowed some two or three months' time they cannot hold the elections. There is a statutory provision for the publication of the electoral roll which should be done two months before the election is held.

The Hon'ble the SPEAKER: That can be done even if the date is further extended. Is it not a fact that in order to give effect to the decision of the Government as to allotment of seats they want this extension?

Maulavi MABARAK ALI: That is not my view, Sir. Government took time to arrive at a decision and they have now arrived at this decision, but it is not possible to hold the election before the 15th June as two months' time is required from the date of the publication of the preliminary roll to the date of election.

Babu KAMINI KUMAR SEN: Is it not a fact that this extension is being sought because the Ministry could not arrive at a decision before the 31st March?

Maulavi MABARAK ALI: That is certainly not the fact.

Khan Bahadur Maulavi KERAMAT ALI: The fact is this: Local Board election is already overdue and the hon. Members of this House have been all along pressing the Hon'ble Minister to hold the election as soon as possible. Therefore Government have now come to hold the election. They could not hold the election before March because they did not get all the figures. Now they have got all the figures and they are now going to hold the election as soon as possible according to the wishes of this House.

The Hon'ble the SPEAKER: But according to a certain plan arrived at by the Government on the figures obtained. In order to give effect to that plan they want this postponement. Is it not so?

Khan Bahadur Maulavi KERAMAT ALI: In the opinion of this hon. House the present Boards should not function for a further period. Therefore Government are going to hold the election as early as possible without further delay.

The Hon'ble the SPEAKER: The intention is to postpone the election up to June 1945 and as the first part of the Amendment of Mr. Aditya is in order, the second part of the Amendment adding a proviso becomes necessary and may be held to be also in order.

Adjournment

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

After Lunch

The Hon'ble the SPEAKER: With regard to that part of the Amendment under discussion which seeks to add a proviso to sub-clause (1) of clause 2 of the Bill, a point of order has been raised by Mr. Buragohain that that is not in order. Although I have said that the Amendment is in order, yet I am willing to reconsider my ruling if hon. Members

can adduce reasons to show that the Amendment is not in order. I am still open to conviction and, therefore, I shall allow hon. Members to speak on the question of admissibility of this Amendment. They may speak both on the merits of the Amendment and on the point of order.

Maulavi MABARAK ALI: Sir, in addition to the points raised by me, that if this proviso is passed and allowed to form part of the Bill, the entire character of the Bill will be changed, and that it will negative a decision rightly and legally arrived at by the Government; I beg to add:—

Section 4(2) of the Assam Local Self-Government Act says, "Subject to the provision of sub-section (1), the Provincial Government shall, by notification, fix for each Local Board—

- (a) the total number of appointed and of elected members;
- (b) the distribution of the elected members among the different sections of the community and in different localities; and
- (c) the qualifications of membersprovided that in making the distribution of members among the different sections of the community and in different localities under clause (b) the Provincial Government shall take into consideration among other things the population of each such section, etc., etc."

Sir, I request you to lay special emphasis on the words "Provincial Government." The Provincial Government includes the Legislature, but the Legislature cannot include the Provincial Government. So, anything done by the Cabinet in their executive capacity cannot be questioned or amended by way of an Amendment, but it may be questioned by a separate Motion in the House by which that action of the Executive may be negated. If that Motion is not carried by the House then that decision of the Cabinet will remain as it is. These are the points which I want to impress upon you. And in view of these facts, I declare that the proviso to the Amendment is *ultra vires* and as such not in order.

Maulavi ABDUL AZIZ: Mr. Speaker, Sir, I rise to oppose the Amendment moved by my hon. Friend, Mr. Aditya. My first objection is that, in my opinion, the proviso is out of order and redundant. My submission to you is that the Bill before the House seeks to postpone the elections of Local Boards from the 31st March to the 15th June, 1945. This is the simple law before the House which Mr. Aditya wants to amend, and his Amendment is that the elections be postponed till the 31st of March 1946. So far this is all right; but in the proviso he says "the Provincial Government shall in the meantime take the approval of both the Houses of Legislature with regard to the proposed redistribution of seats and revision of constituencies of the Local Boards". Sir, the proviso speaks of quite alien matters which have got nothing to do with the Bill which is now before the House. The Bill seeks to postpone the elections from a particular date to another date, but the proviso wants that the Government should take the approval of both the Houses regarding redistribution of seats and revision of constituencies. This is altogether an alien matter to the subject under discussion.

My further submission is that the point raised in the proviso forms the subject-matter of a different Act, *viz.*, constitution of Local Bodies. We are now considering the question of the date of elections, and not constitution of the local bodies. So, in this view of the matter this proviso is out of order and redundant. These are my submissions as regards the point of order.

As has already been stated by my hon. Friend, Maulavi Mabarak Ali, the question of redistribution of seats and revision of constituencies is the function of the Provincial Government in their executive capacity, and my submission is that the Legislature has got nothing to do with that. If there is any grievance on the part of any hon. Member of this House, he is entitled to bring in a Motion for redress of his grievances. For the present we have got a simple Bill before us for postponing the elections from a particular date to another date. We are now to consider whether the elections should be postponed up to the 15th June or the 31st March 1946, as proposed in the Amendment. It is too well-known to you that the Local Board elections are long overdue and this Government has been postponing it from year to year, and every time

they came with a Bill for postponing and we always voted against postponing. But this Government by sheer force of their majority had carried their point every time. Now I find that they are willing and they have come forward with a Bill for postponing the election up to the 15th June ; they have further promised that they will see that elections are held within May 1945. My submission to you, Sir, is this, that when unwillingly Government have come forward, we should meet them half way. And in this view, I oppose the Amendment proposed by my Friend, Babu Rabindra Nath Aditya. If that Amendment is accepted, the election will be postponed till the 31st March, 1946. The war is coming to an end, and it may terminate in 1945 or at the latest in 1946 and after the end of the war we are sure to have a new Constitution for India and it will involve constitutional change in the local bodies as well, and we will have new laws for the Local Bodies. The settling of the Constitution, Sir, will take time, say, two or three years. So, if the election is postponed till the 31st March, 1946, possibly the election of Local Bodies will be postponed for an indefinite period. We are tired of our Local Bodies. The Government were so long unwilling, now they are willing. From all these considerations I must oppose the proposal of Mr. Aditya. Sir, there may be some injustice to some communities in the distribution of seats. But I look upon this election as an emergent election and we demanded it and the people also demanded such an election. So if there be a little injustice here and there the Members need not mind. When we have a new Constitution, I am sure they will be given their due share. In this view, Sir, I oppose the Amendment proposed by my hon. Friend, Babu Rabindra Nath Aditya.

Khan Bahadur Maulavi KERAMAT ALI: Sir, I do not propose to speak anything on the point that has been raised by my hon. Friend, Srijut Surendra Nath Buragohain. I confess that the Hon'ble Speaker has studied the Assembly Rules better than myself and I hope that the ruling that he will give on this point will be a fair one and that it will satisfy the hon. Members of this House.

The Hon'ble the SPEAKER: Therefore I have allowed this House to discuss this point. I am willing to revise my ruling if I find good reasons are being adduced for such a revision.

Khan Bahadur Maulavi KERAMAT ALI: As regards the Motion before the House I have some observations to make. When Local Board elections became due, they could not be held because of certain circumstances and they had to be postponed from year to year. The Members of this House and the public at large, at least those who want to go into the Local Board, were anxious to have the elections as soon as possible and, therefore, the Members of this House pressed upon the Government to have the elections as soon as it would suit the convenience of the Government. Two things were pressed upon the Government. The general grievance was that the elections were over-due and that they should be held immediately. The Muslim Members of this House pressed another thing upon the Government and this was that in certain subdivisions, especially in the Surma Valley, the Muslim representation was not adequate and, therefore, in the next elections that point should also be considered. Now by this Bill the Government have tried to meet both these grievances. I am, however, surprised to find that so many things have been said from the Opposition as far as the redistribution of seats is concerned. Sir, certain hon. Members of this House have talked of Pakistan. I have not as yet heard Khan Sahib Maulavi Dewan Ahab Chaudhury. Perhaps if he stands he will talk of Akhand-Hindusthan. I regret to say that the hon. Members do not realise that the more they indulge in such talks the more they will widen the gulf between the Muslims and the Hindus (*Hear, hear*). Well, Sir, when in higher quarters great Indian statesmen are talking of having a National Government, does it befit us here to quarrel amongst ourselves and try to bring about bad feelings between each other. If you trace the history of the Local Boards what do we find, Sir? When I first came into the Local Board of Jorhat as a member I found that in all the Local Board schools, Lower Primary and Middle Vernacular, there were 371 teachers but not one single of them was a Muslim. Contracts were distributed by the authorities of the Jorhat Local Board but not even one per cent. went to a Muslim.

Babu KAMINI KUMAR SEN: On a point of information, Sir, may I know when Khan Bahadur entered the Local Board for the first time?

Khan Bahadur Maulavi KERAMAT ALI: Perhaps thirty years ago.

Babu KAMINI KUMAR SEN: Was there any official Chairman or a non-official Chairman at that time?

Khan Bahadur Maulavi KERAMAT ALI: May be an official but 90 per cent. of the members were non-Muslims?

Khan Sahib Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: Was the official Chairman a Hindu or a Muslim?

Khan Bahadur Maulavi KERAMAT ALI: I do not propose to enter into that question.

Fortunately or unfortunately I was elected the Vice-Chairman of the Jorhat Local Board and fortunately the Chairman was a liberal Hindu gentleman.

Mr. BAIDYANATH MOOKERJEE: When 90 per cent. of the members were Hindus!

Khan Bahadur Maulavi KERAMAT ALI: Thanks to Planters, when I came in as Vice-Chairman of the Local Board, I found that there was not even a Muslim peon in the office not to speak of clerks or surveyors.

Gradually I tried to meet the grievances of the Muslims there and I succeeded in getting one clerk and one sub-surveyor and then when I became the Chairman of the Local Board, (Voices:—by whose vote?) some vacancies occurred in the Board; five or six vacancies were there and out of them I appointed four Muslims. A tempest was raised and there was great opposition. The enquiry was why I appointed four Muslims out of five. The matter came for discussion and when I gave my views I said that there were hundreds of posts in the Local Board although the number of Muslims was extremely negligible and therefore if I put in four Muslims out of five just to do some justice to the Muslims what objection should there be? The European Members of the Planting Community appreciated my views and some liberal minded Hindu Members like Mr. Bardoloi or Mr. R. K. Chaudhuri also supported me and the opposition was withdrawn. Sir, the same thing now appears here in a bigger form. It is said, in the distribution of seats the Hindus have been neglected. I am not at all interested in this matter because as far as my district is concerned, like the Members of the Planting Community, I have been left also where I was. The number of Muslim Members of the Local Boards of my district has not been increased. But all the same, I do not see the reasonableness of the objection that has been raised by my hon. Friends in the Opposition. Mr. Mookerjee wanted to impress upon the House that in redistributing the seats the percentage of increase in the population of different communities as shown in 1941-Census should have been taken into consideration. I am sorry to say that that argument should not hold good. Well, Sir, I would only cite one example and I hope that should satisfy Mr. Mookerjee. Mr. Mookerjee has tried to throw as much mud as possible on the Minister-in-charge of the Local Self-Government because he happens to be a Hindu and because his own constituency, Hailakandi, according to Mr. Mookerjee, has been neglected. Sir, the Hon'ble Minister-in-charge of Local Self-Government perhaps did not try to do justice to the Muslims before he was a Minister but now that he is a Minister he must look to the Province as a whole, he must do justice to all the communities. Sir, in Hailakandi the number of non-Muslim population is 44,800 and the number of Muslim population is 85,968.....

Babu RABINDRA NATH ADITYA: What is the number? Will the hon. Member please repeat?

Khan Bahadur Maulavi KERAMAT ALI: 44,800 non-Muslims and 85,968 Muslims.

Now, at present this 85,968 have only 6 members whereas the 44,800 non-Muslims have 5 members in that Board. Is it justice, Sir, to the Muslims? When the Hindus or non-Muslims have 5 seats for 44,800, the Muslims should have got 10 members for 85,900; whereas the Muslims have got only 6 and the non-Muslims have got 5. Mr. Rohini Kumar Chaudhuri wanted Sir Muhammad to do justice to the Hindu

community. Sir, I would ask Sir Muhammad to do justice to all the communities. If Sir Muhammad or the Hon'ble Minister-in-charge of Local Self-Government.....

Babu RABINDRA NATH ADITYA: On a point of information, Sir, I think the figure of Hindu population is not correct. It should be 49,000 Hindus and 39,000 Tribal.

Khan Bahadur Maulavi KERAMAT ALI: Well, I got the figures from the Census Reports.

Babu RABINDRA NATH ADITYA: I am also quoting from the Census figures.

Khan Bahadur Maulavi KERAMAT ALI: Any way, Sir, I only want to impress upon the House that they should not expect Sir Muhammad to do justice to all other communities except his own community. If he does it, he will be answerable to his own community and he will be answerable to God.

The Hon'ble the SPEAKER: The hon. Member should not have brought in the name of God.

Khan Bahadur Maulavi KERAMAT ALI: Very well, Sir. I can cite instances to prove that after Sir Muhammad came into power the Assamese Muslims have been pushed to the wall. But I do not think that this is the time or occasion for ventilating these grievances. Sir, the representation of tea garden labour has been talked of by several Members of this House. I do not understand what special interest tea garden labour will represent in a Local Board. What are the functions of a Local Board? Education, communication, medicines, public health, water supply and *hats* or markets. Well, the labour population have got their own hospital and Mr. Mookerjee knows that. I do not know whether Mr. Mookerjee has a hospital in his own garden, but every tea garden I know has its own hospital. As regards communication, the tea garden members, I mean the Planting Local Board members of the European community are the loudest talkers in Local Board meetings so far as communication is concerned.

Then, as regards *hats* or markets, as far as I know, the Tea Planters are trying their level best to have Bazars in their own tea gardens. If there are Gardens where there are no Bazars they try to have them from Local Boards.

Public Health arrangement in tea gardens is perhaps much better than those that can be found in our country side. Therefore, the tears that have been shed by my hon. Friends as far as tea garden labour force is concerned, should I characterise it as crocodile tears or should I say it is shed out of certain motives just to stifle this Bill. Sir, many things can be said but I avoid them because such statements will simply rouse feelings between community and community. When the hon. Members of the House realise that the Muslim community did not get justice as far as Local Boards are concerned in the past, why should they grudge if some justice is now sought to be done to them by the present Bill?

Mr. BAIDYANATH MOOKERJEE: Or some injustice done to other communities.

Khan Bahadur Maulavi KERAMAT ALI: If some injustice is done to the other communities they should tolerate it because injustice has been done to the Muslims for so many years.

Maulavi ABDUR RAHMAN: Sir, I am grateful to the Hon'ble Chair that we have been given a chance to speak out what we have got to say regarding the points raised by Mr. Surendranath Buragohain and Maulavi Mabarak Ali.

Sir, Mr. Buragohain has raised the point that the proviso to the Amendment is out of order, whereas Maulavi Mabarak Ali has stressed on the fact that the proviso is *ultra vires* and another Member—Maulavi Abdul Aziz—has said that it is redundant. I support their view points and say that this House has no power to go beyond the scope of the Motion now before us for discussion. The business before the House is the consideration clause by clause of the Assam Local Board Elections (Emergency Provisions) Bill, 1945. If I can speak on the constitutional point, Sir, I should say that the House

has no right to go beyond the Motion that is now before the House for consideration.

So far as Mr. Aditya's Amendment is concerned that the postponement instead of being up to the 15th of June should go up to the 31st March, 1946, it is quite right. Maulavi Mabarak Ali has observed that Mr. Aditya's proviso to the Amendment wants to change the whole character of the Bill. It is regretted that distribution of seats and such matters are not at present before the House for consideration. Incidentally, in the Statement of Objects and Reasons, the Hon'ble Minister-in-charge has made a reference to that

The Hon'ble the SPEAKER: Is it incidentally?

Maulavi ABDUR RAHMAN: Certainly, Sir. What are the circumstances under which Government was compelled to bring in this Bill? There were certain circumstances which made them unable to hold the election within the 31st March, 1945. The House decided on the former occasion that the Local Board elections might be postponed till the 31st March, 1945 and now because they could not hold the elections within the limited time as decided by the House, the Government have come forward with a Bill seeking for a further extension up to the 15th June. The Ministry did not come before the House for approval of distribution of seats, allocation of constituencies, etc., and my hon. Friend, Maulavi Mabarak Ali, has said that the Ministry is entitled to perform this part of the Act. Having performed their part, the Government have now come before the House seeking for further postponement for a short period.

Sir, various Members from various quarters have spoken about the distribution of seats to various communities. But I would submit, Sir, that this aspect of the matter is not relevant and the Hon'ble Chair should not have allowed this kind of discussion. What we are concerned with is not the distribution of seats to various communities, but it is the postponement for holding elections for a few months and us and which the Hon'ble Speaker has allowed the Motion which is before Local Self-Government to place before the House. In this view of the matter I would request the Hon'ble Chair to see that this unnecessary discussion regarding merits and demerits of the redistribution and allocation of seats and other things do not come up for discussion at this stage. When the Bill was first moved by the Hon'ble Minister, there was lengthy discussion regarding redistribution of seats and other things and hence I would hold that these are not relevant to the Motion which is now before the House for our consideration.

The Hon'ble the SPEAKER: The Motion before the House is such that a discussion with regard to the allotment of seats becomes relevant as it is the distribution of seats newly made that has necessitated the Bill under consideration.

Maulavi ABDUR RAHMAN: But with due respect to the Chair, I would point out that Government up till now have not come formally before the House for discussion of the redistribution of seats. This detailed scheme regarding redistribution of seats, etc., has not yet been put before the House, Sir.

The Hon'ble the SPEAKER: Therefore the Amendment seeks to provide in the Bill that Government should place their decision making new allotment of seats in the Local Boards of the Province before the House for securing its approval thereto.

Babu KAMINI KUMAR SEN: Sir, the Amendment that has been moved by my Friend, Mr. Aditya, has created unnecessary heat, but without adding to this heat and without entering into controversial questions, I would like to make some observations. The Amendment moved is: "That in sub-clause (1) for the words '15th June 1945' occurring in the fourth line, the words '31st March 1946' be substituted, etc." What is more contentious in this Amendment is that the extension is sought solely with the intention that the redistribution of constituencies and allotment of seats be placed before the House for approval. Now to this proviso, technical objection has been raised on two grounds. Firstly, because the Amendment goes outside the scope of the Bill, and secondly, it militates against the relevant section, I mean section 4 of the Local Self-Government Act. Now, Sir, what is the object of

the Bill itself to which the Amendment is brought forward? The object of the Bill is that the Government is seeking for an extension only for the purpose of allocating seats and redistribution of constituencies. The purpose of the Amendment is exactly the same. By this Amendment Mr. Aditya seeks an extension only so that in the meantime the re-distribution of seats and constituencies can be placed before the House for approval. So, I do not understand how the Amendment goes outside the scope of the Bill. As regards the second ground, Sir, that it militates against section 4 of the Local Self Government Act, I think I should place before the House the relevant sub-section of Section 4—the sub-section (2) says—

“ *** the Provincial Government shall, by notification, fix for each Local Board—

- (a) the total number of appointed and of elected members ;
- (b) the distribution of the elected members among the different sections of the community and in different localities ;

(c) the qualifications of members and of electors, or of any electorate body :
 Provided that in making the distribution of members among the different sections of the community and in different localities under clause (b) the Provincial 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.”

Now, Sir, by this section it is enjoined only that “ Provincial Government shall, by notification, fix for each Local Board...” It does not say that the Provincial Government will not be entitled to consult the Legislature before fixing the allocation of seats, redistribution of constituencies. As has been rightly pointed out by Maulavi Mabarak Ali that the Provincial Government includes Provincial Legislature, it is fit and proper that the Provincial Government should consult and have the approval of the Houses of Legislature on a matter like this. I do not see any bar to the Provincial Government consulting the Legislature. In view of this, Sir, I do not understand how this particular Amendment can militate against Section 4 of the Local Self Government Act. Therefore, Sir, I submit that this Amendment which has been placed before the House is absolutely in order and I think it is only fit and proper on the part of the Government to accept this Amendment and consult the Legislature regarding the allocation of seats. Apart from that, an objection has been raised that this House has no right to discuss or to approve of the allocation of seats or redistribution of constituencies. But, as I pointed out, Sir, that the Provincial Government now includes the Provincial Legislature and the Section does not say that the Provincial Government will have no necessity to consult the Legislature, there is no bar to the Provincial Government consulting the Legislature in a matter like this. So, as this Government is responsible to the Legislature it is quite in the fitness of the spirit of the Constitution that the Government should consult the Legislature in a matter like this. Now, apart from the question of right, Sir, can it not rightly be contended that in an important matter like this the Legislature should at least be given an opportunity to know what that allocation of seats and distribution of constituencies are. I do not like to contend now that there has been an unfair allocation of seats and distribution of constituencies. But from what we have heard from the Hon'ble Premier the other day it is quite clear that by this scheme they like to make some far-reaching changes in the constitution of the Local Boards. Firstly, Sir, the Hon'ble Prime Minister said the other day that the existing allocation of seats has not been fair. Secondly, he said that the local rates paid in the permanently-settled area cannot be ascertained. I don't know, Sir, why it is not possible to ascertain the local rates paid in the permanently-settled area because each Tahsil office has got a complete record of the Chalans filed by the individual proprietor of the land and if they scrutinise those Chalans it can easily be ascertained which community has paid what amount of local rate. At any rate, on the ground that the existing allocation has not been fair and that it is not possible to ascertain the local rates paid in the permanently-settled area, they have taken an entirely different view in preparing the scheme of distribution of constituencies and allocation of seats. Thirdly, Sir, by this allocation of seats they are changing the existing communal ratio in the Local Boards. Fourthly, Sir, by this

allocation they are giving separate representation to some of the recognised minorities as has been pointed out by some of the hon. Members while some of the recognised minorities like Labour has not been given any representation though they have got quite a large number of population in the Province. Besides that, Sir, they are giving representation to some minorities who are not yet recognised, *e. g.*, the Ahom community. Sir, I think it will not be out of place to refer to the misapprehension that has been created in the minds of some of the minority communities. I think they have completely misunderstood the position that has been taken by caste Hindus. They don't grudge that separate representation should be given to the minorities as has been rightly pointed out by Mr. Mookerjee who was showing that the total non-Muhammadan population has not been given the proper number of seats that they are entitled to. I also contend, Sir, that minorities have not been given proper representation and they also have not got a fair deal. In my subdivision of Karimganj, there are about 88 lakhs of Scheduled Castes people, but they have been given only two seats. Fifthly, Sir, in this scheme Government have altogether changed the principle of nomination. The other day I was referring to that principle which is enunciated in Rule 19 of the Local Self-Government Manual. Rule 19 runs thus: "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." So nomination was intended to be made only to give representation to under-represented or unrepresented communities or interests and as such I presume nomination is to be made after the election is over. But they have introduced a novel innovation by reserving seats for nomination. They have been violating the specific rule, but the rule still exists in the Local Self-Government Manual. The rule has not been amended but yet they are altogether ignoring the principle that is involved in the rule that I quoted.

Sir, they are doing all these things and I don't think anybody will deny that all these are far-reaching changes. I don't like at this stage to argue which community has been fairly treated or which community has not got a fair deal. My contention is and I hope everybody will admit that all that I have just now referred to are far-reaching changes that are likely to have revolutionary effect in the constitution of the Local Boards. In the circumstances, is it not fair that the Provincial Government should give the Legislature an opportunity to discuss and have their say in the matter? I submit, Sir, that it is highly desirable that in a matter like this which involves such far-reaching changes in the constitution of the Local Boards, the Legislature should be given an opportunity to give their verdict in the matter. Not only the Legislature, Sir, but I think the public also should be given an opportunity to have their say. If the Government are so very sure on their ground, if they are so very sure that they have made all these allocation of seats and distribution of constituencies on a fair and equitable basis, I don't see why they should fight shy in opposing this rather simple Amendment. On the other hand they themselves ought to welcome such a discussion by both the Houses. Sir, in view of these facts I think the House has not only the right to discuss it but it is also fair that the House should be given an opportunity to give their approval before the Government rush into an election. Already the Ministry have taken four years over the matter but they could not come to a decision. So, Sir, instead of rushing through an election I think it is only fair that the House is given an opportunity to discuss them before they are made final. I therefore maintain that the Amendment is not only in order but it is also most reasonable.

As I say, Sir, it seems that a most unconstitutional procedure—rather an unhealthy convention—is being created in this House for some time past. Although the Hon'ble Minister-in-charge of a particular portfolio is physically present in the House, in the name of joint responsibility the Hon'ble Premier takes the sole responsibility of placing the Government case before the House. I maintain that it is a most unconstitutional—
if any rate this is a most unhealthy convention. I don't think anybody will object
would rather welcome that. But when the Hon'ble Minister takes part in the debate. We
Minister-in-charge is physically

present and is capable of placing his case before the House. I don't see how, in the name of joint responsibility, the responsibility can be shirked and thrown over the broad shoulders of the Hon'ble Premier. This is a most unhealthy convention, particularly in the case under discussion. The Hon'ble Minister-in-charge is himself a Hindu and chorus of protests from both the valleys has been raised that the Hindu interests have not been properly protected and I think it is only fair on the part of the Hon'ble Minister not to shirk the responsibility. He should come forward and satisfy the House how he justifies those allocation of seats and distribution of constituencies and how he justifies this hurry in holding the election without giving an opportunity to the legislature even to know what allocation of seats, and distribution of constituencies have been made. With these words, Sir, I support the Amendment.

Srijut SIDDHI NATH SARMA: Mr. Speaker, Sir, I rise to support the Amendment moved by my hon. Friend Mr. Rabindra Nath Aditya. Sir, I shall be failing in my duty if I do not lodge a protest against this distribution of seats to Local Boards. I do not propose to place before the House the figures already mentioned by my hon. Friend, Mr. Mookerjee. I shall only give certain figures from the Census Report and ask the hon. Members of the House to consider those figures and in the light of those figures to calculate the seats and to come to a conclusion about the distribution of seats. To me, the distribution of seats is not only inequitable but it is unfair to certain communities, mainly the Scheduled Castes, Ahoms and Tribals. Excepting the Muslims and Planters, all other communities have been made to suffer. It is unjust, because certain communities have not got any representation, namely the Labour and Indian Christians

Sir, as far back as in 1937, I introduced a Bill to amend the Local Self-Government Act and that Bill was discussed on the 7th September 1938. On that day, the Hon'ble Minister-in-charge of Local Self-Government opposed my Bill, and in opposing my Bill he said that the Bill was revolutionary. Of course, I myself come from the 'revolutionary' party and my Bill was termed as revolutionary. He vehemently opposed the Bill but he promised before the House to bring a Bill to amend the Local Self-Government Act to suit the present conditions in the following Session. His speech has been read out by my hon. Friend Mr. Rohini Kumar Chaudhuri. I will only put certain observations made by him at the time.

He said "The Act as it is, Sir, is somewhat obsolete; there are many sections which ought not to be in the Act, for example, the sections regarding village authorities which have been repealed by the Rural Self-Government Act. Our proposed Bill makes some provisions to amend these sections. The Act, as I have said, has many defects and in my view, the whole Act will have to be amended. Most of the sections will remain and many will have to be amended. On that Bill, we shall have a committee which will deal thoroughly with the whole question. There is no use of having this piecemeal legislation. When we deal with the question of the Local Self-Government Act, it is better for us to revise the whole Act and deal with the many defects that it has. By the working of the Local Self-Government Act for many years since it was introduced in 1915, there have been many Amendments. We propose to consolidate the whole Act, amend the defects and make improvements here and there. In view of these facts, I think, it would be a wise course for the hon. Mover to withdraw this Bill and wait until the whole question is gone into." Then at the end he said "This Bill is intended to do away with 'nominations and stricter control' but does not provide for representation of the minority communities, e.g., Scheduled Castes, Labour, etc." Again he said "The Bill proposes partial amendment while it is desirable now to recast the entire Act in the light of the new Reforms, and so, I am not in favour of the Bill as it stands now".

Then about nomination, he said "As I said, I do not support nomination and my idea was to abolish nomination; so there is no use in discussing it." These are his observations at the time when he was opposing the Bill. Now, Sir, by supporting the Amendment moved by my hon. Friend Mr. Aditya, I give an opportunity to the Hon'ble Minister-in-charge of Local Self-Government and to the Government, to

reconsider the whole matter in the light of the discussion in this House and to bring in a Bill amending the Local Self Government Act to suit the time and to do justice to all the communities. I have not yet heard the opinion of the Planting community on this matter, but my hon. Moslem Friends are very anxious to have the elections on the basis of the present distribution of seats and delimitation of constituencies. I do not know as yet the opinion of the Planting community — I was absent that day when Mr. Whittaker spoke. He said, I am told that he represented Labour, but can Capital represent Labour in any democratic country? Is this possible? So, Sir, the Ministry will earn the credit of the House if they accept this Amendment in order to review the whole situation and do justice to all. My Friends opposite, argue that justice has been done to all the communities. We do not understand how. To understand this, the hon. Members will have to understand the present figures given in the Census Report of 1941. I disputed those figures in 1941, and also say to-day that they are not correct as they have not been corrected. I moved an Adjournment Motion about this in 1941 and the matter was discussed. The Motion reads "That this Assembly do now adjourn to discuss a definite matter of urgent public importance, viz., the arbitrary action of the Assam Government in so conducting and manipulating the last Census operation with the result that the correct figures of the followers of different religions have been concealed". To-day, also I submit that the figures are not correct, nor have they been corrected as promised in the House by the Hon'ble Premier on behalf of Government. The Hon'ble Premier, while discussing that Adjournment Motion, promised to find out the figures of the Hindu community according to religion and of the Indian Christians, provided he got funds from the Finance Department. He said "This means that the Central Government would not like to reopen the matter for reclassification of the tribals. But, as I said Sir, if this matter could be done at an expenditure of a sum, say within Rs.2,000, in order to remove the misapprehension from the minds of my hon. Friends who, instead of being liberal in their outlook, cannot but have a lurking suspicion that some manipulation has been done by me, I would request for the funds to be provided from the provincial revenues". Our suspicion has not yet been removed by Government and it is still there. So, I dispute the figures.

Maulavi ABDUL BARI CHAUDHURY: Are these things relevant, Sir?

Srijut SIDDHINATH SARMA: This is relevant in this way that seats were distributed on the basis of population figures, the area occupied and taxes paid. But the population figures, as given in the Census Report by the Assam Government, were disputed then and that dispute still remains. I understand, Sir, only the figures for the Indian Christians have been re-tabulated and re-sorted. No figures for the Hindus were re-sorted and re-published. So, Sir, I shall speak on the basis of the published figures subject to the observations I have already made. I do not admit those figures as correct. (*A voice*.—That is a settled fact now.)

Some of the settled facts were unsettled in the past. Yes, everything is settled fact now, because you have got the force behind you—not only British Force is settled fact Allied Forces, and so you can force this on us as a settled fact. But, I appeal to the House that although you have got these forces behind you, you should reconsider and review the matter and be just to all the communities. I appeal to my Friend the Khan Bahadur who said that we should not indulge in quarrelling over these petty matters. I agree with him that we should not quarrel, and the same argument applies to him, as well Sir. He should not also quarrel with us. So, Sir, assuming the Census figures of 1941, as they are, as the basis of my calculation, I shall explain how justice has been done to all the communities except the Muslim and Planting communities. In my calculations, I will confine myself to the figures in those areas where Local Bodies exist, that is, six plain districts of the Assam Valley and two districts of the Surma Valley. Now, the population of these 8 districts, as shown in the Census figures, is 41.6 lakhs Hindus, 6.76 lakhs Scheduled caste, 34.3 lakhs Muslims and .37 lakhs Indian Christians but among the Tribals, it is estimated in the Census Report, the number of Tribal Christians is 3.19 lakhs i. e., 3.19 lakhs of Indian Christians were included in the Tribal population. The total population of Tribals is 18.1 lakhs and

'Others' are estimated as .22 lakhs. This gives the total of 94.59 lakhs or 94.6 lakhs. Now, in dealing with the Tribal population again, I shall point out that at least half of it is Hindu. I shall show this from the Census of India Report, 1941. Sir, when dealing with the communities the Census Commissioner said in his Report at page 30—"This is merely a very brief summary since the contraction of the Census effort rendered any exhaustive study impossible. The general position, however, could be summed up as that out of 100 Indians in all-India, 66 are Hindus, 24 Muslims and 6 of Tribal origin. Allowing for that proportion of Tribes who may be regarded as half assimilated, the Hindu element is over two-thirds. Just under 1/5th of Hindus and one-eighth of the total population belong to the Scheduled Caste. Indian Christians return one and a half per cent. and allowing for Tribal overlap, 1.8 per cent. The number of persons of European origin is 135,000. *i. e.* about one in every three thousand of the population."

This is for the whole of India. Regarding Assam, Sir, persons of the Tribal origin represent more than a quarter of the population of Assam of which almost half is Hindu. I shall again quote from the Census Report in support of my contention "the Bihar and Central Provinces and Assam figures, of course, bring in the tribal classification and assimilation question in a fairly marked degree but if the religion allocations of 1931 were repeated as a basis for Community classification the effect would be of a fractional drop in the percentage of Hindus". The total Tribal population is 23 lakhs and thus for the Local Board area their number is 18.1 lakhs. So, Sir, if this argument is followed, at least half of this Tribal population should be regarded as Hindu. Now, I am not grudging in giving any seats to the Tribal people in preference to the Caste Hindus. I shall be satisfied if all the seats in the distribution goes to the Tribal people on the basis of population. So, Sir, I shall assume that the 18.1 lakhs is the figure for the Tribal people of the area where Local Boards exist.

On principle, I am not in favour of introducing any communal electorate. But when the communal electorate is being introduced, the distribution should be fair and square. The Ahom population according to the present Census is 300,214 and the Christian population, as I have already given, is .22 lakhs excluding 3 lakhs 19 thousands in the Tribal figure. So, Sir, on the basis of this figure, if we distribute the seats it will be as follows, but before calculating the proportionate seats of different communities I shall give the total number of seats as distributed now. I have got these figures from the Hon'ble Minister through one of my hon. Friends Srijut Sarveswar Barua and from the Local Boards as well and on verification, these figures tally. The total number of seats allotted is 537. For Muslims it is 174, for scheduled caste it is 28 in the whole of Assam, 163 for the general Hindus, 9 for the Ahoms, 34 for Tribals, 86 for Planting and the number of appointed seats is 43. This gives the total at 537 seats. The Muslim population in the Local Board areas is 34.3 lakhs and if they get 174 seats in a population of 34.3 lakhs then what will be seats for other communities including Tribals, Scheduled Castes, Ahoms and for the general Hindus. This is very simple. This can be done by 'rule of three'. If you calculate this, they are to get 303 seats instead of 234 seats which are allotted to them now. They are to get 303 seats subject to any mathematical correction. In my calculation, I say, 69 seats have been reduced. If seats were calculated on the basis of population then for other communities, excluding the Planting and Muhammadan communities, 69 seats have been reduced. The Tribals have been hard hit and so also the Hindus.

The Tribals were very hard hit. They are to get 91 seats. My hon. Friends and the Minister who represents the Tribal Community, I hope, will look into the matter and if I am really wrong in my calculation they will point out my mistake and in what way and where I am wrong. So, they were given 34 seats instead of 91 seats on the basis of this calculation. So, 57 seats less were given to them. In the Surma Valley, no representation whatever has been given to the Tribal community. In that Valley, we have got 2,48,000 Tribal people excluding the Hill Tribes, where there are no

Local Bodies. In the Assam Valley, on the basis of this calculation, they are to get 79 seats and instead of that they are getting 34 seats and so, they are getting 45 seats less. In the same way, Sir, the Scheduled Caste Hindus are to get, for the whole Assam, 34 seats and they have been given only 28 seats. So, they are getting 6 seats less. If separate electorate is introduced, Ahoms are to get, on the basis of this calculation, 15 seats but they have been given 9 seats only. They are to get 6 seats more. If the seats are redistributed according to population basis. Indian Christians are to get 2 seats excluding seats among the Tribes.

The Hon'ble the SPEAKER: How long the hon Member will take?

Srijut SIDDHI NATH SARMA: This is one way of calculation, Sir. I want to show the other way of calculation before the House.

The Hon'ble the SPEAKER: Is it necessary?

Srijut SIDDHI NATH SARMA: Yes Sir, I want to show to the House that the distribution of seats is not only inequitable but it is unfair and unjust by pure and simple calculation on the basis of population figures.

The Hon'ble the SPEAKER: The hon. Member is entitled to say that the distribution of seats is unfair but I am thinking that the hon. Member is taking too much time.

Srijut SIDDHI NATH SARMA: But I cannot help it, Sir. If I am to convince the House I shall have to place the figures and explain them and have no other alternative Sir.

The Hon'ble the SPEAKER: Very well, the hon. Member should try to finish as early as possible.

Srijut SIDDHI NATH SARMA: Sir, this is one way of arriving at the calculation and there is another way to show how injustice has been done. Suppose, Sir, we calculate on the basis of seats given to the Muslims and on the basis of total number of electorate seats to all the communities, the figures will be as wide and the hon. Members will find how injustice has been done to some communities. The total number of seats is 537 excluding 43 appointed seats and 86 Planting seats. The balance is 408 seats. These seats are to be distributed among 94.6 lakhs of population. Now, if the democratic method of distribution of seats on population basis is accepted by the House the Muslims will get only 148 seats, Ahoms 13 seats, Scheduled Castes 29 seats, Hindus 138 seats, Tribal 78 seats, and Indian Christians will get 2 seats—that will make up the total of 408 seats. Now, Sir, the allotment is otherwise. Judging from this basis it is found that the Muslim community has got more seats, 4 seats have been reduced from the Ahom Community, one seat less is given to the Scheduled castes community, 25 more seats have been given to the Hindu community, 43 less seats have been given to the Tribals and no seat whatever has been allotted to the Indian Christians. So, if the distribution of seats is made from this standpoint it will stand like this: Muslims—148, Ahoms—13, Scheduled castes—29, Hindus—138, Tribals—78, Indian Christians—2, total—408. Now, this may be calculated on another basis, that is on the basis of population, per seat. If 408 seats were distributed amongst the 94.4 lakhs of population, there will be a seat for 23, 186 population.

Khan Bahadur Maulavi KERAMAT ALI: On a point of information, Sir, is the hon. Member trying to distribute the seats in the whole Province or district by district?

Srijut SIDDHI NATH SARMA: If you, Sir, once accept the principle you can do it for the whole Province as well as for districts or subdivisions. It is only simple mathematics.

Sir, on that basis if the seats were calculated, even then, Sir, there is injustice. 25 seats less were given to other communities and 25 more seats were given to the Muslims. So, by reducing 25 seats from the non-Muslim communities those seats were allotted to the Muslim Community.

So, Sir, I give these three ways of calculation and distribution of seats on the

basis of population. Sir, in every case, from whatever standard these figures are examined, the Members of this House will find that injustice has been done to all the communities excluding the Planting community and the Muhammadan community. I do not like to set one community against the other and create bitterness, but I would appeal to the Members of this House to look into this matter and try to realise what the situation will be if the principle of communal electorate is introduced in distributing seats.

I therefore appeal to the House and to the Government that if they have any regard for democratic principle, they will immediately accept the Amendment and postpone the election and bring an Amending Bill to modify all the defects in the present Local Self-Government Act and redistribute the seats and get it passed by both the Houses of Legislature or by a conference as suggested by Mr. Chaudhuri.

With these few words I support the Amendment, moved by my hon. Friend Mr. Aditya.

Srijut MAHI CHANDRA BORA: Mr. Speaker, Sir, I am one of those who feel that the election to the Local Boards of Assam has been overdue. I do feel, Sir, that the false excuses like war emergency and Census operations ought not to have been invoked to postpone the election year after year. Sir, corruption has corroded the administration of some of the Local Boards of this Province and as such people do welcome election on some sound democratic principles but here they have been sadly disappointed. Sir, in spite of the assurance given by Government that they would bring in a new comprehensive piece of legislation, we find, the old antiquated and obsolete piece of legislation has been allowed to stand defying the influence and behests of time. Therefore, Sir, people urged upon Government that this piece of legislation should be replaced at an early date. But this has not been done. On the other hand they find that the principle of separate election has been stretched too far. They have further been confronted with unfair deal in the matter of allocation of seats and unjust revision of constituencies. I have already said, they have been sadly disappointed. My esteemed colleague, Khan Bahadur Keramat Ali, has rightly condemned the introduction of Pakistan and Akhanda Hindusthan in this matter. I am in this respect at one with him. But I am pained to say, Sir, that this fair land of ours has become a veritable *Phakistan* (*laughter*)—a land where deception had been practised without hindrance—where tricks have been played upon without let and where hoaxes have been perpetrated without remorse. Sir, here we find that bridges are built and demolished over night, that roads are built at the cost of Rs. 3 lakhs per mile, that quota of salt—8 chattaks per head—is reduced to 3 chattaks per head at the time of sale and distribution and here also we find capitalists are allowed to be the guardians and custodians of the rights and privilege of Labour. Such things are possible only in *Phakistan* (*hear, hear*).

Sir, I want to know from Government whether the present population figures of all the communities including those in the management of Tea gardens and areas held and local rates paid by each community had been taken into consideration at the time of allocation of seats to the different Boards of the Province and I also want to know the basis of allotment of increased seats to particular communities. From the figures quoted by my hon. Friends Mr. Mookerjee and Srijut Sarma, I find that about 25 seats that legitimately belonged to one community have been transferred in favour of some other community. If it is a fact, it is certainly not a fair deal. I do not want that justice should be done to a particular community, I want Government to do justice to all the communities concerned. I also want to know whether district authorities were consulted in this matter and if they were consulted, I want to know what the recommendations of those officers are. Incidentally; I may mention here that where reservation of seats has been provided for protection of the interests of the minorities, there is absolutely no necessity for provision of nomination or appointment.

Sir, I would request Government to accept the Amendment of Mr. Aditya; for, it will enable them to consult the Legislature as well as legal experts to find out whether

the proposed allocation of seats is illegal and *ultra vires* as has been done in contravention of the Assam Local Self-Government Act of 1915 and also the letter and spirit of the Government of India Act, 1935. It may enable them, if they so desire, to modify distribution of seats on a just and equitable principle and to see that the same does not operate against the legitimate interest of any community. My hon. Friend Mr. Buragohain has said that our relentless enemy, the Japanese, made the Allies fight during the worse days of monsoon. But, I believe that this Government is not our enemy and so I hope they will not thrust the election fight on us during this period of monsoon. With these words, Sir, I support the Amendment of Mr. Aditya.

Babu AKSHAY KUMAR DAS: Sir, I rise to support the Amendment moved by hon. Mr. Aditya. I for myself do not like to enter into the discussion at length about the allotment of seats to different communities in Local Boards. But I am just going to point out how a conspiracy between the Caste Hindus and the Muslims was hatched up to deprive the community, I represent, from its legitimate number of seats according to population basis. I am imply going to prove it by quoting the actual population figures according to which the exact number of seats are to be allocated to Scheduled Castes.

In *Karimganj*, the population of Scheduled Castes is 88,213 and the number of seats allotted is two. The population of Caste Hindus is 156,704, but the number of seats allotted is six. If this community gets seats three times more than my community their population on that basis ought to have been 264,639—and not 156,704. The Muslim population is 311,881 and they are allotted 14 seats, *i. e.*, seven times more than what my community gets and accordingly the population ought to have been 617,491. The Scheduled Castes of *Karimganj* are entitled to get 4 seats.

In *Habiganj*, the population of Scheduled Castes is 87,595 and the number of seats allotted is three. The population of Caste Hindus is 172,862, but the number of seats allotted to them is seven. If that is so their population ought to have been 201,235. The Muslim population is 434,536 and the number of seats allotted is 17, *i. e.*, about six times more than my community and accordingly their population ought to have been 515,576. Sir, to be fair and just and accordingly their of *Habiganj* should get 4 seats.

In *Nor h Sylhet*, the Scheduled Castes population is 47,461 and the number of seats allotted is two. The population of Caste Hindus is 111,556 and the number of seats allotted is six, *i. e.*, three times more than my community, and if that is so, their population ought to have been 142,383.

In *Maulvibazar*, the Scheduled Castes population is 67,894 and the number of seats allotted is two. The population of Caste Hindus is 199,236 and the number of seats allotted is seven, *i. e.*, more than three times, and accordingly their population ought to have been 232,252. The Muslim population is 237,761 and the number of seats allotted is ten, *i. e.*, five times more than what my community gets and on that basis their population ought to have been 339,470. The Scheduled Castes of *Maulvibazar* should get 3 seats.

In *Sumanganj*, the Scheduled Castes population is 73,347, and the number of seats allotted is three. The population of Caste Hindus is 144,646 and the number of seats allotted is seven, *i. e.*, three times more than my community, and the number of seats population ought to have been 168,493. The Moslem population, and accordingly the number of seats allotted is 18, *i. e.*, six times more than what my community gets and on that basis their population ought to have been 440,082. Accordingly, my community is entitled to 4 seats.

In *Hailakandi*, wherefrom our Caste Hindu Minister for Local Self-Government hails—the Scheduled Castes population is 11,381 and the number of seat allotted is one. The Caste Hindu population is 37,781 and the number of seats allotted is five, but in that case their population ought to have been 56,905. The Muslim population is 85,963 and the number of seats allotted is 11 and in this case also their population ought to have been 125,191.

In *Silchar*, the Scheduled castes population is 70,397 and the number of seats allotted is two. The Caste Hindu population is 130,947 and the number of seats allotted is seven, i.e., three and half times more than what my community gets. The Muslim population is 146,555 and the number of seats allotted is nine. In that case, according to calculation, their population ought to have been 1,70,000.

Sir, if there would have been equitable distribution of seats for my community, as has been done in the case of the other two communities, then my community could have got at least one or two seats more in almost all the Subdivisions of the Surma Valley. Owing to this unfair deal to my community there is discontent amongst our members. When this sort of affair prevails, the cry for unity among the Hindu communities is a cry in the wilderness. Mahatma Gandhi always attempts to unite all the Hindu communities into one body. But what is the result today? The minority communities are always neglected and even unfairly treated. It is for this reason that our great Leader Hon'ble Doctor Ambedkar once wanted to join hands with Mr. Jinnah, the Leader of the Muslim minority community, for the uplift of all the minority communities and also with the ultimate intention of securing independence of India as quickly as possible. When we do not expect to get justice at the hands of our brother community, we are sure to get it by combining with all other minority communities and then only, I believe, independence for India can be hastened. With these words, Sir, I support the Amendment moved by my hon. Friend Mr. Aditya.

Babu SANAT KUMAR AHIR : লোকেল বোর্ড নিৰ্বাচন সম্পর্কে সরকার যে বিল উত্থাপন করিয়াছেন তার উপর শ্রীযুক্ত রবীন্দ্র নাথ আদিত্য মহাশয় যে সংশোধন প্রস্তাব আনিয়াছেন আমি তাহা সম্পূর্ণ সমর্থন করি। এই প্রস্তাব সমর্থন করিতে গিয়া আমি চা বাগান মজুরদের প্রতিষ্ঠান, গিলেট-কাছাড় চা-বাগান মজুর ইউনিয়ন ও আসাম ট্রেড ইউনিয়নের অভিমত উল্লেখ না করিয়া পারিতেছি না।

লোকেল বোর্ড নিৰ্বাচনের তোড়জোড় সম্পূর্ণ করিতে গিয়া যে ভাবে সরকার আসন বণ্টন করিয়াছেন তাহা দেখিয়া সত্য সত্যই হতাশ হইতে হয়। বিভিন্ন শ্রেণী ও সম্প্রদায়ের লোকসংখ্যার অনুপাতে লোকেল বোর্ডের আসন বণ্টন হউক ইহা আমরাও চাই। সরকার এই নীতিকে স্বীকার করিয়া ভালই করিয়াছেন কিন্তু কার্যক্ষেত্রে এই নীতি কতটুকু প্রয়োগ করা হইয়াছে তাহাই আলোচ্য বিষয়।

আসামে ১ কোটি ১০ লক্ষ অধিবাসীর মধ্যে ১৩ লক্ষই চা-বাগানের মজুর। অথচ এই চা-বাগানের মজুরদের জন্য একটি আসনও দেওয়া হয় নাই! সমস্ত চা-বাগানের মজুরদের লোকেল বোর্ড নিৰ্বাচনের বাইরে রাখা হইয়াছে। আসামের শতকরা ১২ জন লোককে নিৰ্বাচনের ভোটাধিকার হইতে বঞ্চিত করা হইল। কেন এই ব্যবস্থা?

উত্তরে বলা হইতে পারে, মজুরেরা ট্যাক্স দেয় না। ট্যাক্স দেয় মালীকেরা। সুতরাং লোকেল বোর্ডের আয় ব্যয়ের সঙ্গে মজুরদের স্বার্থের সম্পর্ক নাই। এর উত্তরে আমার বক্তব্য যে মালীকদের আয় আসে কোথা হইতে? যে টাকা স্থানীয় স্বায়ত্ত শাসন বিভাগের খাতে ব্যয় করা হয় সেই টাকা কি মজুরের রক্ত শোষণ করিয়া, মজুরের শ্রমোপার্জিত অর্থ হইতে আসে না? সুতরাং ট্যাক্সের দোহাই দিতে গেলে এই ট্যাক্সে মালীকের চাইতে মজুরেরই কি বেশী দাবী নয়? অথচ চা-বাগান মজুর লোকেল বোর্ডে একটি আসনও পাইবে না।

মাননীয় প্রধান মন্ত্রী মহোদয়-ব্যক্তি। তাঁর উদার হৃদয়ে সাম্যভাব। তাই তিনি বাঘে গরুতে এক ঘাটে জল খাওয়াইতে পারেন। প্রদেশের খাদ্য বণ্টন সম্পর্কে তিনি যেমন খাদ্য গ্রাহীতাদের এবং মজুরতদারদের নিজ মন্ত্রীসভার আওতায় রাখিয়াছেন—সেইরূপ চা-বাগানের ১৩ লক্ষ মজুরকেও চা-বাগানের মালীকদের পদতলে রাখিতে মোটেই কুষ্ঠিত নন। তাইত প্রধান মন্ত্রী সাহেব সেইদিন হাউসের ভিতরেই অত্যন্ত নির্দয়ের মত উল্লেখ করিতে পারিলেন যে চা-বাগানের কতিপয় মুষ্টিমেয় কর্তাই লক্ষ লক্ষ মজুরের প্রতিনিধিত্ব করিতে সমর্থ। ইহাতে আবার মজুরের বলিবার কি আছে? মালীকেরা ভোট দিয়া অভিভাবক নিৰ্বাচন করিলেই হইল।

আমাদের বর্তমান মন্ত্রীসভাকে বলা হইয়া থাকে যে তাঁরা পপুলার মন্ত্রীসভা। কিন্তু জনসাধারণের স্বার্থের প্রতি তাহাদের কতটুকু নজর তাহা এই লোকেল বোর্ডের আসন বণ্টনের মধ্যেই প্রকাশ পায়। চা-বাগানের মালীকদের মন পাইবার জন্য তাহারা যে মনোভাবের পরিচয় দিলেন তাহার তুলনা বর্তমান

দুনিয়ার কোথায়ও মিলে না। সাইমন কমিশন যদিও চা-বাগানের মজুরদের সত্যিকার প্রতিনিধি পাঠানের ব্যবস্থা মানিল না—তবুও মজুরদের অধিকারকে অস্বীকার করিতে পারেন নাই। কিন্তু আমাদের পপুলার মন্ত্রীসভা সাম্রাজ্যবাদীদের ও ছাড়াইয়া গিয়াছেন।

লোকেল বোর্ডের শত শত মাইল রাস্তা চা-বাগানের ভিতর দিয়া গিয়াছে। এই রাস্তা দিয়া স্বাধীনভাবে চলাচল করার ক্ষমতা কাহারও নাই। চা-বাগানের সাহেবদের ছত্রাতঙ্ক রোগ সম্পর্কে আপনারা নিশ্চয়ই অবগত আছেন। হয়ত মন্ত্রীদেরই বহু আত্মীয়-স্বজন লোকেল বোর্ডের এই সব রাস্তা দিয়া ছাতা মাথায় দিয়া চলিবার কালে চা-বাগানের সাহেব পুত্ৰদের কাছে লালিত হইয়াছেন। আপনারা জানেন আমার নিব্বাচনের কালেই কিভাবে লোকেল বোর্ডের খেয়াঘাট বন্ধ করিয়া মালীকেরা শ্রীযুত অরুণ কুমার চন্দ, ভূতপূর্ব মন্ত্রী ফখরুদ্দিন আলি আহমেদকে আটকাইবার চেষ্টা করে।

আজ চা-বাগানের মজুরদের সঙ্গে বাহিরের দুনিয়ার কোন সম্পর্ক নাই। চা বাগানের ভিতর ১ লক্ষ ৫৬ হাজার ২ শত ১৫ জন শিশু আছে। এই শিশুদের শিক্ষার জন্য আমাদের পুত্ৰা অথবা সরকার কি ব্যবস্থা করিয়াছেন? ১৯৩৮ সালে ছিল সমগ্র আসামের চা বাগানের ৩৯টি স্থায়ী ও ৫৯টি অস্থায়ী স্কুল এবং তাহার মোট ছাত্র সংখ্যা ছিল ৩৫৬০ জন। এইত আমাদের স্কুলের শিক্ষার অবস্থা।

আজ লোকেল বোর্ডের ভিতর মজুর প্রতিনিধি গেলে মালীকেরা মজুরদের প্রতি উদাসীন থাকিলে ও লোকেল বোর্ড কে দিয়াও মজুর শিশুদের শিক্ষার ব্যবস্থা কিছুটা করা সম্ভবপর হইত।

স্বাস্থ্য ইত্যাদির কথা আর উল্লেখ না-ই করিলাম। এই সামান্য তথ্য হইতে বুঝা যাইবে যে লোকেলবোর্ডে মজুর প্রতিনিধি পাঠান কত জরুরী। আশা করি বর্তমান মন্ত্রীসভা তাঁহাদের এই আসন বণ্টনের পরিকল্পনা পরিত্যাগ করিয়া মজুরদের সংখ্যানুপাতে আসন দানের ও পরিণত বয়স্ক প্রতিটি মজুরের ভোটাধিকার স্বীকার করিয়া লইবেন।

এই কথা বলিয়াই আমি শ্রীযুত আদিত্যের সংশোধন পুস্তাব সমর্থন করিতেছি এবং আশা করি কংগ্রেস, লীগপন্থী ও আমাদের ট্রাইবেল সহকর্মীরা কেহই সরকারের সম্পূর্ণ গণতন্ত্র-বিরোধী এই পরিকল্পনাকে স্বীকার করিয়া নিবেন না এবং মজুরদের ন্যায়সঙ্গত দাবী আদায়ে একযোগে উদ্যোগী হইবেন।

Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I will just speak a few words:

One point I am particularly anxious to place before the House and that is how far the action of Government in allotting the seats has been consistent with the privileges of the House. I am not going to take the time of the House by discussing the details of the distribution of seats, but I think, the question of the right of Members is a matter which concerns every section of this House. I do not know under what clause or under what rule the seats have been allotted by Government. As far I heard, it was proposed to be done under section 4 of the Local Self-Government Act. But it has already been pointed out that on account of the change brought about in the Constitution by the Government of India Act 1935, Local Government has been made to mean Provincial Government and Provincial Government has got to function with the aid of the Legislature. Now, if Government have got to function with responsibility to the Legislature, what are the processes that the Government should adopt as a body which is responsible to the Legislature?

If the Government wanted to make this distribution which, as has been rightly pointed out by my hon. Friend Mr. Kamini Kumar Sen, involves questions of principle and many other important matters, affecting the people of the Province, it ought to have been done in a manner in which the House would have got full opportunity to discuss this matter in some shape or other. It was proposed to be done by rules; those rules ought to have been brought before the House so that we might discuss those rules. In all countries, where popular constitutions function, rules and bye-laws, framed by the Government, always received the notice of the Members of Legislature in some shape or other, so that they may bring to the

notice of the popular Assembly, any amendment or change they may wish to make, by means of some Motion in the House. Now, as far as our Government is concerned we do not know how these allotments have been made. The whole thing has been kept secret. Thus there has been a regular infringement on the privileges of the House in preventing consideration of this matter. We are not asking much from Government when we are asking them to postpone the elections till 31st March 1946. We are only asking them to give the House an opportunity to discuss this important matter. If the Hon'ble Minister-in-charge is not coming with an amending Bill, there may be some private Members who might come with such a Bill. At any rate, the House should be in a position to discuss this matter and see whether the distribution of seats has been equitable to the communities and other important matters that might require amendment. Even now, I press the same point of view before the Government. I repeat, Sir, Government can very well postpone this election till 31st March 1946 and if the proviso clause has been so offensive to the Ministry, we may be prepared to go without that and withdraw it. But, what we really insist upon is that we should be given an opportunity to function as a democratic body and we may, at any rate, be allowed to discuss the matter which is being presented by Government. With this few words I support the Amendment.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY :
Mr. Speaker, Sir, although the debate on this matter has practically taken the whole of the day and quite a large number of hon. Members have taken part in it, I find that only a few new points have been raised in course of the debate which were not discussed at the time when I moved for the consideration of the Bill on the first day of this Session. And on those also, most of the hon. Members, who were opposing the Amendment of my hon. Friend Mr. Rabindra Nath Aditya, have replied and I find that very few things have been left for me on which I should give reply.

Mr. Aditya, when moving his Amendment, said that I did not open my lips. I did not expect a statement like this from my Friend Mr. Aditya, because he knew that at the time of moving for consideration of the Bill I did really make a speech. He further says that I did not open my lips but the Hon'ble Premier stood up and spoke. The Hon'ble Premier, when he rose to speak, made it perfectly clear that during the debate many matters involving the policy had been raised and he was standing as the Premier to reply to those. In spite of that my hon. Friend just uttered a very beautiful aphorism that "the dumb has no enemy" I can also very rightly say that "the deaf can utter any nonsense". (Babu Kamini Kumar Sen : Is it parliamentary ?) Mr. Aditya mentioned that if the postponement up to 15th June is accepted the time will be very inopportune and he advanced his reason that the monsoon will start (though monsoon hardly starts in the first part of June) and that will be the cultivating season. But, Sir, where is the remedy ? Had there been provision in the Bill that election should be postponed till the next cold weather, my hon. Friend might have thought it fit to object to that also saying that the time will be rather too cold for moving about and that again will be harvesting time and all people will be very busy in the fields and it will be unfair to disturb them at that time when the rice crop will be ripe in the field. Sir, we cannot avoid this sort of criticism but we must proceed with the work that is suitable for everybody.

Then, another point which my Friend Mr. Aditya as well as many other Friends raised is whether this House has the right to approve or disapprove the distribution of seats (though my Friend Mr. Aditya said, distribution of constituencies). I think, the Hon'ble Premier, the other day, gave a fitting reply and I should not repeat that for two reasons. Firstly, because it has been so very ably done by the Hon'ble Premier that everybody seemed to have been satisfied and there was no objection raised on the

floor of the House that-day. Secondly, Sir, as a layman, as a non-lawyer, I do not dare to do that because, Sir, a lawyer of your reputation may excuse me for my pointing out laws but other lawyers, who have got very little to do in the bar and who, though by name are legal practitioners, now-a-days do many other business for their own livelihood, may not excuse me.

Now, Sir, my hon. Friend Babu Lalit Mohon Kar in his tiny little speech said that injustice has been done to the people of Maulvibazar. He said that the Hindu population is larger in South Sylhet Subdivision than the Moslem population, but that 10 seats have been given to the Moslems whereas only 9 seats have been given to the non-Moslems. I find, Sir, from the 1941 Census figures, that the non-Moslem population of South Sylhet is 1,83,236 whereas the Moslem population is 2,37,761. So, Sir, there is a difference of about 54,500 and odd. Therefore, the difference of one seat in a difference of about half a lakh is not a thing which should be condemned.

Sir, Mr. Mookerjee in his speech took a lot of time in giving out the number of seats distributed in the different Boards, and I thought, Sir, that he would be able to make out a very strong case (Mr. Baidyanath Mookerjee—I did.) But, I must say that he could not plead his case as successfully as everybody was expecting him to do. (Mr. Baidyanath Mookerjee—In the words of the Hon'ble Premier, I can say "I can take the horse near the water, but I cannot make him drink".) Sir, my Friend started with the North Sylhet Subdivision from where he comes. I find, Sir, that the population figure for non-Moslems in that place is 1,60,661 and that of Moslems 4,90,434,—a difference of 3,29,773. Sir, what is our distribution? We have given 18 seats to the Moslems and 8 seats to the non-Moslems. If we go by the population figures, I have quoted, the Moslems are entitled to get at least three times the number of seats the Hindus have got; but, Sir, we have given them less than that (*A Voice*—Why this injustice to the Moslems!). In view of these facts and figures, if my Friends come and say that we have done injustice to certain people, I think, Sir, no sensible man would give them credit.

My Friend Mr. Aditya said the other day that it appears as if there is no Hindu Minister in the Cabinet from the Surma Valley. If by that statement he meant that there is no Minister who is selfish, who is partial, who is unfair and unjust and who only looks to the interests of a particular community, I think he is correct, but I am sorry, he will not find a man like that in me.

Sir, my Friend Mr. Mookerjee mentioned, perhaps very carefully, the name of the Hailakandi Local Board and quoted figures; perhaps his ulterior idea was that it might have some repercussion in my future political career.....

The Hon'ble the SPEAKER : The Hon'ble Minister should not impute such motives.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : About the Hailakandi figures I find that the number of the non-Moslems is 44,884, whereas the number of Moslems is 85,963—*i.e.*, almost double. The Hindus have been given six seats whereas the Moslems eleven.

Then, Sir, about the area held and the local rates paid, I have got those figures also. In Hailakandi, the area occupied by the Moslems is 1,82,547 bighas and the non-Moslems occupy 1,32,039 bighas; the Moslems pay local rate of Rs. 9,059 whereas the Hindus pay Rs. 4,642. All these figures clearly show that no injustice has been done to the non-Moslems.

Now, Sir, my hon. Friend Mr. Akshay Kumar Das has been very anxious to know about the Scheduled Castes. Sir, we have given many seats to the Scheduled Castes people, who were never before given any separate seats. It was we who

first gave them separate representation. Now, Sir, anyone who comes from the Surma Valley knows that our Scheduled Castes people in the whole of the Valley are distributed in such a way that it is very difficult to find many places where they preponderate and where reasonably seats could be allotted. Of course, their total figure might be a good one but it will be quite impossible—supposing in three or four or five or six thanas or villages the Scheduled Castes people are distributed in small numbers—to give them seats in every thana and in every place.

Babu AKSHAY KUMAR DAS: Is it an argument ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: As, thereby, we will have, proportionately, to increase the number of seats of the rest making the total number an unwieldy one. The size of the entire Board should be reasonable.

Mr. Mookerjee raised another question that we have not made any separate provision for Indian Planters. Had that been done, I do not know, if Mr. Mookerjee could have been benefited because they would have been in such a minority that their case would have been worse than what it is.

Mr. BAIDYANATH MOOKERJEE: He has no idea about constituency. He is talking all nonsense.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I have every idea. Sir, we know at present even under the existing arrangement a good many Indian Planter gentlemen could come into the Local Boards from the Tea Industry for many years. I can name one gentleman; he was late Rai Bahadur Nilambar Dutta who was in the Dibrugarh Local Board for not less than a period of 20 years and every time he came on the vote of the Planting community. I think, he was the Chairman of this Local Board on the support of the Planting people as well as others for about 17 years. We know also, Sir, and Mr. Mookerjee also knows that in the Surma Valley, his father-in-law—late Rai Bahadur Nagendra Nath Chaudhury was elected many times from the Planting constituency and I think, he was for some time Chairman also. We also know that in Jorhat Rai Bahadur Heramba Prasad Barua, who is now a member of the Public Service Commission, was also returned many times. So, Sir, I say even if they are not given separate seats their interest is not at all affected. I also know, Sir, in certain Local Boards nominations were given from the Indian Planters. In Hailakandi Local Board, while I was the Chairman, one Mr. B. M. Gupta was nominated there as a member. All these facts go to show that the interest of Indian Planting people are not overlooked either by the constituency itself or by the Government. Now, Sir, many other Friends raised the question that it was necessary for the Government to bring in an amending Bill. I mean Local Self-Government Amending Bill. The Hon'ble the Premier, the other day, dealt with that matter. He has stated the difficulty that might be presented before the Government in doing so. We all know that an amending Bill, takes a very long time. When we all expect that the War might come to an end very soon, and when we all expect that there would be a change in the Constitution which will have repercussion on the constitution of Local Bodies, it is not worthwhile to take up that now.

Now, Sir, another point has been placed before the House about the power of the Provincial Government to distribute seats without bringing it before the House. I think, no Member could say that the Provincial Government had not the power: only they wanted that perhaps it would be a matter of grace to do. The Hon'ble the Prime Minister, the other day, stated very clearly that it would have been *ex-gratia*. In view of the fact that the life of the present postponement Act,

will end by the 31st of this month, I think, it is not possible for us to consult the Houses. I may also mention that previously no such procedure was ever followed by any Ministry.

Babu NIRENDRA NATH DEV : It has been the custom with this Hon'ble House for Government to come forward with Motions for consideration on various items. When Government decided to separate the Public Health Department they came forward with a scheme for approval of the House. When they wanted to have a Trade Adviser and the Supply Agency in Calcutta then also they came before the House.

The Hon'ble the SPEAKER : It has been said that the House is to take that all these were done *ex-gratia*.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : My submission is that those schemes involved some cost to the Exchequer of the Government and this is why Government had to come before the House.

Babu NIRENDRA NATH DEV : This scheme involves the rights of the people.

The Hon'ble the SPEAKER : With regard to the admissibility of that portion of the Amendment which seeks to add a proviso to sub clause (1) of clause 2 of the Bill I have considered all the arguments that have been advanced against its admissibility. I have given my careful thought to what has been stated by different hon. Members and I do not think that I was wrong in holding that the Amendment was in order. I have got very good reasons in favour of my decision ; but it would be simply tiring the House if I give those reasons now. Further, to expedite the conclusion of the discussion I refrain from giving my reasons now. Therefore, I postpone giving reasons to some other day. I put the Amendment before the vote of the House. I have divided the Amendment into two parts.

The question is :

That in sub-clause (1) of clause 2 for the words and figures "15th June, 1945" occurring in the fourth line, the words and figures "31st March, 1946" be substituted.

The Assembly divided.

AYES 21

1. Babu Akshay Kumar Das.
2. Mr. Baidyanath Mookerjee.
3. Srijut Bepin Chandra Medhi.
4. Srijut Gaurikanta Talukdar.
5. Srijut Gopinath Bardoloi.
6. Srijut Haladhar Bhuyan.
7. Srijut Jogendra Chandra Nath.
8. Srijut Kameswar Das.
9. Babu Kamini Kumar Sen.
10. Srijut Lakshesvar Borooah.
11. Babu Lalit Mohon Kar.
12. Srijut Mahadev Sarma.
13. Srijut Mahi Chandra Bora.
14. Babu Nirendra Nath Dev.
15. Srijut Purandar Sarma.
16. Babu Rabindra Nath Aditya.
17. Srijut Ram Nath Das.
18. Srijut Sarveswar Barua.
19. Babu Shibendra Chandra Biswas.
20. Srijut Siddhi Nath Sarma.
21. Babu Sanat Kumar Ahir.

NOES—40

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 19. Khan Sahib Maulavi Dewan Muhammad Ahbab Chaudhury. |
| 2. The Hon'ble Mr. Naba Kumar Dutta. | 20. Khan Sahib Maulavi Muhammad Amiruddin. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 21. Maulavi Badaruddin Ahmed. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 22. Maulavi Muhammad Maqbul Hus-sain Chaudhury. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 23. Maulavi Matior Rahman Mia. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 24. Maulavi Mabarak Ali. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 25. Maulavi Muzarrof Ali Laskar. |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 26. Maulavi Naziruddin Ahmed. |
| 9. The Hon'ble Miss Mavis Dunn. | 27. Mr. F. W. Blennerhassett. |
| 10. The Hon'ble Srijut Rupnath Brahma. | 28. Mr. E. H. S. Lewis. |
| 11. Srijut Ghana Kanta Gogoi. | 29. Mr. D. B. H. Moore. |
| 12. Rai Sahib Doulat Chandra Gohain. | 30. Mr. C. W. Morley. |
| 13. Srijut Surendranath Buragohain. | 31. Mr. R. A. Palmer. |
| 14. Maulavi Abdul Aziz. | 32. Dr. C. G. Terrell. |
| 15. Maulavi Abdul Bari Chaudhury. | 33. Mr. W. D. Rutherford. |
| 16. Maulavi Abdur Rahman. | 34. Mr. A. Whittaker. |
| 17. Maulavi Syed Abdur Rouf. | 35. Srijut Bhairab Chandra Das. |
| 18. Maulavi Md. Abdus Salam. | 36. Srijut Bideshi Pan Tani. |
| | 37. Mr. Binode Kumar J. Sarwan. |
| | 38. Rev. L. Gatphoh. |
| | 39. Mr. C. Goldsmith. |
| | 40. Mr. Jobang D. Marak. |

The question was negatived.

The Hon'ble the SPEAKER: Does the hon. Member want to press the remaining part of his Amendment?

Babu RABINDRA NATH ADITYA: No, Sir.

The Hon'ble the SPEAKER: Then the hon. Member may beg leave of the House to withdraw the same.

Babu RABINDRA NATH ADITYA: Sir, in view of the fact that the first part of my Amendment has been rejected, I beg leave of the House to withdraw the remaining part of my Amendment.

The Hon'ble the SPEAKER: Then the other part of the Motion stands withdrawn with the leave of the House.

The question is: "That clause (2) of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is: "That clause (1) of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is: "That the Title and Preamble of the Bill stand part of the Bill".

The question was adopted.

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

The Hon'ble the SPEAKER: The Motion moved:

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

Any hon. Member desire to say anything ?

Mr. BAIDYANATH MOOKERJEE: May we have an idea as to how long we shall sit.

The Hon'ble the SPEAKER: We shall be finishing by 5 or quarter past 5.

Mr. C. GOLDSMITH: I will be very short, Sir, as I have got my speech written down.

Sir, it is well-known to the hon. Members of this House that there are three great religious bodies in India and in Assam. Today, roughly speaking, we find about 30 crores of Hindus, about 10 crores of Muslims and about one crore of Christians, *i.e.*, the Indian Christians are just a little less than the whole population of Assam. Now, may I ask whether India can neglect and ignore one crore of Christians and take cognizance of only 10 crores of Muslims ?

In Assam the Hindus are nearly 36 lakhs and with Tribal Hindus they will be much more. Muslims 34 lakhs and the Christians nearly 4 lakhs. Will the interests of these 4 lakhs Indian Christians be neglected and ignored ? It must be remembered that the Hindus, in some parts, are minorities. In the new Government of India Act, the question of minorities has been brought into further prominence. There, in other minorities as Scheduled Castes and Tribals, are included. But these demarcations on social and racial grounds are the latest innovations, coming after the inauguration of the 1935 Act. I do not grudge such being regarded as minorities, but the demarcation made on the religious basis is present there all the time and throughout the centuries, and that demarcation will be the more important in the days to come.

Be it known, therefore, that Indian Christians form the second largest religious minority in India and in Assam. I repeat this. This must be borne in mind for all future purposes by Government and all political parties. Any Government that neglect or ignore the Christians as a minority, or flout the religious interests of Christians in Assam as a whole and respect only those of the Hindus and Moslems, will be charged with moral depravity and violation of the elementary principles of justice and fairplay.

Therefore, my only course is to turn to the Hon'ble Minister of justice and fairplay. Considering all that I have said, I request for Local Self-Government heart the interests of the Christians. There are Local Boards where Christians in Assam have been elected by the General Constituencies. That shows, there are Christians in considerable numbers in certain areas and in certain areas little less and in certain other areas still less. I am not asking for reserved seats in those Boards where I have no love for such seats in the present days. I ask that in those Boards, where the Christians are not returned by election, a seat be reserved in each by nomination when such a provision is provided in the Act. I know, the Hon'ble Minister is a Hindu and he is criticised, but his position is difficult. I would not suggest for a moment that he is earn curse from our community for not providing anything but I hope, something will be done since a change is contemplated.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, I find that much heat was generated in course of the discussion of which I was the root cause and unfortunately I could not help it.

Sir, I find that the Ministry have carried what they desired by weight of a sheer majority. The arguments that were put forward from different groups were not answered. In jurisprudence, it is said that it is not enough that justice is done, but people should feel that it is done. So was the case here. Whether a particular community has been justly treated or unjustly treated, this scheme of allocation of seats ought to have been widely published, public opinions ought to have been invited and the House ought to have been given a chance to pronounce its opinion on it. So, whether

seats have been fairly and equitably distributed, that was not so much the contention of my Motion as a discussion on the right to have the scheme placed before the House.

Sir, our anxiety to have the elections as early as possible is not any way less than that of other sections of the House but circumstances created by the Government force us to ask for a further extension, so that greater injustice might be avoided. That is why we have been compelled by force of circumstances to move for further extension although we know that the present Boards have outlived their utility and have become antiquated.

Sir, I am glad that the Hon'ble Minister of Local Self-Government has recovered his power of speech. Perhaps he does not know that I have got advantage over him. My vocal organ is still intact and so I can move in society. But, one, whose vocal organ is defective, cannot mix and move in society (*hear, hear*) and perhaps he does not know that the dumb are generally deaf but the deaf are not generally dumb. But, anyway, Sir, now that in the Deaf and Dumb School of which Sir Muhammad is the founder, he is receiving his lessons and training, I am sure, before long, he will recover his power of speech and we shall not have any further complaints on that score.

Maulavi ABDUL BARI CHAUDHURY: Sir, before the Bill is finally passed, I would like to refer to one very important factor and that is with regard to the minimum possible expenditure the Local Boards need to be called upon to incur in connection with the ensuing elections. I think, I voice the unanimous opinion of all the Local Boards in Assam when I say that none of the Boards is in a position to bear an enormous expenditure of Rs.10,000 for each Board. At the present moment the finances of our Boards are in a desperate condition and most of the Boards are unable to bear even their obligatory charges. I have personal knowledge of the Local Boards in the District of Sylhet and none of these Boards will be in a position to pay their Primary School teachers within the year. Many Boards will end the year with huge deficits. Therefore, these Boards are not in a position to bear the burden of this enormous expenditure for the election purpose. I hope, Government will consider this matter sympathetically.

Babu NIRENDRA NATH DEV: Sir, that the present Local Boards have lived very long and that they should be replaced at the earliest opportunity, no body disputes that, and I am sure, when my hon. Friend Maulavi Abdul Aziz was trying to impress upon the House the necessity of holding the elections immediately, most of the hon. Members were in agreement with him. But, the difficulty is about the re-distribution of seats by Government. When the Government propose redistribution of seats in the manner they have done a very vital civic right of the people is affected. The Hon'ble Minister-in-charge of Local Self-Government said in his reply to my query that when the Government Motions were placed before the House for approval of different schemes they were placed only because they involved expenditure of money. I submit, Sir, that the civic right is no less important than any money spent by Government. In these days, this question is rather more important. When the Government materially alters the character of self-governing institutions, people have a right to have their say. Government know perfectly that there is a chorus of protest against the re-distribution of seats that have been made by Government. So, I would like to make a request to Government to come before the House in this Session, when we have yet 14 days time before the prorogation of the House, with a Motion for the consideration of the scheme they are going to adopt for redistribution of the seats, as suggested by Mr. Buragohain. As we considered the Motions for separation of Public Health Department for appointment of Trade Advisor and Civil Supply Agencies, on the economic situation of the Province and things like that, and when the Government have heard so much about the distribution of seats from many sections of this Hon'ble House I hope, Government will take us into their confidence about this subject as well.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Sir, I do not like to enter into any controversy with Mr. Aditya at this late hour about the

question of deaf and dumb. We all know that our most revered Mahatma Gandhi, though he is not dumb, assumes the garb of a dumb and carries on with his duties in writing. If the wishes of my Friend Mr. Aditya come to be true I shall be able to carry on my business, through his blessings, in writing and also moving in the society.

Sir, my Friend Mr. Abdul Bari Chaudhury has raised a question about granting funds by the Government for meeting the election expenses by the Boards. This proposal, I am sorry to say, has come very late. However, I shall note down his suggestion and shall consult the Finance Department before I commit anything.

My Friend, Mr. Goldsmith has raised a question about the seats for the Indian Christians. I can assure him that we do not ignore their case. Our only difficulty is that their population is so scattered that reservation of seats for them proves almost impossible, and most of their people are in the Tea Estates. Even now, Sir, many of their people can come into the Boards by election. In the past the Government recognized their claims and they got nominations. Therefore, I say, he has got legitimate claim which Government will always consider, as before, and take action when the proper time for nomination comes. I have nothing more, Sir, to add.

The Hon'ble the SPEAKER: The question is:

“That the Assam Local Board (Emergency Provisions) Bill, 1945, be passed”.

The question was adopted.

The Hon'ble Mr. NABA KUMAR DUTTA replied:

81. (a) —From June to December 1943—33,090 cattle.
1944—50,368.

(b)—Yes.

(c)—Government have already placed an embargo on the slaughter of cattle of certain age, vide Government Notification No. C.176/43/93, dated the 31st May 1944.

† Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: What is that age?

† The Hon'ble Mr. NABA KUMAR DUTTA: I am just reading out the Notification. “In exercise of the power conferred by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules, the Governor of Assam is pleased to direct that no person shall, as from the date of publication of this order, whether by himself or by his agent, slaughter or cause to be slaughtered for purposes of consumption civil or military, or sell or purchase or cause to be sold or purchased for purposes of such consumption:

(a) any cattle or buffaloes below the age of ten years ; or

(b) any cow in milk or pregnant, whether below the age of ten years or not ; or

(c) any sheep or goats under the age of 2½ or 2 years, respectively.”

† Mr. BAIDYANATH MOOKERJEE: Why figure has been supplied from June to December for the year 1943? What about January to May?

† The Hon'ble Mr. NABA KUMAR DUTTA: We have got the figures from June 1943 to December, 1944.

† Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: What is the figure of January to May 1943?

† The Hon'ble Mr. NABA KUMAR DUTTA: That is not available, Sir.

The Hon'ble the SPEAKER : The other two Bills* which were to be taken up to-day will be taken up on the 23rd March. These Bills would be put down for all their stages and if any hon. Member likes to table any Amendment to any of these Bills he should take care to do so in such proper time as is prescribed by the Rules.

Adjournment

The Assembly was then adjourned till 11 A. M., on Monday, the 12th March, 1945.

SHILLONG :

The 4th May, 1945.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

* The Assam Standard Weights and Measures Bill, 1944.
The Assam Debt Conciliation (Amendment) Bill, 1945.

G. P. (L.A.) No.2—125+ —8-5-1945

mercenary.

Babu NIRENDRA NATH DEV : Sir, that the present Local Boards have lived very long and that they should be replaced at the earliest opportunity, no body disputes that, and I am sure, when my hon. Friend Maulavi Abdul Aziz was trying to impress upon the House the necessity of holding the elections immediately, most of the hon. Members were in agreement with him. But, the difficulty is about the re-distribution of seats by Government. When the Government propose redistribution of seats in the manner they have done a very vital civic right of the people is affected. The Hon'ble Minister-in-charge of Local Self-Government said in his reply to my query that when the Government Motions were placed before the House for approval of different schemes they were placed only because they involved expenditure of money. I submit, Sir, that the civic right is no less important than any money spent by Government. In these days, this question is rather more important. When the Government materially alters the character of self-governing institutions, people have a right to have their say. Government know perfectly that there is a chorus of protest against the redistribution of seats that have been made by Government. So, I would like to make a request to Government to come before the House in this Session, when we have yet 14 days time before the prorogation of the House, with a Motion for the consideration of the scheme they are going to adopt for redistribution of the seats, as suggested by Mr. Buragohain. As we considered the Motions for separation of Public Health Department for appointment of Trade Advisor and Civil Supply Agencies, on the economic situation of the Province and things like that, and when the Government have heard so much about the distribution of seats from many sections of this Hon'ble House I hope, Government will take us into their confidence about this subject as well.

The Hon'ble Sriju: HIRENDRA CHANDRA CHAKRAVARTY : Sir, I do not like to enter into any controversy with Mr. Aditya at this late hour about the

