



Proceedings of the Fifth Session of the First Assam Legislative  
Assembly, assembled under the provisions of the Govern-  
ment of India Act, 1935

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m., on  
Monday, the 12th September, 1938.

## QUESTIONS AND ANSWERS

### STARRED QUESTIONS

(to which oral answers were given)

#### Settlement of Excise shop at Palasbari

**Srijut BELIRAM DAS** asked :

\*201. (a) Is it a fact that the Commissioner of Excise sent a telegram to the Deputy Commissioner of Kamrup on the 29th of February, 1938, requesting the Deputy Commissioner to give settlement of a certain excise shop to one Purna Chandra Pal of Palasbari ?

(b) If so, what necessitated the Commissioner of Excise to send that telegram ?

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

201. (a)—The reply is in the negative.

(b)—Does not arise.

**Srijut BELIRAM DAS** : May I challenge the Hon'ble Minister that such telegram was sent ?

**The Hon'ble Maulavi MUNAWWAR ALI** : It is open to the hon. member to do so.

**Srijut BELIRAM DAS** : Will the Hon'ble Minister enquire into it again and I shall help him in producing the telegram ?

**The Hon'ble Maulavi MUNAWWAR ALI** : What assistance the hon. member is prepared to give will be gratefully accepted.

**Mr. FAKHRUDDIN ALI AHMED** : Is the information of the Hon'ble Minister based on the report received from the Dy. Commissioner ?

**The Hon'ble Maulavi MUNAWWAR ALI** : Certainly.

**Mr. FAKHRUDDIN ALI AHMED** : Has the Hon'ble Minister ascertained it from the files that are kept in connection with this matter ?

**The Hon'ble Maulavi MUNAWWAR ALI** : No, I did not think it is necessary as I got the reply direct from the Deputy Commissioner concerned.



Kanchanpur 2nd strike—

For being required to clear jungle growing up through the bushes in addition to plucking and for non-acceptance of bad leaf, etc.

(3) Lalacherra Tea Estate—

(i) The allegations were that work of hoeing gangs was checked too severely and cuts made for bad and incomplete works.

(ii) That the women employed on plucking ought to be paid full rates at annas 3-6 daily irrespective of the quantity of leaf plucked.

(iii) That the force should be allowed to cultivate wherever they liked without taking permission of the Manager.

(4) Pollarband Tea Estate—

Demand for more work.

(5) Cossipore Tea Estate—

Demand for increase of wages, reduction in *nerikh*, less strictness on the *tillah* work.

(f)—No labourers were victimised. Sixteen labourers left Lalacherra Tea Estate rather than submit to proceedings under section 107, Criminal Procedure Code.

203. (a)—There are four agencies, the principal being the Tea Districts Labour Association.

(b)—Yes.

(c)—Government have not full information but the Association have been good enough to supply the following details—

(i) Clerks start on a pay of Rs.30 a month and may rise to Rs.150 a month.

(ii) Executive employers start on Rs 150 a month after a period of probation on Rs.100 and rise to Rs.500 a month. Selected officers may be eligible for appointment to more important charges on higher pay, but hitherto no case of this has occurred.

(d)—No foreigners are employed on the same work as the staff mentioned in the reply to (c). Some European British subjects are employed in a supervising capacity in the larger agencies.

204.—Government understand from the Association, who have been good enough to explain the position, that owing to the depression of the industry since 1931 increments have been generally stopped except in special cases, which include some Indians.

**Mr. ARUN KUMAR CHANDA:** Have Government held any enquiry into the genesis of the strikes in the district of Cachar?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes, Sir. The District Officer and the Subdivisional Officer have enquired.

**Colonel A. B. BEDDOW:** Are Government aware of the fact that a large number of leaflets have been circulated in a great number of tea gardens in Cachar inciting the labourers to strike and to violence after which the labourers' strike has followed?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes, Sir.

**Colonel A. B. BEDDOW:** Are Government aware that these leaflets are published and distributed by the Sylhet Tea Garden Labour Association Committee?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Government have no information.

**Colonel A. B. BEDDOW:** Are Government aware as to whether the personnel of the Committee is formed of the Congress Party?

**The Hon'ble Babu AKSHAY KUMAR DAS:** We have heard, but Government is not perfectly well aware of the fact.

**Mr. ARUN KUMAR CHANDA:** What was the nature of the enquiry which was held by the District Officer?

**The Hon'ble Babu AKSHAY KUMAR DAS:** The officers mentioned by me went to the gardens, enquired into the matters and asked the people what their grievances were.

**Mr. ARUN KUMAR CHANDA:** Were the representatives of the labourers allowed to re-present the grievances of the labourers before the District Officer?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes, Sir.

**Mr. ARUN KUMAR CHANDA:** Will the Hon'ble Minister lay on the table a copy of the report of the District Officer?

**The Hon'ble Babu AKSHAY KUMAR DAS:** If the hon. member desires, Government will have no objection.

**Babu HARENDRA NARAYAN CHAUDHURY:** May I know, Sir, whether the gardens referred to in the reply are owned by Indian or Europeans?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Some of the gardens are owned by Indians and some are owned by Europeans.

**Babu HARENDRA NARAYAN CHAUDHURY:** How many are owned by Indians and how many by Europeans?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I cannot say that, Sir.

**Mr. ARUN KUMAR CHANDA:** What is the monthly earning of a labourer in a Tea Estate in Cachar?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I cannot say that off hand.

**Mr. ARUN KUMAR CHANDA:** Will the Hon'ble Minister take it from me that inadequacy of the wages paid is one of the principal grievances of the labourers?

**The Hon'ble Babu AKSHAY KUMAR DAS:** It may be so, Sir.

**Mr. ARUN KUMAR CHANDA:** And that such a grievance cannot be manufactured by the Congress Party?

**The Hon'ble Babu AKSHAY KUMAR DAS:** That is a matter of opinion, Sir.

**Colonel A. B. BEDDOW:** Are Government aware of the fact that the tea-garden labourers' wages are very much higher than what an ordinary *raiya* earns?

**The Hon'ble Babu AKSHAY KUMAR DAS:** That may be so.

**Mr. ARUN KUMAR CHANDA:** Are Government aware that the amount of task allotted to a tea-garden labourer, on the basis of which his wages are assessed, is one of the fruitful sources of discontent among the labourers?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I have no information, Sir.

**Colonel A. B. BEDDOW:** Are Government aware that the ordinary period a labourer works on a tea garden, except at the top of the plucking season, is four hours a day?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes.

**Babu HARENDRA NARAYAN CHAUDHURY:** Are Government aware that the behaviour of the managers, particularly European managers, is the cause of the trouble?

**The Hon'ble Babu AKSHAY KUMAR DAS:** No, Sir.

**Mr. ARUN KUMAR CHANDA:** Are Government aware that one of the strikes originated from the fact that a manager had treated a female labourer barbarously?

**The Hon'ble Babu AKSHAY KUMAR DAS:** No.

**Srijut DEBESWAR SARMAH:** Sir, in reply to a recent question the Hon'ble Minister stated that the hours of work in tea gardens are four hours. Will the Hon'ble Minister be pleased to say from what hour to what hour?

**The Hon'ble Babu AKSHAY KUMAR DAS:** It is on the average four hours.

**Srijut DEBESWAR SARMAH:** When does it start and when does it finish, Sir?

**The Hon'ble Babu AKSHAY KUMAR DAS:** We are informed that the average is four hours.

**Srijut DEBESWAR SARMAH:** I want to know, Sir, when the labourers begin the work and end it generally?

**The Hon'ble Babu AKSHAY KUMAR DAS:** It varies according to the routine of work in each garden.

**Srijut DEBESWAR SARMAH:** When does the routine start, Sir, and when does it end?

**The Hon'ble Maulavi MUNAWWAR ALI:** Sir, can the hon. member ask for such minute details?

**The Hon'ble the SPEAKER:** The hon. members are putting questions for the purpose of subjecting the Hon'ble Minister to cross-examination.

**Srijut DEBESWAR SARMAH:** The Hon'ble Minister has made a statement which in accordance with our experience is not in keeping with the ordinary procedure.

**Mr. H. F. CLARK:** Is the Hon'ble Minister aware that the statement regarding barbarous treatment referred to by the hon. member Mr. Chanda has been proved to be entirely false by the District Magistrate?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I have no information, Sir.

#### Provision in the budget for an additional grant for secondary schools in the Province

**Srijut DEBESWAR SARMAH** asked:

\*205. Will Government be pleased to state—

- (a) Whether any provision has been made in the budget for 1938-39 for additional grant for secondary schools in the Province?
- (b) Whether it is a fact that the greater portion of the grant of Rs. 40,000 given in 1937-38 was distributed to High Schools and only a small portion was given to Middle English Schools?
- (c) Whether it is a fact that there are a large number of Middle English Schools all over the province drawing either inadequate grants or are without any grants at all?

\*206. If the answer to question 205(c) above is in the affirmative, do Government propose to provide funds in the budget for 1939-40 for additional grants to secondary schools, particularly to Middle English Schools?

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

205. (a)—No.

(b)—Yes.

(c)—Yes.

206.—Government will consider at the time of the framing of the budget whether more money is available for the purpose.

**Srijut DABESWAR SARMAH§**: Has the Hon'ble Minister been able to make up his mind whether he will be able to allot money or not ?

**The Hon'ble Maulavi MUNAWWAR ALI§**: I can certainly allot money, if it is available. I can assure the hon. member that nobody is more anxious than I am.

**Srijut DEBESWAR SARMAH§**: What does the Hon'ble Minister think ? Will there be any money available for the purpose ?

**The Hon'ble Maulavi MUNAWWAR ALI§**: That is a question for the future which I cannot foretell.

**Srijut DEBESWAR SARMAH§**: When is the budget work taken in hand, Sir ?

**The Hon'ble Maulavi MUNAWWAR ALI§**: As soon as the burden of this Assembly is relieved.

**Srijut DEBESWAR SARMAH§**: Considering that it is not a distant future, can we have any idea whether money will be allotted or not ?

**The Hon'ble Maulavi MUNAWWAR ALI§**: I cannot say anything more than what I have already told the hon. member.

#### Cattle mortality in Barpeta subdivision

**Srijut GHANASHYAM DAS** asked :

\*207. (a) Has the attention of Government been drawn to the Articles "Barpeta Notes" in the *Times of Assam* in its issue dated the 16th July 1938 and 'Howli mouzat Gorur Mahamari' or cattle mortality in Howli mauza in the Bi-weekly *Assamiya* in its issue, dated the 2nd August, 1938 ?

(b) If so, will Government be pleased to state the total number of cattle mortality in the Barpeta subdivision ?

\*208. (a) Are Government aware that owing to the havoc caused by the rinderpest, many cultivators have been deprived of their plough cattle ?

(b) If so, will Government be pleased to state whether Government have taken prompt and necessary steps to help the said cultivators by issue of Agricultural loans ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** replied :

207. (a)—Yes.

(b)—1,753.

208. (a)—Mortality amongst plough bullocks has been reported to be 2½ per cent. only.

(b)—Government have sanctioned Rs 15,000 for agricultural loans in Barpeta subdivision in connection with the recent flood and the local officers must have considered the cases of the people concerned.

**Srijut KAMESWAR DAS:** May I know, Sir, what is the correct figure in answer to question No 207(b) ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** It is 1,753.

**Srijut KAMESWAR DAS:** Is it a fact that the figures were collected by the Land Records staff ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I am not sure, Sir, by whom the figures were collected. I have received the information from the Veterinary Superintendent.

**Srijut KAMESWAR DAS:** Will the Hon'ble Minister deny that the figures collected by the Land Records staff from 8 mauzas alone are as high as 15,000 ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I do not know, Sir. It may be different but I have to take the official statement as correct.

**Srijut GHANASHYAM DAS:** Do Government think that the figure given in answer to question No. 207(b) is correct ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** The figure has been supplied by a responsible official and I take that it is correct.

**Srijut GHANASHYAM DAS:** I say, Sir, that even the figure for 4 mauzas of the subdivision is greater than the figure supplied by the Government.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** That is my information, Sir.

**Maulavi Syed ABDUR ROUF:** On what date did 1,500 cattle die ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I think the question refers to the recent outbreak and the figures have been collected with regard to the recent outbreak.

**Maulavi Syed ABDUR ROUF:** Are Government aware that during the flood, even after July 16th, there was a large number of deaths of cattle ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** The question does not refer to the period after the recent cattle mortality at Barpeta. The cattle mortality during the flood does not refer to the question, and so I require notice.

**Srijut GHANASHYAM DAS:** Will Government please state in what part of the subdivision the agricultural loan has been issued ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** Throughout the subdivision.

**Srijut GHANASHYAM DAS:** In what part of the subdivision ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** For that I shall have to make an inquiry from the local officers.

**Maulavi Syed ABDUR ROUF:** Are Government prepared to admit whether this sum of Rs.15,000 is quite enough for the subdivision.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** If the local officers make requisition for more money Government will consider that.

**Srijut GHANASHYAM DAS:** Did not Government advise the local officers that these loans should be issued to the immigrant cultivators only ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I am not aware of that

**Srijut KAMESWAR DAS:** Is it not a fact that the figures of cattle mortality during the recent outbreak in the Bajali circle were collected by the Land Records staff and they were found to be as high as 15,000 in 8 mauzas alone ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** The figures laid before the House was based on information from the Superintendent of Veterinary Department.



**Srijut KAMESWAR DAS:** When were these figures collected ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** It must have been collected just after the epidemic.

**Srijut KAMESWAR DAS:** Is it a fact that the opinion as to the correctness of the figures supplied by the Veterinary Department was taken from the Subdivisional Officer, Barpeta ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I am not aware of that.

**Maulavi Syed ABDUR ROUF:** Is it a fact that the local officers have not taken into consideration the cattle mortality in giving the agricultural loans ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I take it that they must have taken into consideration everything, such as the amount of distress, mortality of cattle and so forth ?

**Srijut KAMESWAR DAS:** Will Government please make a fresh enquiry in view of the fact that the figures supplied by the Veterinary Department are challenged ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** If my hon. friend so desires I am prepared to make a fresh enquiry, but I do not think that any useful purpose will be served by that.

#### Restoration of Dr. H. K. Das's pension

**Mr. FAKHRUDDIN ALI AHMED** asked :

\*209. Will Government be pleased to state—

- (a) Whether Government have passed any order on the petition of Dr. Hari Krishna Das, retired Civil Surgeon, Gauhati, for restoration of his pension ?
- (b) Whether Dr. H. K. Das's pension has been restored ?
- (c) From which date the said pension has been restored ?
- (d) The reason why the said pension has not been restored with retrospective effect ?
- (e) Whether it is a fact that the Hon'ble the Chief Minister had stated on the floor of the Assembly during the last Budget Session that his pension was not withheld because he had joined the Congress but because he had extolled the murderers ?
- (f) Whether Dr. Das has from the very beginning denied the said allegation and stated over and over again that he never extolled the murderers nor he could or would do as he was a staunch follower of Mahatma Gandhi and a firm believer in the non-violent creed of Satyagraha of the Congress ?
- (g) Whether the pension has not been restored on the clear understanding by Government now that Dr. Das was not guilty of any other crime except of becoming a member of the Indian National Congress ?
- (h) Whether Government propose to revise their order and restore the pension with retrospective effect ?

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

209. (a)—Yes.

(b)—Yes.

(c)—From 12th February 1938.

(d)—Because no assurance was received from the pensioner, till that date, that he would dissociate himself from movements which aim at the subversion of Government established by law in British India.

(e)—Yes.

(f)—Government were not able to accept the bare denial by Dr. Das in the face of the clear intention of his words and of his failure to give an undertaking for the future.

(g)—No. Government were concerned with Dr. Das's undertaking for the future.

(h)—No.

**Mr. FAKHRUDDIN ALI AHMED :** Is it a fact that in the so-called undertaking, Dr. Das stated that he never extolled any act of violence ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** As I stated in this House before, that in a particular presidential speech, Dr. Das extolled the sacrifice of Rajguru, Bhagat Singh and Sukdev, who were implicated in murders and on that basis Government wanted an explanation from him why he extolled the murderers and his explanation not being satisfactory, Government suspended his pension.

**Mr. FAKHRUDDIN ALI AHMED :** Did not Dr. Das deny the allegation made against him and categorically stated that he never extolled the murderers ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Yes, I have already admitted that he denied the allegation, but Government had the stenographer's report before them and also the speech published in a nationalist paper like the "Times of Assam".

**Mr. FAKHRUDDIN ALI AHMED :** Did not the Hon'ble Chief Minister during the last session stated before the House that if Dr. Das repudiated that statement, his case will be taken into consideration ?

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

**Mr. FAKHRUDDIN ALI AHMED :** If that view has been taken, what is standing in the way of the Government to restore his pension with retrospective effect ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Government warned Dr. Das three times before his pension was suspended. Then it was stated on the floor of the House that if he made an application to Government repudiating that statement and that in future he would not take part in or incite others to violent activities, his case would be considered, but he refused to do so. Therefore, Government thought that he was still holding that opinion. Now that he has given an undertaking in last February that he never joined and cannot join in future in such activities on principle, Government passed order restoring his pension from February 1938.

**Mr. FAKHRUDDIN ALI AHMED :** Is it a fact that Dr. Das made this statement from the beginning ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** He refused to give an undertaking in December last.

**Mr. FAKHRUDDIN ALI AHMED :** Is it the sense that he has not given any undertaking ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** No ; he has given a sort of undertaking now in the opinion of Government.

**Mr. FAKHRUDDIN ALI AHMED :** In view of the fact that he has been a staunch supporter of non-violence, do Government think that he ever took part in any violent activities ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Yes, he did not take part in any violent activities, but he extolled the sacrifices made by some murderers in a speech at Naduar Conference and in a way excited the public to follow their example.

**Mr. FAKHRUDDIN ALI AHMED :** If Government believe the statement made by Dr. Das, what is standing in their way to restore his pension with retrospective effect ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Government gave Dr. Das sufficient opportunity to repudiate the statement and to give an assurance that in future he would not incite others to follow the lead of the murderers, but he refused to do so even in his last but one letter. It is only in last February that he has seen his way to give such an undertaking.

(Starred questions Nos. 210-211 standing in the name of Khan Sahib Maulavi Mudabbir Hussain Chaudhuri were not called and answered as the questioner was absent.)

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

**Babu KARUNA SINDHU ROY :** Before going to the unstarred questions may I point out one thing regarding unstarred question 189 ?

**The Hon'ble the SPEAKER :** We are not yet at that. The hon. member will raise the point when he shall reach that question.

**Maulavi MABARAK ALI :** Mr. Speaker, Sir, shall we have an answer to question 37 ? The Hon'ble Chief Minister gave us an assurance that he will give a reply after reading the certificates.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** No, Sir, I have not been able to get hold of the file as yet.

*Re realisation of subscription by ticket system for Local Board dispensaries in the Sunamganj subdivision*

**Babu KARUNA SINDHU ROY** asked :

94. Will Government please state—

(a) If there is a strong feeling in the district of Sylhet against the realisation of subscription of one anna by the ticket system for Local Board Dispensaries in the Sunamganj subdivision ?

(b) Why this prescription system has been preferred to the monthly subscription system in case of well-to-do persons ?

(c) If the subscription of one anna is realised from each patient for each of the diseases from which he suffers ?

(d) If the introduction of the system keeps the doctors engaged for most part of a day in doing accountancy works ?

(e) Whether after the introduction of the system, the number of indoor patients to dispensaries has been decreased ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

94. (a)—No. Government are not aware of any such feeling and do not see any reason why there should be such a feeling.

(b)—The question of preference does not arise. The monthly subscription system still exists. It is for the persons concerned to choose between the two. Well-to-do persons are at liberty to give monthly subscription and get free supply of medicines.

(c)—A fee of one anna is charged under Local Self-Government Rule 155A from certain classes of persons seeking aid for the first time in respect of any particular complaint. Nothing is however charged for complications, if any, arising out of the complaint.

(d)—No.

(e)—No. On the contrary it has increased.

**Babu KARUNA SINDHU ROY:** With reference to (a) Do Government want to be aware of the strong feeling by means of demonstration as has been done in regard to the Sylhet Tenancy (Amendment) Bill?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The reply is there: "No, Government are not aware of any such feeling and do not see any reason why there should be such a feeling".

**Babu KARUNA SINDHU ROY:** Has the number of indoor patients decreased on account of the introduction of the one anna system?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I have already replied to that question.

**Maulavi ABDUR RAHMAN:** Are Government aware that the introduction of one anna system does not fetch much money?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** That is a matter for the dispensary committee to decide.

**Babu KARUNA SINDHU ROY:** Is it a fact, Sir, that sometimes patients are denied medicine in deserving cases if they do not pay one anna?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** We have no information, Sir, that the doctors do any such thing.

**Babu KARUNA SINDHU ROY:** My question No.94(c) was: Will Government please state—if the subscription of one anna is realised from each patient for each of the diseases from which he suffers? The answer is: Nothing is however charged for complications, if any, arising out of the complaint.

May I ask the Hon'ble Minister for Local Self-Government if a patient suffering from fever asks medicine for another disease, will he be charged two annas for both the diseases?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The practice that Government is aware of, is that, if a patient goes to the dispensary and on consideration of his being an indigent person, pays one anna, he is not charged anything further.

**Civil Disobedience Movement and cases of resignation, dismissal, discharge or suspension of officers in connection with it**

**Babu KARUNA SINDHU ROY** asked:

95. Will Government please state—

- (a) How many Government officers went out of office by resignation, dismissal, discharge or suspension in connection with activities arising out of the Civil Disobedience Movement?
- (b) What are the names and designations of aforesaid officers?
- (c) Whether they applied for re-instatement under the Gandhi-Irwin agreement?
- (d) If they have been re-instated?
- (e) If not, what are the facts on account of which they are not re-instated?

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

95.—These questions are practically the same as those asked by the late Rai Bahadur Nagendra Nath Chaudhury in the Budget Session of 1932, the proceedings of which were published in the *Assam Gazette* of the 13th April 1932. The replies are—

- (a)—One Police Constable was dismissed after conviction by a Criminal Court. One additional Mandal resigned.
- (b)—Government are not prepared to give names.
- (c)—The case of the constable does not fall within the scope of the agreement. The Mandal did not apply for re-instatement.
- (d)—No.
- (e)—The reasons are given in the reply to (c).

**Babu KARUNA SINDHU ROY** : Will Government please state why Babu Jatish Chandra Das, a lecturer of the Murarichand College was not reinstated though he applied for re-instatement ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : Does this question arise Sir ?

**The Hon'ble the SPEAKER** : No, I do not think it arises. The question is in general terms. If the hon. member had any particular case in mind, the hon. member ought to have put a substantive question.

**Srijut BELIRAM DAS** : With regard to (b) it is stated in the reply that Government are not prepared to give names. May I ask what prevents the Hon'ble Minister from giving names of these gentlemen ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : The question was :—

(a) How many Government officers went out of office by resignation, dismissal, discharge or suspension in connection with activities arising out of the Civil Disobedience movement ?

(b) What are the names and designations of aforesaid officers' ?

We have given sufficient indication that one Police Constable and one additional Mandal resigned. I do not think, not disclosing any name, has in any way detracted me from my answer.

**Re taking over charge of the Sunamganj-Sylhet road with Chhatak-Govindganj feeder by the P. W. D.**

**Babu KARUNA SINDHU ROY** asked :

96. Is it a fact that the Public Works Department has taken over charge of the Sunamganj-Sylhet Road with Chhatak-Govindganj feeder from 1st April 1938 ?

97. (a) Is it a fact that the repair works of the aforesaid road are to be undertaken by the Public Works Department from now part by part ?

(b) If so, will Government please state, what portion will be taken up first ?

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

96.—Improving the Sylhet-Sunamganj road is one of the projects selected by the Communications Board which has received approval of Government of India. This road has not as yet been transferred to the charge of the Public Works Department.

The question of taking over Chhatak-Govindganj feeder road does not arise, as this is not included in the programme approved of by the Communications Board.

**Babu KARUNA SINDHU ROY:** Will Government please state what is the reason for not taking the Sunamganj—Pagla portion of the road first, as it will expedite the commencement of communication in the Sylhet-Sunamganj Road as the other portion, *viz.*, Sylhet Govindaganj portion is in order ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** In this matter we are guided by the advice of the Communications Board. If the Communications Board says that the portion mentioned by my friend should be taken up first, there will be no objection.

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

97. (a)—If by the word “ repair works ”, the maintenance of the road is meant, the reply is in the negative. If, however, it refers to “ improvement ” of the road, this will be taken up part by part.

(b)—It is proposed to take up first the portion of the road between Sylhet and Govindaganj.

#### **Extension of Ropeway to Chhatak by the Cherra Ropeway Company**

**Babu KARUNA SINDHU ROY** asked :

98. Is it a fact that the Cherra Ropeway Company is extending their Ropeway to Chhatak ?

99. Will Government be pleased to state if Government have received any application from the labourers who bring oranges, limestones, etc., from hills to Chhatak for stopping this extension ?

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

98.—A proposal to extend the line to Chhatak is under the consideration of the Company.

99.—No.

**Babu KARUNA SINDHU ROY:** Will Government take it from me that an application was sent by labourers on the 9th December, (of which I have got a copy) and posted from Chhatak ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not in charge of the port folio of Labour. Mr. Das might reply to this.

**The Hon'ble Mr. AKSHAY KUMAR DAS:** No, Sir.

#### **Re realisation of subscriptions from litigants for Anti-Tuberculosis Associations by Extra Assistant Commissioners of Sunamganj**

**Babu KARUNA SINDHU ROY** asked :

100. Is it a fact that the Extra Assistant Commissioners of Sunamganj are realising subscriptions from litigants for Anti-Tuberculosis Associations ?

101. Is it a fact that three boxes have been kept in three of the Ejlases of Subdivisional Courts at Sunamganj for this purpose ?

102. Is it a fact that compoundable cases are not allowed to be compromised till subscriptions are offered by parties to the Magistrates concerned ?

103. If the answers to questions 101 and 102 are in the affirmative, will Government please state if such realisations are made by the orders of Government, if not, do Government propose to stop such realisations ?

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

100.—Only as stated in reply to the next question.

101.—A box has been placed in each of three Court rooms at Sunamganj, as requested by the Anti-Tuberculosis Association of Sunamganj.

**Babu KARUNA SINDHU ROY:** Is it not a compulsory subscription when a magistrate asks the parties who are expecting a favourable judgment from him, to pay this subscription ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I repudiate the insinuation, Sir. It is a humanitarian work. The boxes have simply been placed there. Supposing a box has been placed in a corner of the Assembly, are hon. members compelled to pay any subscription under the orders of the Hon'ble Speaker ?

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

102.—No.

103.—Government have not passed any orders on the subject, but see no reason to interfere as the subscription is voluntary.

**Dismissal of Babu Sasi Mohan Sarma, a Clerk in the Sub-Registry office of Sukhair**

**Babu KARUNA SINDHU ROY** asked :

104. Is it a fact that Babu Sasi Mohan Sarma, a clerk in the Sub-Registry office of Sukhair under the Police Station Dharampassa, was dismissed on 16th January 1932 for misappropriation of a sum of Rs.8-4-2 ?

105. Is it a fact that the following findings were recorded in the proceedings drawn up against him that "The facts stated in Sasi Babu's explanation are correct, but, though his hand is not seen the working of his mind is clear beyond doubt"?

106. If so, is it justifiable to dismiss a Government employee depending upon the Psychological analysis of his mind by an officer ?

107. Do Government propose to call for papers relating to the dismissal of the said clerk ?

**The Hon'ble Babu AKSHAY KUMAR DAS** replied :

104.—Yes, the amount involved was however Rs. 8-10-0.

105.—Yes.

**Babu KARUNA SINDHU ROY:** Are there any official records to show that the District Registrar remarked that the facts stated in Sasi Babu's application were correct ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Yes.

**Babu KARUNA SINDHU ROY:** Has another fresh petition been sent ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I have received a memorial from Sashi Babu.

**Babu KARUNA SINDHU ROY:** Will Government inform me what consideration is going to be made ?

**The Hon'ble Babu AKSHAY KUMAR DAS:** Government is not in a position to say what they will consider.

**The Hon'ble Babu AKSHAY KUMAR DAS** replied :

106.—It was not on the basis of a psychological analysis of his mind that he was dismissed but on the basis of certain clear findings and his past records.

107.—No.

**Want of sufficient lands for cultivation, etc., for the villagers of Binajura, etc.**

**Babu KARUNA SINDHU ROY** asked :

108. Is it a fact that it has become almost impossible for the villagers of Binajura and Lalpur under Police Station Dharampassa to continue to remain in their villages for want of sufficient lands for cultivation, pasture lands for cattle and for other inconveniences ?

109. (a) Is it a fact that the landlords of Bhatipara are trying to turn the Buro crop lands belonging to aforesaid villages into fishery Mahals ?

(b) If so, is it legal ?

110. Is it a fact that the aforesaid villagers have been deprived of their pasture lands and of collection of fuels from adjoining jungles by landlords who have reserved these lands ?

111. Is it a fact that two villagers named Thakur Chand Das and Haribal Das have left their village owing to these inconveniences ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

\*108, 109, 110 and 111.—Government have no information. They have also no power to limit the uses to which the proprietors put their lands except under the Tenancy Act. If any one is aggrieved he may approach the Civil Court.

With reference to the question No. 109 (b), the legality may be tested in a Court of law by the people affected. The Executive Government is not in a position to express any opinion.

**Allegations of serious torture against one Assistant Sub-Inspector of Police and two constables of Biswanath thana**

**Babu KARUNA SINDHU ROY** asked :

112. Are Government aware that one Brahmamoyee De of village Digli made allegations of serious torture against one Assistant Sub-Inspector of Police and two constables of Biswanath thana on 14th September 1937 ?

113. Is it a fact that a petition was sent to the District Superintendent of Police, Sylhet, on 14th September 1937 ?

114. Will Government please state if any enquiry has been made and if so when the enquiry was made and with what result ?

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

112.—Yes.

113.—Yes. It was received in the office of the Superintendent of Police, Sylhet, on 16th September 1937.

114.—Yes. An enquiry was made by an Inspector of Police on 24th September 1937 and 25th November 1937, but he found that the simple fact that the house had been searched at dawn for an absconder had been distorted to suggest ill-treatment. The petition was filed by the Superintendent of Police, Sylhet.

\*Further supplementary questions with regard to unstarred question No.108 were put jointly with the supplementary questions under unstarred question No.118.



**Srijut BELIRAM DAS :** It has been replied that an enquiry was made by the Inspector of Police. Do Government recognise that in a case where the accusation is made against a Police Officer the enquiry should not have been entirely left to the man of the same department? Should it not have been left to a Committee consisting of officials and non-officials together? Do Government deny this?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** No, Sir, I do not admit that. The allegations were against an Assistant Sub-Inspector and the enquiry was made by an Inspector. Government have no reason to believe that the Inspector will side with his own subordinate.

**Babu KARUNA SINDHU ROY :** Is it a fact that the Divisional Inspector, on the 24th September went away saying that he would return again and take evidence of the defence; but he did not return though reminded by a letter.....

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** The question is very lengthy. Will the hon. member please split it up?

**Babu KARUNA SINDHU ROY :** Did the Divisional Inspector hold an enquiry on the 24th September?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** It is already in the reply that the Divisional Inspector made an enquiry on the 24th September.

**Babu KARUNA SINDHU ROY :** Did he finish?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Probably not, he went again in November.

*Re a murder case at Dawki.*

**Babu KARUNA SINDHU ROY** asked :

115. Is it a fact that there was a murder at Dawki recently and that it was due to drunkenness on the part of the murderer or murderers?

116. Is it a fact that country liquor is very cheap at the above place?

117. Will Government be pleased to state what action they propose to take to put effective control of such rowdyism and drunkenness at the above place?

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

115.—The hon. member presumably refers to a fight between some Nepalis on 15th February 1937. There has been no more recent case. As the result of the fight one man died, but the conviction of the supposed assailant was for causing grievous hurt. It was reported that the two men who were found injured in this affair smelt of drink, but there was no other evidence on the point of drunkenness.

116.—It is reported that liquor was cheap there at the time.

117.—The Excise Department had already detected several cases of illicit manufacture of liquor, and the conviction is believed to have produced a sobering effect on the local population. An Excise officer has been instructed to pay special attention to this area and check abuses.

**Appointment of Babu Radhabinode Bhattacharyya of Digli**

**Babu KARUNA SINDHU ROY** asked :

118. Do Government propose to reappoint Babu Radhabinode Bhattacharya of Digli, P. O. Gobinganj, subdivision Sunamganj, who was convicted for defalcation, as a primary school teacher?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

118.—Appointment to the post of a Primary School teacher in Local Board Primary schools rests with the Local Board concerned.

**Babu KARUNA SINDHU ROY:** Can this gentleman be taken in, as a jail teacher in any of the jails in Assam as he was a jail teacher when he was in jail ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I cannot say. It all depends on the authorities.

**Maulavi ABDUR RAHMAN:** I rise on a point of order Sir. I want to know something about the question 108. The question 108 is "Is it a fact that it has become almost impossible for the villagers of Binajura and Lalpur under Police Station Dharampassa to continue to remain in their villages for want of sufficient lands for cultivation, pasture lands for cattle and for other inconveniences?"

**The Hon'ble the SPEAKER:** Then what is the objection of the hon. member with regard to question 108 ?

**Maulavi ABDUR RAHMAN:** Sir, so far as my knowledge goes, Government does not maintain any such record to show that certain villagers are landless and certain villagers are in possession of sufficient lands. Question 118 says that certain teacher was removed from the service of a Board and whether Government propose to reappoint him. I want to say Sir, that it is absolutely the business of the Local Board Chairman and so this particular question should not come here. My point is, Sir, that when the Hon'ble Speaker does not prohibit us from putting such question, I think, the valuable time of the House will be wasted.

**The Hon'ble the SPEAKER:** What the hon. members objection is, I can't understand.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** His objection is that the matter appertains to Local Board.

**Maulavi ABDUR RAHMAN:** These are minor things and it should not come to this Hon. House.

**Mr. ARUN KUMAR CHANDA:** Since these questions have been admitted by the Hon'ble Speaker, is it not questioning the authority of the Chair ?

**The Hon'ble the SPEAKER:** No. Certainly not.

**Maulavi ABDUR RAHMAN:** These are matters concerning the Local Board and I do not understand why the Hon'ble Speaker allows this.

**The Hon'ble the SPEAKER:** Now with regard to the objection raised by the hon. member relating to question 108 I quite appreciate his point. Some hon. members sent some questions relating to the administration of some Zemindars whose estates were not under the management of Court of Wards and I remember that I wrote to them refusing their questions and saying that these were not questions about which Government could be asked to answer on the ground that they related to the internal administration of private estates. Now the question 108 is "Is it a fact that it has become almost impossible for the villagers of Binajura and Lalpur under Police Station Dharampassa to continue to remain in their villages for want of sufficient lands for cultivation, pasture lands for cattle and for other inconveniences?" It does not show that the question has any reference to any act of administration of Zemindars. Now Government have got certainly a duty to inquire whether certain class of people have got sufficient lands or not and in view of this aspect of the matter the question was admitted.

Then with regard to question 118, the point that has been raised by the hon. member is also a pertinent question. I remember to have told the hon. members that such questions which really relate to internal

administration of Local Bodies should not be tabled ; but as the members are not as yet fully accustomed with the Parliamentary practices, I thought that I should not exercise my discretion in disallowing the question. In course of time the hon. members will themselves realise as the hon. Maulavi Abdur Rahman has realised now. If the proceedings of the House be consulted then, I think, an hon. member could find that in the past, such questions relating to the internal administration of the Municipality or Local Board were put. I am, however, hoping for the day when the hon. members will realise that the questions relating to internal administration of the Local Boards or Municipalities should not be asked.

**Creation of a *bil* by the Gauripur estate near the village Bhowanipur, etc.**

**Babu KARUNA SINDHU ROY** asked :

119. Will Government please state—

(a) Whether it is a fact that a *bil* has been created by the Gauripur estate near the village Bhowanipur under police station Dharmapassa, constructing a bund, from which the agriculturists are not allowed to draw water for sufficiently watering the fields at the time of draught ?

(b) Whether it is a fact that the agriculturists of the following villages are deprived of their Boro lands by the landlords of the Palash and Gaurarang under Police station Sunamganj for a fishery mahal created in Kharchar haor for the profits of the landlords ? Pirijpur, Bajitpur, Fulbari, Kaua, Kalaya, Haripur, Panchhisha, Sangrampur, Bhatipara, Niamatpur, Ichharohar, Saphella, Borghat, Jagganathpur, Dhulpashi, Harinagar, Naluarpar, Noagao, Amritsree, Abadigao, Pyarinagar, Ghugtia, Badurpur, SriJharpur, Brajanathpur, Bhiswambarpur, Umeper, Fakirgao, Lalargao, Gopalpur, Chandargao, Angaruli

(c) Whether it is a fact that the villagers of Kasipur under police station Dharampassa have become almost landless owing to the dispossession of their lands by the Zaminders of Bhatipara for making a fishery mahal called Ailar *bil* ?

(d) Whether it is a fact that the landlords of Bhatipara are trying to convert the Boro lands belonging to the villages of Lalpur, Bhati Daulatpur under police station Dharampassa into a fishery mahal called Derai *bil* ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

119.—Government have no information.

**Dismissal of one Hari Mohan De, a Constable**

**Babu KARUNA SINDHU ROY** asked :

120. Is it a fact that one Hari Mohan De, a constable, was dismissed in the year 1933, while he was in the Town Guard Habiganj ?

121. Is it a fact that he was dismissed for bringing certain allegations against a Sub-Inspector ?

122. Will Government please state whether any enquiry was made about those allegations ?

123. (a) Do Government propose to call for all the papers relating to the dismissal of the constable and make further enquiries ?

(b) If not, why not ?

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

120.—Yes.

121.—Yes.

122.—The constable appealed to the Inspector General of Police who examined the proceedings and dismissed the appeal.

123. (a) and (b)—No. Government considered two memorials filed by the constable in September and November 1934 and found no reason to interfere.

**Re realisation of a cess called *Khutgari* by the landlords of Sunamganj subdivision**

**Babu KARUNA SINDHU ROY** asked :

124. Is it a fact that landlords of the Sunamganj subdivision realise a cess called *khutgari* from boats coming to purchase agricultural produce from the Bengal districts ?

125. Is it a fact that Zaminders of Palas and Dwara in the Sunamganj subdivision give leases to persons for realising these *khutgaries* ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

124 and 125.—Government have no information.

**Srijut BELIRAM DAS\*** : Sir, as regards questions 124 and 125, the reply is "Government have no information". Will the Hon'ble Minister be pleased to state whether the system of *Khutgari* is not prevalent in the province ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : The question relates to Sunamganj subdivision only. I want notice of the question as regards the whole province.

**Establishment of Debt Conciliation Boards in Assam**

**Babu KARUNA SINDHU ROY** asked :

126. Is Government aware that there is strong feeling throughout the province to have Debt Conciliation Boards everywhere ?

127. Do Government propose to establish Debt Conciliation Boards in every Choukidari circle of the district at once ?

128. Will Government please state—

(a) If the jurisdiction of the newly established Board at Sylhet is limited ?

(b) If a person residing under police station Dharmapassa can file a petition in the Sylhet Board ?

\*Speech not corrected.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

126.—Government recognise that there is scope for many more Boards in the Province. But this depends on the success of the existing two Boards which have only been working for a few months. The cost of such Boards is also not inconsiderable.

127.—No.

128. (a)—As the North Sylhet Debt Conciliation Board has been established for the Sadar subdivision, its jurisdiction therefore extends to the whole area of that subdivision only.

(b)—No.

#### **Luhachurakhal under Police Station Tahirpur**

**Babu KARUNA SINDHU ROY** asked :

129. Will Government please state whether Government has enquired about the blockade of Luhachurakhal under police station Tahirpur as promised in answer to my question No. 333 in the February-March session 1938 of the Assembly ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :—

129.—Government understand that the outgoing Chairmain could not visit the locality. The present Chairman has been asked to do so in the next dry weather.

#### **Re a road for connecting Biswanath road with Jagannathpur.**

**Babu KARUNA SINDHU ROY** asked :

130. Will Government please state whether there is any contemplation to have a road for connecting Biswanath road with Jagannathpur either by the Public Works Department or Local Board of Sunamganj ?

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

130.—Not at present.

**Dr. Akhtaruddin Ahmed, Assistant Surgeon, Sunamganj.**

**Babu KARUNA SINDHU ROY** asked :

131. Will the Hon'ble Minister please state for how many years Assistant Surgeon Dr. Aktaruddin Ahmed is at Sunamganj ?

132. (a) Is it a fact that he was ordered 4 times to be transferred but subsequently the orders were cancelled ?

(b) If so, why ?

133. Is the Hon'ble Minister aware that he urged the Chairman, Sunamganj Local Board, for a temporary epidemic doctor during the recent epidemic at Sunamganj and one Syed Siddik Ali, L.M.P., was taken at his request ?

134. Is the Hon'ble Minister aware that Dr. Aktaruddin Ahmed, Assistant Surgeon, canvassed each Local Board Member to secure the post of the Local Board doctor for Syed Siddik Ali, L.M.P. ?

135. Is the Hon'ble Minister aware that he mostly remains absent from the station for shooting purpose ?

136. Is the Hon'ble Minister aware that his treatment towards the non-Muhammadian indoor patients is ungentlemanly ?

137. Is the Hon'ble Minister aware that since he assumed charge of the Superintendent of the Sunamganj Jail, he takes undue privileges from the convicts, such as splitting of firewood and other domestic works by them ?

**The Hon'ble Rev. J. J. M. Nichols-Roy** replied :

131.—From the 30th March 1933 to the 1st April 1938.

132. (a) & (b)—No. It was decided twice to transfer him from Sunamganj but orders had to be cancelled once in his own interest and on the other occasion in public interest.

133. It is true that he asked the Chairman for a temporary epidemic doctor during the epidemic and that Maulavi Syed Siddik Ali, L.M.P., recommended by him was appointed as being the best of the candidates available.

134, 135, 136 and 137—Government are advised that there is no truth in the allegations made in these questions.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: Sir, is it not a fact that such question of communal bias raised by Babu Karuna Sindhu Roy will spread discord and hatred ?

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

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: The hon. member says that such question raises communal bias.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: That is a question of opinion Sir.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY**: May I request the Hon'ble Speaker to restrict such questions so that in future such questions may not be put in this House ? It concerns the Local Board.

**The Hon'ble the SPEAKER**: I have practically given my ruling by what I have already said that the questions relating to internal administration of the Local Board should not be asked.

### **Vigilance of Police on the movement of Congress workers in Sunamganj.**

**Babu KARUNA SINDHU ROY** asked :

138. (a) Is it a fact that the Inspector of Police, Derai circle, Sunamganj, has made arrangements to watch the movement of the local congress workers ?

(b) If so why ?

139. Will Government be pleased to state if it is the policy of the present Government to adopt repressive measure against the Congress and Peasant Associations ?

140. Is it a fact that the police authorities at Karimganj and Sylhet are trying to find out the names of places of residence of some of the Congress workers of Sunamganj, who went to attend a conference at Karimganj on 22nd May 1938 ?

141. Will Government be pleased to state the reasons for asking persons to see the Commissioners and Deputy Commissioners, when they come to subdivisional towns ?

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

138. (a) and (b)—No.

**Srijut SARVESWAR BARUA:** The answer to question 138 (a) and (b) is 'no'. May we request the Hon'ble Chief Minister to explain what does it mean?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The question is "Is it a fact that the Inspector of Police, Derai Circle, Sunamganj, has made arrangements to watch the movement of the Local Congress workers? (b) If so, why?"

The answer is 'no'. No such instruction has been given either to the Inspector or any of his men.

**Srijut SARVESWAR BARUA:** We do not understand what the 'no' means with reference to (b) *i.e.*, in reply to the question—"If so, why?"

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Instead of saying that it does not arise, I have bracketted both the questions with the reply 'No'.

139.—Does not arise.

**Srijut SARVESWAR BARUA:** As regards question 139, the answer is 'does not arise.' The question is 'Will Government be pleased to state if it is the policy of the present Government to adopt repressive measure against the Congress and Peasant Associations?' We fail to see how it does not arise.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Because we have already answered in 138(a) that Government have not issued such instruction to watch the movement of the Congress.

**Srijut SARVESWAR BARUA:** But the question 139 is not a similar question. Question No. 138 referred to a particular incident. By this question we want to know what is the policy of the Government generally?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Very well. When my hon. friend wants to know the policy of the present Government I should say that the policy is not to be violent against the Congress so long as they remain non-violent.

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

140.—No.

141.—Respectable persons of local influence are generally invited to interview the Commissioners and the Deputy Commissioners when on tour so that the latter may acquaint themselves with local conditions.

**Re the alleged fight between the men of Khan Bahadur Abdul Man-nan Choudhury, Zaminder of Shelbarash and the Zaminder of Bhabanipur.**

**Babu KARUNA SINDHU ROY** asked:

142. Is it a fact that from Shelbarash under Police station Dharampassa about 24 persons armed with *athis*, bows, *ramdaos*, etc., went to Nazirganj under Atpara Police Station, district Mymensingh, on 14th May 1937 to fight against the Zaminder of Bhabanipur (Mymensingh) and returned on 15th May 1937?

143. Is it a fact that they are the men of Khan Bahadur Abdul Man-nan Choudhury, Zaminder of Shelbarash, who engaged them at the rate of Rs.10 each?

144. (a) Is it a fact that there is an outpost at Shelbarash ?  
 (b) If so, will Government please state whether the outpost officer reported the aforesaid fact to the officer in charge of Dharampassa Police Station ?

145. (a) Will Government please state if there are any official records about this occurrence in the Police Station Dharampassa ?

(b) If so, have they been sent to the River Police Inspector ?

146. (a) If the answer to question 145(b) is in the affirmative, will Government please state whether the River Police Inspector reported the matter to the Superintendent of Police ?

(b) If not, why not ?

147. (a) Will Government please state whether any enquiry was made about this affair ?

(b) If so, were any respectable persons of the locality examined ?

148. Do Government propose to make proper enquiry about these affairs and ask the Bengal Government to enquire and report ?

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

142.—A report alleging such an occurrence was submitted to the River Police Inspector, Derai, by the Assistant Sub-Inspector of Selbaras guard.

**Babu KARUNA SINDHU ROY** : Was the Assistant Sub-Inspector of Police asked to explain why he submitted a false report ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : The question is ' Is it a fact that from Shelbarash under Police Station Dharampassa about 24 persons armed with *lathis*, bows, *ramdaos*, etc., went to Nazirganj under Atpara Police Station, district Mymensingh on 14th May, 1937 to fight against the Zemindar of Bhabanipur (Mymensingh) and returned on 15th May, 1937 ? ' The reply is ' A report alleging such an occurrence was submitted to the River Police Inspector, Derai, by the Assistant Sub-Inspector of Selbaras guard. ' The reply to question 143 is ' The report was on enquiry found to be baseless. '

**Babu KARUNA SINDHU ROY** : Was the Assistant Sub-Inspector of Police asked to explain why he submitted a false report ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I require notice of that question, Sir.

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

143.—The report was on enquiry found to be baseless.

144. (a)—Yes.

(b)—Yes.

145. (a)—Yes.

(b)—Yes, as replied in question 142.

146. (a)—Yes : after completion of the enquiry.

(b)—Does not arise.

147. (a)—Yes. A joint enquiry was made by the Sylhet and Mymensingh Police into this affair.

(b)—The Officer-in-charge, Dharampassa Police Station, made enquiries and examined the people who were supposed to know the facts.

148.—Government do not propose to make any further enquiry unless it is made to appear that this is necessary.



**Vigilance of Police upon Congress M. L. As. and other Congress workers**

**Babu KARUNA SINDHU ROY** asked :

149. Is it a fact that Government have directed the Police to watch the movements of Congress M. L. As. and other Congress workers ?

150. (a) Is it a fact that movements of some workers including myself were keenly watched by Police officials in charge of Chhatak Police Station on 27th and 28th April, 1938, when we were there in connection with the formation of the Primary Congress Committees ?

(b) If so, why ?

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

149.—Government have issued no such direction.

150. (a)—No.

(b)—Does not arise.

**The total number of Sub-Registrars**

**Babu KARUNA SINDHU ROY** asked :

151. Will Government be pleased to lay on the table a statement showing—

(a) The total number of Sub-Registrars.

(b) The total number of Muhammadan Sub-Registrars.

(c) The total number of Hindu Sub-Registrars, and

(d) The total number of scheduled caste Sub-Registrars in the Province ?

152. Is it a fact that a new Sub-Registry office has been opened at Balaganj ?

153. Is it a fact that many documents have been time-barred as other Sub-Registry offices (Tajpur, Maulvibazar) refused to receive documents stating that they were to be presented when the new office at Balaganj would be started ?

154. Will Government be pleased to state who is responsible for the loss thus suffered by parties concerned ?

155. Do Government propose to make a special arrangement for representation of these time-barred documents ?

**The Hon'ble Babu AKSHAY KUMAR DAS** replied :

151. (a)—38. [35 whole-time Sub-Registrars including two Special Sub-Registrars and 3 Sub-Registrars on commission system of whom 2 are Moslems and 1 a scheduled caste Hindu.]

(b)—Twenty-one.

(c)—Seventeen.

(d)—One.

152.—Yes.

153.—Government have no information.

154.—Does not arise.

155.—The Inspector-General of Registration will give suitable relief in deserving cases if and when they will be referred to him.

**Re the breach in the earthen bund (Kolkolia) under the Police Station, Derai**

**Babu KARUNA SINDHU ROY** asked :

156. Will Government please state if the *buro* lands in the Kaliaguta *haor* are often damaged by early flood, breaking through an earthen bund (Kolkolia) situated under the Police Station, Derai, near the village Balanpur in the subdivision of Sunamganj ?

157. Are Government aware that when the bund is broken, damage is done to 2,500 *hals* of *buro* land, possessed by villagers of 35 villages on all sides of the *haor* ?

158. Is it a fact that the earthen bund is constructed annually by the villagers and is also cut through annually at the time of ploughing ?

159. Are Government aware that in order to avoid incurring of recurring expenditure, the villagers are contemplating to have a *pucca* bund with gates to be opened and shut whenever necessary ?

160. Do Government know that such a scheme is very expensive and also requires engineering skill and that undertaking of such a scheme by the villagers is a very difficult task ?

161. Do Government propose to enquire and try to help the villagers by lending engineering advice and providing funds ?

162. Do Government propose to enquire and take necessary steps about the construction of similar bunds in the Sunamganj subdivision, specially of Abua bund near village Pirojpur under the Police Station Sunamganj ; of Kalnirchar and Radhanagar bunds under the Police Station Jagannathpur ; of Gaglakhali and Ratla bunds and other bunds to save Dhankunia, Panagana and Sarda *haors* under Police Station Dharampassa from early floods ?

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

156.—It transpires on local enquiry that as long as the bund exists there is no damage to the *buro* crops even in case of early floods, only in rare cases of exceptionally early floods the earthen bund may be broken and consequently the *buro* crop may be damaged.

**Babu KARUNA SINDHU ROY** : Do Government know that had the water level been raised by few inches more this *bund* would have been broken in March last ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : This is a hypothetical question, Sir.

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

157.—In the absence of the earthen bund, it is likely that the *buro* crops of the Kaliaghuta *haor* may be more or less affected by early floods. There are about 2,500 *hals* of *buro* lands in the *haor* belonging to about 35 villages on all its sides.

158.—The bund is constructed annually and again cut through for drainage of the *haor*.

159.—It is learnt on enquiry that the villagers are contemplating the construction of a sluice gate across the *khal* Kalkalia near village Balampur to be paid for by local subscription.

160.—Yes.

161.—Government have enquired, but were informed that the landlords concerned were prepared to contribute only 1/6th of the probable cost of such a scheme, half in cash and half in kind. Government consider such contribution by parties who will benefit most is not equitable and are unable to proceed further in the matter on such terms.

**Babu KARUNA SINDHU ROY:** Will the Government be pleased to take up the construction of the bund if the people of the locality undertake to pay one-fourth of the cost?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It will be difficult for me to reply to this question off hand here, without taking every factor into consideration. If my hon. friend will write to me I will then consider the matter.

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

162.—Not at present.

**Re issue of agricultural loans to the villagers under the Police Station, Dharampassa and distribution of doles by the Sunamganj Flood Relief Committee**

**Babu KARUNA SINDHU ROY** asked:

163. Are Government aware that four big *haors* were submerged under water as early as in March last with green paddy plants under Police Station, Dharampassa, in the Sunamganj subdivision?

164. (a) Is it a fact that most of the agriculturists residing in villages adjoining to these *haors* will have very scanty agricultural products this year?

(b) If so, will Government please either arrange loan for them or issue agricultural loan?

165. Is it a fact that some villages required relief just after the washing away of their paddy fields?

166. (a) Is it a fact that the Sunamganj Flood Relief Committee had to distribute doles amongst the people of Ulukani and Jatindrapur?

(b) Is it a fact that many representations and reports were sent to Government for sending relief to the aforesaid villagers?

(c) If so, were any doles distributed by Government to the people of Ulukani and Jatindrapur?

167. Do Government propose to prevent the re-occurrence of such early flood by erecting bunds with sluice gates?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied:

163-165.—It has been reported to Government after local enquiry that out of 1,00,000 *hals* of land in which *buvo* crop is grown in the Dharampassa Police Station, only 1,000 *hals* have been more or less damaged. These low-lying areas go under water almost every year and there has been nothing unusual this year. Bumper crops have grown in other areas of the locality. During the enquiry people pressed for permanent remedy for protection of crops but none complained of the difficulty of food. From the most recent report it appears that no agricultural loan is now required in the flood-affected areas. The local officers are watching the situation closely and if any necessity for issuing agricultural loan arises, it will be granted.

**Babu KARUNA SINDHU ROY\*:** Do Government know that the villagers residing around *Hail Haor* are always victimised by such early floods?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI\*:** I confess I have not understood the question. Will the hon. member please make it clear?

\*Speech not corrected.

**Babu KARUNA SINDHU ROY\***: This Haor is overflowed almost every year and the crops of the villagers are always destroyed. Do Government know all about these things ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI\***: The question has been fully replied, Sir. I do not think I can add anything more.

**Babu KARUNA SINDHU ROY**: Do Government know that the villages Ulukani and Jatindrapur are in acute distress even now ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI\***: I do not know, Sir.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

166. (a)—The Relief Committee passed resolution to carry out relief operations but from their report it is not clear whether any dole was actually distributed by the Committee.

(b) & (c)—A report was received from the hon. member and an M. L. C. of the locality in March last. Local officers are of the opinion that no relief is necessary.

167.—It cannot be accepted as a definite solution that the erection of bund will prevent further floods. Assam Government have not an expert who can give such an assurance before public revenues can be spent. The Subdivisional Officer proposes to visit Ratla Khal for an examination of the question regarding the necessity for the construction of a permanent bund as a measure for the protection of crops.

**Teachers of several lower primary schools in Sunamganj, and the number of Sub-Inspector of Schools in he Sunamganj subdivision**

**Babu KARUNA SINDHU ROY** asked :

168. Is it a fact that the teachers of several lower primary schools in Sunamganj, meet together occasionally in one of their schools and discuss about the methods of teaching ?

169. Is it a fact that they inspect one anothers' schools on those occasions ?

170. Is it a fact that those teachers form themselves into an examining body to set questions and examine answers, for the final lower primary school leaving examination ?

171. If the answers to questions 168, 169 and 170 are in the affirmative, will Government please state the reason for the adoption of the system and how far it advances the interests of the students ?

172. Will Government consider the desirability of abolishing the posts of Sub-Inspectors of Schools in view of the system of inspection referred to in question 169 ?

173. Will Government please state—

(a) The number of Sub-Inspectors of Schools in the Sunamganj subdivision last year and this year ?

(b) If any increase has been made ?

(c) If so, why ?

174. Will Government please state—

(a) For how long, the present Sub-Inspector of Schools, Sadar Circle, has been stationed at Sunamganj ?

(b) Whether there are any other Sub-Inspectors in the province who have been stationed in other places, for as many years as the aforesaid officer has been stationed at Sunamganj ?

175. Will Government please state when and why the Sub-Inspectors of Schools are transferred from one place to another ?

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

168.—Yes.

169.—No.

170.—They appoint Examiners and paper setters from among themselves.

171.—To improve the work of the schools obviously if the work of the teachers improves the interests of the pupils are advanced.

172.—Does not arise.

173. (a)—In 1937 the number was raised from 3 to 4. In 1938, 4.

(b) and (c)—The increase in the number of Sub-Inspectors by one was due to the number of schools being too many to be efficiently inspected by the then existing staff.

174. (a)—For about 13 years.

(b)—Yes.

**Khan Bahadur Maulavi KERAMAT ALI\*** : May I know why the same Sub-Inspector has been allowed to continue in the same place for over 13 years ?

**The Hon'ble Maulavi MUNAWWAR ALI** : In the interest of public service, Sir.

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

175.—In the interest of Public Service.

#### Amount spent for water-pumps in 1937-38 in the Surma Valley

**Babu KARUNA SINDHU ROY** asked :

176. Will Government please state—

(a) What money was spent in the Surma Valley for water-pumps in 1937-38 ?

(b) Whether the whole of that money or a part thereof was spent in 1936-37 ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** replied :

176. (a)—Rupees 12,500.

(b)—The question is not clearly understood, but the amount spent during the year 1936-37 was Rs.14,500.

#### The Mirpur Middle English School

**Babu KARUNA SINDHU ROY** asked :

177. Will Government please state—

(1) When the Mirpur Middle English School under Police Station Jagannathpur was started ?

(2) The percentage of successful candidates in the Middle English Examination for the last five years from this school ?

(3) Whether any aid has been granted to this school ?

178. Will Government please state—

(a) If any aid can be given to this school ?

(b) If not, why not ?

\* Speech not corrected.

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

177. (1)—In July 1928.

(2)—In 1933	...	...	...	100
„ 1934	...	...	...	81.8
„ 1935	...	...	...	69.2
„ 1936	...	...	...	100
„ 1937	...	...	...	91.6

(3)---No.

178. (a) and (b)—The case will be considered when funds permit.

**The Harisyam Middle English School, Habiganj**

**Babu KARUNA SINDHU ROY** asked :

179. Will Government please state—

(a) When the Harisyam Middle English School, Habiganj, was started ?

(b) When it was affiliated ?

(c) What is the present condition of the school ?

(d) What is the general result of the school from 1933 to 1937 year by year ?

180. Has the attention of Government been drawn to inspection remarks made on this school by Babu Nadiya Behari Das, Assistant Inspector of Schools, on 15th February 1932, by Mr. S. C. Roy, Inspector of Schools, on 4th February 1936, by Babu H. C. Das, Deputy Inspector of Schools, on 30th November 1935, 19th March 1937 and 23rd November 1937 ?

181. (a) Is it a fact that the Managing Committee of the school has applied for a Government grant ?

(b) If so, will Government please state if any grant is being given to the school ?

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

179. (a)—In March, 1931.

(b)—In March, 1932.

(c)—A statement is laid on the table—

<i>Enrolment.</i> —Class III—16	Number of Muhammadan pupils	...	9
„ IV—36			
„ V—13	Number of fee remissions	...	12
„ VI—10			
75	Percentage of attendance during last 15 working days.		83.6
—	Number of Volume in the Library...		170

*Staff.*—The Staff consists of 4 Teachers.

*Income.*—Most of the boys can ill afford to pay their tuition fees ; so, income therefrom is very meagre.

*Building.*—It is in a dilapidated condition and requires immediate reconstruction. Moreover, the present building is hardly sufficient for accommodation of 75 boys.

(d)—

Year	No. of candidates appeared	No. of candidates passed
In 1933	6	6
In 1934	11	10
In 1935	6	5
In 1936	12	11
In 1937	6	3

180.—Yes.

181. (a)—Yes.

(b)—The case will be considered when funds are available.

**Settlement of Ganja Golas in the various districts of the Province**

**Babu KARUNA SINDHU ROY** asked :

182. Will Government be pleased to state the rules regarding the settlement of *Ganja Golas* in the various districts and subdivisions of the province ?
183. Will Government be pleased to state—
- (a) Why the *Ganja Golas* are settled annually and with same persons from year to year ?
  - (b) Whether these settlements are duly advertised, as in the case of excise and opium shops ?
  - (c) If not, what are the reasons underlying this departure from the ordinary rules of settlements of excise shops ?
184. Will Government be pleased to state why *Ganja Golas* are not settled with unemployed and educated young men of substance ?
185. Do Government propose to frame a set of rules governing the settlement of *Ganja Golas* in the province ?

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

182.—The hon. member's attention is invited to Rule 106 at page 91 of the Assam Excise Manual, a copy of which is available in the Assembly Library.

183. (a)—The reply to the first part is that a license remains in force up to end of the year in which it is issued. So far as the second part of the question is concerned the reason is that a *Goladar* is concerned with wholesale supply and has certain responsibilities attached to such a supply. When applications are made for renewal of the licenses and when the management has been found to be satisfactory, it is not considered desirable to change the *Goladars* and disturb the arrangement for wholesale supplies

(b)—Yes, when there is a vacancy due to change of old *Goladar*.

(c)—Because these *Golas* are not Excise Shops. They are warehouses from which wholesale supplies are made to excise shop keepers.

184.—There is no bar to such settlement provided suitable candidates are available whenever any vacancy occurs.

185.—No.

**The difficulty of mail runners due to the bad condition of the road between Sachna to Tahirpur**

**Babu KARUNA SINDHU ROY** asked :

186. (a) Are Government aware that Mail runners daily run from Sachna to Tahirpur in the subdivision of Sunamganj ?

(b) Are Government aware that the road from Sachna to Tahirpur is so bad that the runners have to travel through jungles, mud and water almost throughout the whole of the dry season ?

187. Do Government propose to take steps to construct a cold weather track from Sachna to Tahirpur via Beheli ?

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

186. (a)—Yes.

(b)—The mail runners' path runs through jungle, where there will unavoidably be mud and water at places when it is raining.

During monsoons the runners travel by boats sanctioned by the postal department.

**Babu KARUNA SINDHU ROY:** Have Government referred this matter to the Postal Department, as, I understand, the runners always send their petitions for redress to the Post Office ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No. Sir, Government has not referred the matter to the Postal Department.

**Babu KARUNA SINDHU ROY:** Will Government refer it to the Postal Department ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The Postal Department is a Central Government Department, and we have no connection with it.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :  
187.—No.

**Transfer of Debendra Nath Dutta and Rathindra Nath Sen, Civil Disobedience prisoners to Kohima Jail**

**Babu KARUNA SINDHU ROY** asked :

188. Will Government please state why Debendra Nath Dutta and Rathindra Nath Sen, two Civil Disobedience prisoners were sent to Kohima Jail from Sylhet Jail in 1932 and why were they again transferred to Gauhati Jail after some months ?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** replied :

188. These two prisoners were transferred from Sylhet Jail to Kohima Jail for disciplinary reasons. They were subsequently transferred to Gauhati Jail because accommodation was available there.

**Babu Bijoy Madhab Chaudhury, whether he is a congress member of the Sunamganj Local Board**

**Babu KARUNA SINDHU ROY** asked :

189. Is it a fact that Babu Bijoy Madhab Chaudhury is a congress member of the Sunamganj Local Board ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

189 —He is reported to be so.

**Babu KARUNA SINDHU ROY\*:** Sir, this question has been misplaced here. My original question has been split up in two parts ; one part has gone under question No. 433.

**The Hon'ble the SPEAKER :** How this question relates to question No. 433 ? Will the hon. member please explain ?

**Babu KARUNA SINDHU ROY\*:** Sir, I read my original question :  
“(a) Has the attention of Government been drawn to the correspondence published in the *Janasakti* dated the 15th June 1938, under the heading

\*: peech not corrected.



“সাক্ষীর ব'র বরদারী” (b) If so, has any enquiry been made by Government ?  
(c) Is it a fact that Babu Bijoy Madhab Chaudhury is a Congress member of the Sunamganj Local Board ?”

Babu Bijoy Madhab Chaudhury complains through *Janasakti* that he was not given any travelling expense incurred by him in coming from Jagannathpur to Sunamganj, for giving evidence before the Court of an Extra Assistant Commissioner, Sunamganj. He sent a report to the *Janasakti* and I wanted to draw the attention of Government to this fact.

**The Hon'ble the SPEAKER:** Surely, I understand the point of the hon. member now. But the mistake arose perhaps from the fact that in his main question the name of this gentleman did not appear. The hon. member put his question only by referring to the publication in *Janasakti*, but he ought to have pointed out also that that publication was a publication from Babu Bijay Madhab Chaudhury, as complainant in that case. Perhaps it was not noticed by the Assembly Department that this question was connected with question No. 433, and it was consequently detached from that question. There is the further fact that his question 189 was meant to elicit the fact whether Babu Bijoy Madhab Chaudhury is a Congress member of the Sunamganj Local Board. So this question appears to relate to the portfolio of the Hon'ble Minister for Local Self-Government and it was therefore dealt with by him, whereas question No. 433 is a question which relates to a matter which is in the portfolio of the Hon'ble Minister for Judicial who has replied to this question. So if he wants, he may get his answer with regard to that question now and he may raise that point again when that question comes up.

#### Re Legislation on breaches of privileges by the Press

**Maulavi MUHAMMAD AMJAD ALI:** Mr. Speaker, Sir, I wish to put in a word about the statement for the consideration of the House with regard to the proposed legislation which you suggested on Saturday last for checking criticisms in the Press against the members of this House.

**The Hon'ble the SPEAKER:** Not for that only.

**Maulavi MUHAMMAD AMJAD ALI:** So far as Assam is concerned it is considered as a backward province, and I think the criticisms of the public voiced through the Press of the province, even if not always fair, may be helpful to us in forming correct judgments on men and things. It is easy for us to pass a legislation penalising a newspaper heavily for anything that it may write against us, but that is no remedy for correcting abuses. The present law offers sufficient scope for taking action against any offending newspaper. It will be considered a brave thing to challenge openly a newspaper in a law court. But if we pass a special legislation for this purpose, the people will think that we are taking unfair advantage of our position as members of the Legislature by passing a legislation which seeks to discriminate against the ordinary citizens of the land. In any case, the electorates, who are our masters, are likely to misconstrue any action which we may take without consulting them and behind their backs. They may construe it as an act of autocracy, and eventually such action on our part may recoil on our heads to our great disadvantage. Sir, I am a believer in “fair field and no favour”, and I am against any form of discriminatory legislation which aims at gagging the Press of the country. To protect our privileges we should not take away the privileges of the Press which performs

a very useful purpose in society, even though it may go wrong in our individual judgment occasionally. "To err is human, to forgive is divine", and who knows, Sir, that we, as members of the House, may not occasionally be liable to error? I consider it also unfair, Sir, to pass remarks on the representatives of the Press on the floor of this House where they are not in a position to reply to them. Furthermore, Sir, I think that we should not waste our precious time in criticising what one paper or another may write either for or against us. The proper place of action, I repeat, where we may go to is a law court, in case there is any instance of impropriety.

✓ **The Hon'ble the SPEAKER:** The matter on which the hon. member has just spoken ended the other day, and the hon. member could have made the statement on that day. But, as the statement refers to a matter which was placed before the House by myself, I have allowed him to make this statement now. I am in agreement with much of what the hon. member has said, but my grievance is that the hon. member did not follow the trend of the statement which I made. It was not my intention to undertake legislation for the purpose of taking steps against offending newspapers. My point was that if any breach of any of the privileges of the House be committed, whether by any newspaper or by any person, the House should have a remedy prescribed by a legislation against such a breach.

Now, with regard to giving the Press an opportunity of discussing matters, I think, it is the bounden duty of everybody to allow the Press every facility for doing so, and I yield to none in my appreciation of the good work that is done by the newspapers, but my point is that we should have only fair criticisms from newspapers, which cannot be said to transgress the bounds of propriety. If they really make proper criticism, nobody will be more glad than I am, and I shall always deem it my duty to profit myself by the writings of the newspaper containing fair and proper criticisms, but I wanted to stress the point that if they exceed the bounds of propriety, then certainly the House should take steps to prevent it. My object was to protect the privileges of the House as far as practicable, and I drew the attention of the members of the House to the various ways in which the privileges of the House are not properly respected and how breaches of the privileges are committed. I did not also ask the House to undertake legislation at once, and hon. members will find from my statement that it was far from my mind to urge upon the House to undertake legislation immediately. I said that there was talk of such legislation in some provinces. I did very clearly state that if legislation on an all-India basis is undertaken in any province, I shall call upon the House to undertake it also. A legislation when it is passed is not necessarily a legislation which is intended to repress fair and proper criticism. Now, the hon. members will realise that what I said was not at all against any newspaper or News Agency which may undertake to criticise the action of the House or of the Chair.....

✓ **Khan Bahadur Maulavi KERAMAT ALI:** If the criticism is fair.

**The Hon'ble the SPEAKER:** Yes, if it is fair there can possibly be no objection to that. That was my point. And if such a legislation is thought necessary, it will be the duty of the Privileges Committee, if a Privileges Committee comes into existence, to consider such legislation and then place it before the House. That is the ultimate point I stressed.

Then I come to the next item of business.

**Motions of no-confidence against the Ministry—Leave of the House**

**Mr. ARUN KUMAR CHANDA:** Mr. Speaker, Sir, before the commencement of the sitting of the House to-day, I left with the Secretary a written notice of a motion which I propose to make. May I ask for leave, Sir?

**The Hon'ble the SPEAKER:** Yes, the hon. member is to ask for leave of the House.

**Mr. ARUN KUMAR CHANDA:** May I ask for leave of the House, Sir.

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

**Mr. ARUN KUMAR CHANDA:** The motion that stands in my name is: "that this House has no confidence in the present Council of Ministers."

I do not think I need make a speech on this occasion. I just place this motion before the House for discussion.

**The Hon'ble the SPEAKER:** Has the hon. member got the leave of the House move?

Then more than 35 members rose from their seats.

**The Hon'ble the SPEAKER:** The Hon'ble Mr. Chanda has the leave of the House to make the motion.

**Srijut RABI CHANDRA KACHARI:** I also gave notice of a similar motion which runs as follows—

"That the present Ministry of Assam does not enjoy the confidence of this House."

I beg to move it.

Then more than 35 members again rose from their seats.

**The Hon'ble the SPEAKER:** The hon. member Srijut Rabi Chandra Kachari has the leave of the House to move the motion.

**Babu LALIT MOHAN KAR:** I also beg leave to move:—  
"That the present Ministry of Assam does not enjoy the confidence of this House."

Then more than 35 members again rose from their seats.

**The Hon'ble the SPEAKER:** The hon. member has the leave of the House to make his motion.

**Maulavi MABARAK ALI:** I beg leave of the House to move:—  
"That the present Ministry of Assam does not enjoy the confidence of this House."

Then more than 35 members again rose from their seats.

**The Hon'ble the SPEAKER:** The hon. member has the leave of the House to make the motion.

**The Hon'ble the SPEAKER:** Then I am to fix a day for the discussion of this question.

**Rai Bahadur PROMODE CHNANDRA DUTT:** With regard to this, Sir, may I say a word? I submit, Sir, that motions of this kind should be disposed of as quickly as possible. I would remind this House of what took place in another province very recently when a motion of this kind was tabled against the Ministry there. I was myself there at the time and as many as 100 Members of the Assembly there had to take shelter in the Assembly in order to avoid being way-laid and prevented from coming to the Assembly the next day. The effect of giving time may be that there may be a feverish hunt after the hon. members and the night will be converted into day. Members might be hunted and harassed and out of sheer helplessness give in.

At the same time the rule says, I refer to page 21, Rule 85 (2), ".....the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being more than ten days from the day on which leave is asked". The restriction under that rule is that the day fixed should not be beyond ten days provided under that rule, but it should be within ten days. And what time you should allow is a matter left to your discretion. I submit that the ten days allowed is only for the purpose of giving you a margin of time to enable you to decide and fix a date having regard to the state of business. In that view of the matter, I submit, Sir, that this motion should be taken up to-day.

**The Hon'ble the SPEAKER:** To-day?

**Rai Bahadur PROMODE CHANDRA DUTT:** Yes, that is my submission.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI\*:** With regard to what has been stated by the hon. member Rai Bahadur Promode Chandra Dutt, may I say a word, Sir? The Rai Bahadur states that the motion should be taken up as quickly as possible. I think, Sir, the real spirit of the rule will be against that suggestion. In the rule it has been provided that at least ten days.....

**The Hon'ble the SPEAKER:** Not at least ten days.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I am sorry "on such day, not being more than ten days". That shows that sufficient margin should be allowed between the time that leave is granted and the date on which it is taken up.

The hon. member Rai Bahadur Promode Chandra Dutt has referred to the incidents reported to have taken place in the neighbouring province of Bengal. There six days were allowed after the motion was moved. I hope, Sir, that in fixing the date here you will also allow sufficient margin.

**The Hon'ble the SPEAKER:** What is the necessity for that margin, why should the margin be allowed?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** The whole intention of the rule is that it should not be sprung up as a surprise.

**Mr. F. W. HOCKENHULL\*:** A notice stands in my name with regard to the rule that the hon. Member Rai Bahadur has quoted. And the amendment I have proposed is that at least one day.....

**Rai Bahadur PROMODE CHANDRA DUTT:** Twenty-four hours.

**Mr. F. W. HOCKENHULL:** Yes, 24 hours, that is one day—that is a reasonable time to be allowed. This will be a reasonable time so far as any no-confidence motion is concerned and it will give all parties and the Ministers an opportunity of reviewing the situation. I hope, you will bear that in mind, Sir.

\*Speech not corrected.

**The Hon'ble the SPEAKER :** With regard to the question of fixing a date for such a motion to be taken up, all that the rule says is that the motion will be taken on such date, not being more than ten days, from the day on which leave is asked. As I understand the rule, the spirit of the rule is that such a motion when tabled in the course of a session, time should be found out any how to discuss it and that the Speaker should find a day having regard to the state of business of the House, but that he cannot postpone it for more than ten days. The rule only restricts the authority of the Speaker to restrict to any length of time. For tabling a no-confidence motion the rules do not prescribe any period of time within which notice of such a motion should be sent. On any day such a motion can be sprung upon the House as a surprise. But it will be a question for the Speaker to decide when the motion should be discussed by the House and what would be the convenient day for disposing of that motion, having regard to the state of business pending before the House.

There are no materials before me to think that what happened in Bengal in connection with similar motions before the Bengal Legislative Assembly would also happen here. But such motions do undoubtedly create tension of feeling, and I do not know to what such tension of feeling may lead in course of time if the disposal of this motion be sufficiently delayed, and I am entitled to take note of what really happened in Bengal, at least from the columns of the newspapers.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI :** Nothing happened there.

**The Hon'ble the SPEAKER :** But we find numerous allegations in papers.

**Rai Bahadur PROMODE CHANDRA DUTT :** I was in Calcutta at that time and I know the facts.

**The Hon'ble the SPEAKER :** We have to go by the allegations that appeared in the columns of the papers from day to day.

Hon'ble members will realise that the volume of business pending before the House is very great and we have to finish the whole business as far as possible. There was also a no-confidence motion during the last session and on account of the fact that no day could be found during the days fixed up for Government business I had to fix the very date as the day on which the motion should be taken up. But in this case I think that I must not take up this motion to-day. And having regard to the fact that such a motion creates tension of feeling, I agree with the hon. Rai Bahadur that it should be disposed of as quickly as possible. Taking into consideration the state of business, I fix to-morrow as the day. I think that would be quite sufficient. Is there any objection to that ?

(No objection was raised by any member)

**The Hon'ble the SPEAKER :** For such a motion there should be a full-dress debate which would give sufficient scope for discussion of all aspects of the question. Will there be any objection if I fix 12 noon as the time ? That will give us 3 hours time. Two hours may not be sufficient for a full-dress debate. In adjournment motions we get 2½ hours, but this is a more important motion than an adjournment motion.

**Maulavi ABDUL BARI CHAUDHURY\* :** I would suggest 2 p.m., Sir.

**The Hon'ble the SPEAKER :** I have no objection. But it must be disposed of the very same day. That is my intention. I shall fix 2 p.m. as the time for taking up this motion.

\*Speech not corrected.

**The Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937—Message from the Council—Copies of Bill as amended by the Council laid on the Table.**

**The Hon'ble the SPEAKER:** The Secretary will read out a message from the Assam Legislative Council regarding a Bill of the Assembly which has been passed by the Council, namely the Assam Provincial Legislature (Removal of Disqualifications) Bill, 1937.

**Mr. A. K. BARUA** (Secretary): Sir, the following message has been sent by the Secretary, Assam Legislative Council:—

"In pursuance of Rule 105, Part II of the Assam Legislative Council Rules, I am directed to inform you that the Bill to provide for the Removal of certain Disqualifications for Elections to the Assam Legislature, which was passed by the Assam Legislative Assembly at its meeting held on the 1st September, 1937, was passed by the Assam Legislative Council at its meeting held on the 3rd September, 1938 with the following amendments, namely:—

In the schedule to the Bill the following were added as items 5 and 6—

5. Part-time professors, lecturers, instructors or teachers in Government educational institutions.
  6. Medical practitioners rendering part-time service to Government.
2. The Assam Legislative Council requests the concurrence of the Assam Legislative Assembly in the amendments.

3. The Bill was referred to a Select Committee of this Chamber".

Sir, under Rule 112 of the Assam Legislative Assembly Rules, I lay on the table the Bill as amended by the Assam Legislative Council.

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

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Nothing, Sir. If there is time we can take up any of the Government Bills. The rule requires 7 days' notice for this to be taken up, unless you, Sir, waive it.

**The Hon'ble the SPEAKER:** There is yet time.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Then we can have it on the 22nd.

**The Hon'ble the SPEAKER:** The motion for consideration of the amendments passed by the Upper House will be taken up on the 22nd, and members who desire to table amendments arising out of the amendments passed by the Upper House may give notice of those amendments within 7 days from to-day.

**Srijit MAHI CHANDRA BORA:** What will be last date of tabling amendments?

**The Hon'ble the SPEAKER:** If they are submitted any day before the 22nd, they will be in time.

**CONSIDERATION OF DRAFT ASSEMBLY RULES**

*Rule 23 B*

**The Hon'ble the SPEAKER:** Now we will deal with rule 23B of the Rules. The amendment to sub-rule (5) of Rule 23B of Babu Karuna Sindhu Roy was accepted. But the acceptance of that motion would require some consequential changes in some of the rules. I draw the attention of the hon. members to sub-rule (6) of Rule 23B and Rule 24. Where is the hon. member whose amendment was accepted? It is up to him to table all these consequential changes.

**Srijut MAHI CHANDRA BORA:** In view of the amendment made to sub-rule (5) of Rule 23B, I think, these words should be deleted from rule 24: "on any starred question" or "short notice question".

**The Hon'ble the SPEAKER:** Now by deleting these words the object would not be achieved. But I suggest that after sub-rule (6) of Rule 23B something should be added and that would be like this:—

"(6) (a). In the case of 'unstarred questions', as soon as the serial number of each question is called out by the Speaker, any member intending to put a supplementary question shall forthwith stand up and put his supplementary question".

So, keeping the sub-rule as it is we may add this and that will remove the difficulty.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Is it necessary to have rule (6) (a) ?

**The Hon'ble the SPEAKER:** Unless there is any provision as to how unstarred questions should be announced, difficulty may arise.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Because in sub-rule (3) we find "Starred questions shall be answered orally and the answers to unstarred questions shall be printed or typed along with the questions". After that if we have only sub-rule (6)—"At question time, the Speaker shall, in the case of a starred question which is to be answered orally, specify the serial number of the question and forthwith call upon the Minister in charge to reply and thereafter make a sufficient pause to allow the members a reasonable opportunity to ask any supplementary questions". So there is no need of sub-rule (6) (a) at all.

**The Hon'ble the SPEAKER:** These sub-rules refer only to starred questions. There is no provision for unstarred questions as to the manner in which to put the supplementary questions. In the case of starred questions the Minister will read the reply and forthwith supplementary questions would follow.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That has been specified in sub-rule (3).

**The Hon'ble the SPEAKER:** But it does not say that the answers need not be read out.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Very well, then sub-rule (6) (a) may be added.

**Srijut MAHI CHANDRA BORA:** Sir, I beg to move that the following be added as sub-rule (6) (a) to rule 23B.

"(6) (a). In the case of 'unstarred questions', as soon as the serial number of each question is called out by the Speaker, any member intending to put a supplementary question shall forthwith stand up and put his supplementary question".

**The Hon'ble the SPEAKER:** The motion moved is that after sub-rule (6) to rule 23B the following be added as sub-rule (6) (a):—

"In the case of 'unstarred questions', as soon as the serial number of each question is called out by the Speaker, any member intending to put a supplementary question shall forthwith stand up and put his supplementary question".

The motion was agreed to.

#### Rule 24

**The Hon'ble the SPEAKER:** Then in Rule 24, there is necessity for another consequential change. If we only omit "on any starred question or short notice question", then the purpose would be served, because supplementary questions are allowed on unstarred questions also.

**Srijut MAHI CHANDRA BORA:** I beg to move that the words on any starred question or short notice question ' in Rule 24, be omitted.

**The Hon'ble the SPEAKER:** The amendment moved is:

That in Rule 24, the words " on any starred question or short notice question " be omitted.

**Babu KAMINI KUMAR SEN:** I think ' short notice question ' may remain.

**Mr. F. W. HOCKENHULL:** There are supplementary questions to short notice questions.

**Babu KAMINI KUMAR SEN:** So the words should remain.

**The Hon'ble the SPEAKER:** The Speaker has the right to disallow a supplementary question.

**Mr. F. W. HOCKENHULL:** So, Sir, that power should be in the hands of the Speaker in relation to every question. So these words should be deleted.

**The Hon'ble the SPEAKER:** The question is that in rule 24, the words ' on any starred question or short notice question ' be deleted.

The amendment was carried.

#### Rule 27

**Babu KAMINI KUMAR SEN:** I beg, Sir, to move that the following sub-rules be added to rule 27:—

- " (7) It shall not be a request for action ;
- (8) It shall be precisely and definitely expressed ;
- (9) It shall be asked with the object of eliciting information pure and simple "

I think these are necessary restrictions and I need hardly say anything.

**The Hon'ble the SPEAKER:** The amendment moved is:

That the following sub-rules be added to Rule 27:—

- " (7) It shall not be a request for action ;
- (8) It shall be precisely and definitely expressed ;
- (9) It shall be asked with the object of eliciting information pure and simple"

**Srijut GAURI KANTA TALUKDAR:** Mr. Speaker, Sir, I beg to oppose this amendment mainly on the ground that the privileges of the hon. members should be enlarged as far as possible instead of being curtailed. Now, Sir, from our past experience we find that there is very little scope for our moving resolutions in respect of very many important matters which we may have in our contemplation for want of time. Now, Sir, if questions also are to be disallowed on the ground that they are in the shape of request for action, that will go to deprive us of the opportunity of questioning the Government and ascertaining its mind in respect of very important matters of public interest. So I believe we must be given some scope of asking questions by which we can even request the Government for action.

As regards clause (8) that requires questions to be precisely and definitely expressed, we can have no objection, Sir, to that amending clause being added, though, possibly, there is little or no necessity for making this addition in face of the already existing provision to Rule 27.

My objections to clause (9) which wants to provide that questions must be asked only with the object of eliciting information pure and simple, I have already said my say. It will go, as I have said to narrow the legitimate scope of our questions.



In this connection, Sir, I may be permitted to refer to this Hon'ble House to the fact that such limitations to questions have not been made in many of the Indian Provincial Legislatures. We find that in Madras, Bihar as well as in the Central Provinces no such limitations have been made in respect of questions. I have not with me Rules of other provincial Legislatures.

**The Hon'ble the SPEAKER:** You are referring to the Rules framed by the Governor.

**Srijut GAURI KANTA TALUKDAR:** I have got the rules that have been supplied to me. I think they are the Governors' Rules.

**The Hon'ble the SPEAKER:** So these are rules all framed by the Governor. These rules are tentative rules.

**Srijut GAURI KANTA TALUKDAR:** In any view of the matter, Sir, we do not see why the scope of our question should be so curtailed and narrowed down. In these circumstances, I beg to request my hon. friend Mr. Kamini Kumar Sen to withdraw his amendments and leave the rule as framed by the Rule-making Committee.

**Babu KAMINI KUMAR SEN:** May I point out, Sir, that the difficulty about which my hon. friend Srijut Gauri Kanta Talukdar has spoken would not really arise because we have provided in the rule scope for discussion on questions. Rule 35 says "No discussion shall be provided in respect of any question or of any answer given to a question provided that on notice given to the Speaker at question time the Speaker may in his discretion allow half an hour after 5 p. m., or after the conclusion of the business of the day whichever is earlier to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day. No division shall be taken on such debate, and such time shall not be available for the transaction of any other business". So we have provided ample scope even for debate on questions which will include requests for action in urgent cases. Moreover, Sir, unless we put in some restriction to the number of questions it will become very large, and it will not be possible to get the answers to all the questions tabled. It is for this also that this restriction is intended to be put in.

**Srijut GAURI KANTA TALUKDAR:** Mr. Speaker, Sir. A reference has been made to the proviso to rule No. 35 by my learned friend hon. Mr. Sen. I think, there will be very few occasions for the House to take recourse to that proviso. Only on occasions of very urgent public interest, the Hon'ble Speaker is expected to allow such discussions as contemplated by that proviso at the close of the business hours. Now, our point is, whether on an occasion of lesser importance we may be allowed to discuss certain matters by way of supplementary questions. What my hon. friend says refers to very important urgent matters of public interest. What we are discussing here refers to matters of ordinary interests.

**Srijut MAHI CHANDRA BORA:** Mr. Speaker, Sir. In my opinion the sub-rule (9) to Rule 27 seems to be redundant specially in view of the fact that the subject matter of the question is provided by Rule 26(1) where-in it is stated: 'A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed'. I think, Sir, this sub-rule is redundant specially in view of the provision which has been made in Rule 26(1).

**The Hon'ble the SPEAKER:** Now, I may point out to the hon. members that this has been necessary in order to bring our rules in conformity with the Parliamentary practices in vogue elsewhere. The hon. members must have seen the way in which the questions are asked in the Mother of Parliaments and in some of the provincial Legislatures. There is objection to

asking Government for disclosing whether they have arrived at any decision on any particular question. The new rule 26(1) says that a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed. Now if a question is intended to know the decision of the Cabinet, then that decision must be the decision of the whole Cabinet and in some occasions it may not be possible for the Cabinet to arrive at any decision just when a question is put and to give an answer to that question disclosing what decision they have arrived at. That is the object of this rule. I have seen in some provincial legislatures as for instance in the United Provinces Legislative Assembly that the Speaker has ruthlessly disallowed all questions containing requests for action and that such action of the Speaker has received approbation in the columns of newspapers.

**Srijut MAHI CHANDRA BGRA\***: My contention refers only to the proposed sub-rule (9) to rule 27, because it has been provided that the question shall be asked for the purpose of eliciting information. So it is pure and simple something.

**The Hon'ble the SPEAKER**: If sub-rule (7) remains then sub-rule (9) may be redundant. It appears like that.

**Babu KAMINI KUMAR SEN\***: I think, the hon. member means some curtailment of our right. We lose more than gain because about half the number of questions remain unanswered.

**The Hon'ble the SPEAKER**: I think, the experience of the hon. members is that when question is asked requesting for action no satisfactory reply come from Government because obviously there are difficulties preventing them from giving any satisfactory reply. While preparing an answer to a question Government cannot say what would be their line of action regarding this matter or that matter. Although sub-rule(9) seems redundant in view of sub-rule (7), there is also a point in it. As I pointed out the other day to the hon. members, no question intended to know the policy of the Government for certain matter should be asked. So when it is for pure and simple information it is admitted. In course of an answer to a question Government cannot tell its policy which would invariably require a lengthy answer.

**Srijut GAURI KANTA TALUKDAR\***: Sir, if I ask 'do Government propose to open Botany section for the degree class of the Cotton College' will that be also rejected?

**The Hon'ble the SPEAKER**: It of course deserves consideration.

**Babu KAMINI KUMAR SEN\***: It may be taken for the purpose of eliciting information. Whether Government propose to do something or not that it may not be taken for request for action. I want that information whether Government propose to do that.

**Srijut SARVESWAR BARUA\***: I do not think it can be taken as request for action. That will be asked for information as to what is the state of things.

**Khan Bahadur Maulavi SAYIDUR RAHMAN\***: If the question be 'will the Hon'ble Minister be pleased to consider such and such matter', then will it be taken as request for action?

**Rai Bahadur PROMODE CHANDRA DUTT\***: That is also regarding information.

**The Hon'ble the SPEAKER**: No.

#### Adjournment

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

\*Speech not corrected.

**After adjournment**

The Assembly re-assembled after lunch at 2 p. m.

**The Hon'ble the SPEAKER :** We were dealing with amendments of Mr. Sen to rule 27. Should I put the amendment to the vote, or will any hon. member speak ?

(After a pause)

I am putting the several parts of the amendment separately.

The question is that the following sub-rule be added to rule 27 :—

“(7) It shall not be a request for action”;

The motion was agreed to.

The question is that the following sub-rule be added to rule 27 :—

“(8) It shall be precisely and definitely expressed”.

The motion was agreed to.

The question is that the following sub-rule be added to rule 27 :—

“(9) It shall be asked with the object of eliciting information pure and simple”.

The motion was adopted.

*Rule 32 A (New)*

**The Hon'ble the SPEAKER :** Now, we come to rule 32. Babu Kamini Kumar Sen to move his amendment.

**Babu KAMINI KUMAR SEN :** I beg to move, Sir, that the following be inserted as a new rule after rule 32 :—

“Questions of absent Member—

32A. The Speaker may, in his discretion, allow the questions of an absent member to be put by another member duly authorised to do so in writing. In all such cases previous intimation of such authority shall be given to the Speaker”.

This is simply a question of procedure and that procedure is at present being followed in this House. It is merely a repetition of the procedure that already exists ; so I do not think I need say anything more in support of this amendment.

**The Hon'ble the SPEAKER :** Motion moved is that the following be inserted as a new rule after rule 32 :—

“Questions of absent Member—

32A. The Speaker may, in his discretion, allow the questions of an absent member to be put by another member duly authorised to do so in writing. In all such cases previous intimation of such authority shall be given to the Speaker”.

(After a pause)

The question is that the following be inserted as a new rule after rule 32 :—

“Questions of absent Member—

32A. The Speaker may, in his discretion, allow the questions of an absent member to be put by another member duly authorised to do so in writing. In all such cases previous intimation of such authority shall be given to the Speaker”.

The motion was agreed to.

*Rule 35*

**The Hon'ble the SPEAKER :** Then we come to rule 35. Babu Kamini Kumar Sen to move his amendment.

**Babu KAMINI KUMAR SEN:** I beg to move, Sir, that in the second line of the proviso to rule 35 for the figure and words "5 p.m." the figure and words "4 p.m." be substituted.

I think this is consequential on the amendment we have adopted in rule 3, by limiting the ordinary sitting hours to 4 p.m.

**The Hon'ble the SPEAKER:** As this is a consequential amendment I shall put it at once to the vote.

The question is that in the second line of the proviso to rule 35 for the figure and words "5 p.m." the figure and words "4 p.m." be substituted.

The motion was agreed to.

*Rule 53A*

**Srijut MAHI CHANDRA BORA:** Mr. Speaker, Sir, with your permission I wish to move an amendment to sub-rule (5) of rule 53A.

My amendment is that sub-rule '(5)' of Rule 53A be substituted by the following:—

"The Secretary of the Select Committee shall be the Secretary of the Department concerned to which the Bill relates, but he will not be considered a member of the Select Committee, and will not be allowed to have the right of voting and submitting a report in the matter".

**The Hon'ble the SPEAKER:** I think this amendment is redundant, because a Select Committee is formed by the House and those who were not eligible to vote at the time of appointing a Select Committee will certainly have no vote in the Select Committee. Here we are only providing for who should be the Secretary to the Committee.

**Srijut MAHI CHANDRA BORA:** But, Sir, it should be made precisely clear because there is no rule for our guidance in the matter, and we have experienced a great deal of difficulty in the Select Committees.

**The Hon'ble the SPEAKER:** That difficulty must not be experienced having regard to the fact that he who is not a member of the Committee appointed by the House will certainly have no vote.

**Mr. F. W. HOCKENHULL:** Sir, I think the hon. member is confusing a Select Committee of the House with any Committee set up by Government. The two things are not at all the same.

**Srijut KRISHNA NATH SARMAH:** In some Committees the official Secretary has exercised the right of voting.

**The Hon'ble the SPEAKER:** The question is whether those Committees were Select Committees for examining Bills or whether those Committees were formed for other purposes.

**Srijut KRISHNA NATH SARMAH:** Is there any difference between an Enquiry Committee and a Select Committee?

**The Hon'ble the SPEAKER:** Certainly, there is a good deal of difference.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir. Can a member of a Committee who has got no vote submit a minute of dissent?

**The Hon'ble the SPEAKER:** Certainly not. A Committee is appointed by the House; any member taken for the purpose of assisting the Committee will not have a vote or power to submit a minute of dissent.

**Srijut SARVESWAR BARUA:** Then in a Select Committee members belonging to the Government and appointed by Government will not have a right to vote?

**The Hon'ble the SPEAKER:** So far as I am concerned, I think, that they should not have a vote.

**Mr. BAIDYANATH MOOKERJEE:** From my own personal experience, I can say that in some Committees the names of those members who were present in the Committees were not even mentioned in the body of the resolutions on the strength of which such Committees were formed, but they also took part in the discussions and voted also.

**The Hon'ble the SPEAKER:** We are not on that matter yet. When questions will be raised on this question at the proper time I shall give my ruling then; but so far as the question of Select Committees is concerned, I think, the amendment moved is unnecessary.

**Mr. BAIDYANATH MOOKERJEE:** We submit to the view of the Hon'ble Speaker, Sir.

*Rule 59*

**Babu KAMINI KUMAR SEN:** I beg to move, Sir, that—

(1) In the second line of Rule 59(1) for the words "three clear days" the words "five clear days" be substituted, and

(2) Rule 59(3) be deleted.

This amendment refers to amendment of Bills. The time limit of three days is found to be inadequate, and in some other provinces the time limit is much higher.

As regards Rule 59(3) it seems unnecessary, because the amendments are explained to the members who are not proficient in English on the floor of the House. So I do not think it is necessary to have Rule 59(3).

**Srijut SARVESWAR BARUA:** Sir, I rise to oppose amendment No. (1). This rule has remained as it is for a long time. In the old Council also the time limit for giving notice of amendments was 3 days, and it appears in the present rules and also in the draft rules of the Rule-making Committee. We have not found it at all difficult for ourselves and so far as I am aware the work has been running smoothly. If the time limit is changed to five days it will curtail our privileges to a great extent.

**The Hon'ble the SPEAKER:** How does it curtail the privileges of the members?

**Srijut SARVESWAR BARUA:** We are now required to give three days' notice before a Bill is taken into consideration, but if we are required to give five clear days' notice it will certainly curtail our privileges of sending in amendments by two days. Therefore, I oppose this amendment.

**Srijut LAKSHESVAR BOROOAH:** Sir, I am sorry that I have to oppose this amendment No. (1) moved by my friend Babu Kamini Kumar Sen. From our experience we find that we have to send our Bills 30 days ahead before the sitting of the Assembly; then we have to send our questions before 15 days of the sitting of Assembly; then it happens that we have to deal with other matters as the House knows that the large majority of the members are not whole-time politicians and their time is fully occupied in various other ways. In view of all these considerations the Rule-making Committee has retained the limit of three clear days.

In view of all these things, I submit, that I must oppose this amendment.

**Srijut GAURI KANTA TALUKDAR:** In view of what has been said I would request the hon. mover to withdraw his amendment No. (1).

**Babu KAMINI KUMAR SEN:** If it is the sense of the House I shall have no objection to withdraw my amendment.

Then amendment No. (1) was withdrawn with the leave of the House.

**The Hon'ble the SPEAKER:** Then I shall put amendment No. (2) that Rule 59(3) be deleted.

The motion was agreed to.

## Rule 66

**Babu KAMINI KUMAR SEN:** I beg to move, Sir, that—

(i) In the first line of Rule 66 after the word “resolution” a ‘comma’ be inserted and the words “except a resolution contemplated by section 65 of the Act” be added thereafter and (ii) after the proviso to the said rule the following be inserted:—

“Such resolution shall relate to a specific matter of urgent public importance of very recent occurrence which shall be made out in the notice by the member concerned”;

The first part refers to ordinary resolutions and the amendment is meant to make an exception with regard to resolutions contemplated by section 65 of the Act. With regard to the second part it seems that there has been some misunderstanding on this point. Some hon. members were telling me that I was trying to restrict the scope of the resolutions. But this is not so. This was intended to provide for short notice resolutions relating to a specific matter of urgent public importance of very recent occurrence. Otherwise there remains no difference between short notice resolutions and ordinary resolutions. Short notice resolutions must be something of urgent public importance and of very recent occurrence, and that is why I have put in that amendment.

The first part of the amendment, *i. e.*, “In the first line of Rule 66 after the word ‘resolution’ a ‘comma’ be inserted and the words ‘except a resolution contemplated by section 65 of the Act’ be added thereafter” was then put to the House and carried.

**Srijut SARVESWAR BARUA:** As regards the second portion, I beg to oppose it. While moving this amendment, the hon. member Mr. Sen said that he did so in order to distinguish an ordinary resolution from a short notice resolution. Short notice resolutions have been allowed under the present rules and they were also allowed under the previous Council rules. Under the present rules the only limitation for the admission of a short notice resolution is the obtaining of the consent of the Minister in charge. When a Minister in charge considers himself unable to prepare himself for the consideration of the resolution in a short time, he will certainly raise an objection and the Speaker will be bound to disallow the short notice resolution on that score. That restriction is already there. Apart from that, there was no other restriction. A short notice resolution stood on the same footing as an ordinary resolution with due notice. It has only to be a matter of general public importance at present and also according to the rules of the last Council. Now the distinction between an ordinary and short notice resolution, as I pointed out, is simply this, in respect of an ordinary resolution the consent of the Minister in charge is not necessary. If it is otherwise admissible, the Speaker will admit it and the Member will move it in due course. In the case of a short notice resolution, however, the Minister in charge has got to give his consent or raise his objection. And that is a sufficient safeguard for the interest of the Government in order to enable them to get sufficient time for preparing themselves to meet the resolution. Now, Mr. Sen has put a further restriction which requires the matter of the resolution to be one of urgent public importance and of very recent occurrence. For such matter, we have already got a rule for moving a motion for adjournment of the House. In such matters of urgent importance of recent occurrence we have the right to bring a motion for adjournment of the House and that gives an effective and greater impression on the House as well as on the public. As such, when we have got a right to bring such matters in the form of an

adjournment motion, I do not see why we should have the same limitation or restriction put on our right to move an ordinary short notice resolution. Now at present, we can move an ordinary short notice resolution without such a stringent restriction. It can relate to any matter of general public importance. If we accept this amendment we shall seriously curtail our rights in moving ordinary resolutions of general public importance by way of short notice resolutions. He wants to restrict us only to such matters which would be fit subject of an adjournment motion before the House, in order to move it as a short notice resolution. Therefore, I think that such matter of recent occurrence can be moved with greater effect and will create better impression as a motion for adjournment of the House. I do not think it would be proper to restrict our right to move an ordinary short notice resolution in the same way. Therefore, I oppose this proposal for curtailment of the right of the members.

**The Hon'ble the SPEAKER:** The question is that after the proviso to Rule 66 the following be inserted:—

“Such resolution shall relate to a specific matter of urgent public importance of very recent occurrence which shall be made out in the notice by the member concerned”.

The amendment was lost.

*Rule 66A (New)*

**Babu KAMINI KUMAR SEN:** I beg to move that the following be added as a new rule after Rule 66:—

“66A. A short notice resolution, if admitted by the Speaker with the consent of the Minister in charge, shall be taken up by the House on such day, and at such time as may be fixed by the Speaker with the consent of the Minister concerned”.

This amendment is necessary to determine the way in which a short notice resolution is to be actually moved in the House.

The amendment was then put and carried.

*Rule 73*

**Babu KAMINI KUMAR SEN:** I beg to move that in the second line of Rule 73 (1) for the words “two clear days” the words “three clear days” be substituted.

**Srijut SARVESWAR BARUA:** I would like to oppose this on the same ground on which I opposed the first part of the amendment No. 7. [*i. e.*, amendment to Rule 59(1)].

The amendment was then put and lost.

*Rule 79*

**Srijut MAHI CHANDRA BORA\*:** Sir, I wish to move an amendment to sub-rule No. (i) of Rule 79. My amendment is as follows:—

“Not more than one such motion shall be discussed at the same meeting, the priority of discussion of motions if there be two or more, being left to the discretion of the Speaker”.

In support of this amendment I beg to state that some sort of difficulty has been experienced by this House as regards the number of adjournment motions which the members are entitled to move in the same sitting. My amendment restricts the discussion of adjournment motions to one only. Any number of motions can be moved in the same sitting, but only the discussion will be confined to one sitting.

\*Speech not corrected.

**The Hon'ble the SPEAKER :** The hon. member says that more than one motion can be moved. What does the hon. member mean to say by the words "can be moved" ? Does he mean that leave may be asked for more than one motion ? Is it his intention ?

**Srijut MAHI CHANDRA BORA :** Yes, Sir.

**Mr. F. W. HOCKENHULL\* :** Sir, the point is just this. Assuming that there are two matters of urgent public importance and two members want to move their motions on them on the same day, and the Speaker disallows the second one on the ground that the mover should have moved it on the previous day. Each member may equally feel that it is a matter of urgent public importance and each member thinks that that day is the appropriate and earliest occasion for his moving such a motion. Whether the House will debate both motions on the same day is open to question. But I think, every member should be equally free to move his motion at the earliest occasion after questions on any particular day. The time for debate may be fixed at some subsequent time.

**Srijut KRISHNA NATH SARMAH\* :** We have been allowed, Sir, to move motions on the same day.

**The Hon'ble the SPEAKER :** But such motions were for asking for leave. It is not the same thing as moving a motion.

**Srijut KRISHNA NATH SARMAH\* :** My hon. friend Mr. Bora means only asking for leave.

**Srijut SARVESWAR BARUA\* :** Sir, there was some confusion about this. It was not clear what is meant by the words "be made". The Hon'ble Chief Minister the other day raised this point and it was found to be not very clear. Therefore, in this rule it should be clearly laid down that leave for moving more than one motion may be asked, but that they cannot be discussed.

**The Hon'ble the SPEAKER :** If the hon. member will look into the Parliamentary Procedure in this respect which is in vogue in the Mother of Parliaments, he will find that an adjournment motion should be moved on the very day on which it is tabled. That is the clear and specific rule there. The reason for that is, that the motion is always in the form--"that this House do adjourn". By that it is meant that the business of the House fixed for that particular day on which the adjournment motion is moved should be adjourned. That is the intention. Therefore, if there be such a rule that several adjournment motions may be tabled on the same day, and if the Speaker holds that all those motions are in order and if the members moving the adjournment motions get the leave of the hon. members may want that each of the motions should be disposed of one on the very same day on which it is tabled and the others on subsequent days as may be fixed by the Speaker. Perhaps that is the intention of the hon. member. But with regard to that, I should say, although there is nothing fixed in our rules as to the date on which the adjournment motions should be taken up, I think that will be going against the well-known Parliamentary practice which we are all trying to imitate in our Parliaments.

**Rai Bahadur PROMODE CHANDRA DUTT :** The very motion shows that.

**The Hon'ble the SPEAKER :** It shows that particular motion should be disposed of on the same date, although there is no rule in that behalf in our rules. But generally I find that the adjournment motions are disposed of on the very day on which they are moved. There might be one or two rare occasions in which an adjournment motion permitted by the House was

\*Speech not corrected



allowed to be moved on a subsequent day. But I think, by having such a rule we shall be going against Parliamentary practice. So the hon. member should think whether he should press his amendment or not.

**Srijut SARVESWAR BARUA\***: What would be the case, Sir, if matters of equal importance come up and several members want to give notices for adjournments? There is no procedure for balloting. How can priority be then given?

**The Hon'ble the SPEAKER**: Priority is given according to the time of receipt of motions in the Assembly office.

**Babu KAMINI KUMAR SEN\***: A member might not know that some other motions have been tabled. A member may have to table a motion which is of more urgent importance and that would rather prejudice the more urgent matter.

**The Hon'ble the SPEAKER**: That would give rise to a tendency in the members to forestall others, who may be likely to come up with such motions. Such a rule will also place the Speaker in a very awkward position. If it is left to the discretion of the Speaker to decide which is more important and which is less important, then the Speaker would decide in one way. That may give rise to dissatisfaction. So it is better not to leave anything in the discretion of the Chair so far as adjournment motions are concerned. If there are three adjournment motions on the same day and each of them is granted leave, to give the discretion to the Speaker to take up a particular motion would give rise to dissatisfaction. The members think that one motion is a very important motion, but the Speaker may think otherwise. So the hon. members should try to avoid such a situation and the rule should be such as would not be capable of giving rise to such a situation.

**Mr. F. W. HOCKENHULL\***: Sir, the present rule might stand. If there are two motions on the same day, they might both be taken, one earlier and the other later. But there would be no bar for the other member to discuss his motion on the following day, as that would be the earliest possible—occasion it being taken on the same day being precluded by the rules.

**The Hon'ble the SPEAKER**: As I ruled the other day, it is a well-known Parliamentary practice. If a Speaker thinks that a motion is very urgent and important, then he has got the right to waive the urgency. I may allow his motion to be moved on a subsequent date and not on the very same day. It has been done also in the Central Assembly on several occasions. If a President thinks that a motion is very urgent and that the House wants to discuss a matter of very great public importance, then he says—"you come up on a subsequent date, I waive urgency". The other day I did exactly the same thing.

I waived the urgency and allowed the hon. member to move an adjournment motion on the following day. According to the strict interpretation of the rule this could not be done, but on account of the discretion exercised by the Speaker, the motion was taken up on the following day.

**Srijut MAHI CHANDRA BORA**: In view of what has been expressed by the Hon'ble Speaker, I beg to withdraw my amendment.

**Srijut KAMESWAR DAS**: I think, Sir, a sub-clause may be added like this. "Leave may be asked for and granted on more than one such motion at the same sitting" and this may come above clause (i).

**Rai Bahadur PROMODE CHANDRA DUTT**: Even if the House grants leave it can not be discussed. When we know for certain that no discussion can come, then what is the good of wasting the time by moving it?

\*Speech not corrected

**Srijut KAMESWAR DAS :** It requires clarification. It may be that leave may be asked for on more than one motion on the same day and in order to avoid misinterpretation and the necessity of a ruling from the Chair as was done the other day by the Hon'ble Chief Minister this sub-clause should be kept.

**The Hon'ble the SPEAKER :** When there is no formal amendment we can very well take up other amendments. But in the meantime the hon. member may think what amendment he wishes to move and I may give him time. Let us now dispose of the amendments which are on the agenda.

*Rule 82*

**Babu KAMINI KUMAR SEN :** Sir, I beg to move that in the sixth line of Rule 82 for the figure and words "4 p. m." the figure and words "3 p. m." be substituted.

This is consequential on the amendment we have accepted on Rule 3. It changed the time from 5 p. m. to 4 p. m. When there is an adjournment motion, the time should be earlier. So it is intended that 3 p. m. should be substituted for 4 p. m.

**The Hon'ble the SPEAKER :** The motion moved is that in the sixth line of Rule 82, for the figure and words "4 p. m." the figure and words "3 p. m." be substituted.

The motion was agreed to.

**Mr. F. W. HOCKENHULL :** Sir, I beg to move that in the fifth and sixth lines of Rule 85(2) after the words "not being more than ten days" the following words be added :—

"and not less than one full day".

I hardly thought that, when I tabled this amendment, an example of the necessity of this would arise on the very day when we are dealing with it.

I have little to add to what I said this morning. A motion of no-confidence is important not only to the Ministry and the party that supports the Ministry, but to every party in this House. It seems undignified to hasten such a motion within at least 24 hours time of the House. Every body wants to consider the implication of it and I think, it is reasonable to have at least 24 hours notice before the debate commences.

**Srijut GAURI KANTA TALUKDAR :** Sir, I beg to oppose this amendment. To-day we had an opportunity to discuss the matter in question. Now what we heard from Rai Bahadur Promode Chandra Dutt, it seems that it is in the interest of the parties sometimes that such resolutions should be discussed and finally decided as early as possible. One of the Hon'ble Ministers has said that it should not be brought as a surprise. Now I beg to submit that this question of no-confidence in the Ministry is a question that is discussed for hours together and it is believed that the Ministry will have ample time to say what they have to say. It will never be decided hastily. Ample time will of course be given by the Hon'ble Speaker for discussing the matter threadbare. Of course the rule gives the utmost limit of ten days. The Hon'ble Speaker has been given that length of time only for the purpose of accommodating the business of the House. It is not meant that such a discussion should be delayed from day today. It is to be discussed as early as possible as an adjournment motion. So I believe the rule that was framed by the Rule Making Committee of which my hon. friend Mr. Hockenhull was a prominent member, is quite suitable for the purpose. The Committee did not think it necessary to confine the time to 24 hours and I see no reason whatsoever to accept the

present amendment. The reason that Mr. Hockenhull has given is not convincing. So I oppose this amendment and request the hon. member to withdraw it.

**Mr. J. R. CLAYTON:** Sir, I rise to support Mr. Hockenhull's motion. It is not the question of the time that will be granted for the discussion which concerns us. The chief point in our wanting this minimum of one day's notice is in order to avoid the element of surprise. Any party which is going to table a no-confidence motion can in their own minds have decided what they are going to do and say and they can formulate their attacks perhaps days ahead. It is only fair that the Ministers should have sometime to collect their facts and figures and to consolidate and justify their position. A motion of no-confidence is a very important matter indeed—the administrative Government in every branch and in every district is involved. To allow less than 24 hours' notice for the consideration of such an important matter is most unreasonable and I strongly support Mr. Hockenhull's amendment on these grounds.

**Rai Bahadur PROMODE CHANDRA DUTT:** The contention of my hon. friend Mr. Hockenhull is that some time should be given to the persons concerned so that they may have time to make up their minds. But one aspect of the matter seems to have been overlooked by them. Supposing, Sir, we have a rule of that kind and you do not find it possible on account of the course of business to find a convenient date later on. This contingency has not been thought of.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, this morning you were pleased to enquire from my Hon'ble colleague, the Minister in charge of Agriculture, what was the intention of the rule makers about giving as many as ten days' time within which a no-confidence motion in a Ministry can be discussed. I had a mind to intervene at that stage, but as I found that such a motion is already in the agenda in the name of my hon. friend Mr. Hockenhull, I did not rise to speak at that stage. The rule framers had made this limitation with the idea not merely of accommodating the business of the House, but also with another idea which, to my mind, should not be lost sight of. Sir, it may be that the opposition is thinking of bringing a no-confidence motion against the Ministry, and may be preparing for a long time. If a Ministry knows by the size of the opposition, the Ministry, instead of having a wrangle on the floor of the House, may themselves think of resigning. The only equitable conduct in such a case is that some little time ought to be given to them. This, Sir, is an aspect which ought to engage the attention of every one. There may be various speakers in a no-confidence motion, where some will attack the Ministry and where some supporters of the Ministry will give a suitable reply. In that case there may be some bitter feeling. In my opinion the framers of this rule have been convinced that there may be given some time to the Ministry to measure their own strength, and resign if necessary before a no-confidence motion is actually discussed.

**Babu KAMINI KUMAR SEN:** I am in entire sympathy with the amendment moved by my hon. friend Mr. Hockenhull. I think sometime should be given to the House and as well as to the Hon'ble Ministers to come prepared for the no-confidence motions. I think it quite fair, but, as has been pointed out by my hon. friend Rai Bahadur Promode Chandra Dutt, there is some difficulty in our way. Our agenda is mostly covered by Government business. I think, Sir, on the dates fixed for Government

business the Hon'ble Speaker will not be able to accommodate a no-confidence motion. So if a no-confidence motion is tabled at the latter end of the session, it may so happen that there may not be any time for the discussion of a no-confidence motion. It is only fair that all of us should get some time. But at the same time we cannot deny that once a motion for no-confidence is moved the House must have an opportunity to discuss that motion. So I would suggest that a proviso may be added to the amendment that to meet an exigency the Hon'ble the Speaker may relax this rule.

One more point I should like to add. Mr. Hockenhull remarks that one full day should be given. I think this will lead to complication. I think that the word "full" may be omitted because a no-confidence motion may be fixed for discussion after question hour next day if it should require 24 hours' notice. If it is given one full day, actual time may ultimately be in the neighbourhood of 48 hours and not 24 hours. I hope, my friend, the mover of this amendment, will be able to accept my suggestion.

**Mr. F. W. HOCKENHULL:** I am prepared to accept the suggestion of my hon. friend Mr. Kamini Kumar Sen that the word "full" may be omitted from the amendment, and if it is the feeling of the House that it should be left to the discretion of the Speaker in an emergency this may be done. In the circumstances I think that the proviso may also be accepted.

**The Hon'ble the SPEAKER:** I may point out to hon. Mr. Hockenhull that some change in the rule may also be required. Because in these ten days "than one full day" is included. So if hon. Mr. Hockenhull moves his amendment he should introduce also some verbal changes in the rule.

**Mr. F. W. HOCKENHULL:** My point is that if at least 24 hours is allowed that would meet my case.

**The Hon'ble the SPEAKER:** So I say this inconsistency should be removed.

**Mr. F. W. HOCKENHULL:** I move—"Not more than ten days and not less than 24 hours from the time on which leave is asked" should be added in the fifth and sixth lines of rule 85(2).

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA\*:** It will be that, Sir—the motion will be taken on such day not being less than 24 hours and not more than 10 days from the time on which leave is asked and then the proviso will be like that if the exigencies of business so requires, the Speaker shall have the power to fix the time earlier than 24 hours.

**Rai Bahadur PROMODE CHANDRA DUTI\*:** Instead of saying this, I think, it should be 'the Speaker shall have the discretion to relax the rule'.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA\*:** Yes, it should be according to exigencies of business, *e.g.*, the case cited by Mr. Kamini Kumar Sen that if there be any Government business or if there be any no-confidence motion tabled on the very last day, then the Speaker shall have the power to relax the rule of at least 24 hours' time.

**The Hon'ble the SPEAKER:** I think, the amendment may take this form—in sub-rule (2) of rule 85 after the words 'more than ten days', the words 'not less than twenty-four hours' be added and for the words, 'day on' after the words 'from the' the words 'time at' be substituted, and then the proviso be added to the effect that provided if the exigencies of business require, the Speaker shall have power to relax the rule and take up the motion earlier than twenty-four hours. I think this will do.

\*Speech not corrected.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA\* :** Yes, Sir. That will do :

**The Hon'ble the SPEAKER :** Then the amendment now takes this form. In line 6 of sub-rule (2) of rule 85 after the words 'more than ten days', the words 'not less than twenty-four hours' be inserted and for the words 'day on', the words 'time at' be substituted and the following proviso be added:—"Provided that if exigencies of business require, the Speaker shall have power to relax the rule and take up the motion earlier than twenty-four hours.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA\* :** I like to make a submission, Sir. The proviso should come after the words 'as he may appoint', and the words "if there be less than 35 members etc.," that should come as a separate clause.

**The Hon'ble the SPEAKER :** Then I think, the consequential change would be that. "If less than 35 members rise, the Speaker shall inform the member that he has not the leave of the Assembly" and this should be added as sub-clause (3). I think the House will agree to it.

All these amendments were then agreed to.

*Rule 92*

**Babu KAMINI KUMAR SEN\* :** I beg, Sir, to move that the following be substituted for rule 92 :—

"92. Notice of a motion to refuse or reduce any demand shall be given to Secretary three clear days before the day on which the demand is under consideration".

The present rule provides inadequate time and so it has been intended to increase the time limit.

**The Hon'ble the SPEAKER :** The motion moved is that the following be substituted for rule 92 :—

"92. Notice of a motion to refuse or reduce any demand shall be given to Secretary three clear days before the day on which the demand is under consideration".

**Srijut SARVESWAR BARUA\* :** Mr. Speaker, Sir. I would like to oppose this amendment also on the same ground as I opposed the other amendments. I would request the member to withdraw his amendment.

**Mr. F. W. HOCKENHULL :** Sir, this amendment is not in the same category with the motion that was raised early this afternoon. I hope the exigencies of office business will also be considered in connection with this matter. In one case, we get only one motion, but here we may get 200 motions ; so two days' notice is quite insufficient. The members ought to receive at least the night before those cut motions which are being tabled on the following day.

**Srijut SARVESWAR BARUA :** Sir, we find that two clear days' notice is quite sufficient. Three days' notice will be too hard for us.

**Maulavi ABDUR RAHMAN :** Sir, I rise to oppose this amendment. It is our sad experience in the last Budget session that on many occasions we forgot and could not submit our amendments. I do not think the Assembly office will be inconvenienced to arrange and print the motions in time for circulation to the members if they receive the motions before two clear days.

Again, Sir, the amendment moved by Mr. Sen is tantamount to the curtailment of the discretion of the Chair. From our past experience, we have seen, that on certain occasions we could get permission from the Speaker to move amendments even though due notice was not given. If we make a hard and fast rule this will certainly take away the discretion of the Chair as the Chair would be bound to refuse permission to move those amendments which did not come three clear days before.

\*Speech not corrected.

**The Hon'ble the SPEAKER:** Of course, it is for the hon. members to consider whether they will accept the standpoint from which Mr. Hockenull has spoken. I think hon. Mr. Sen has tabled this amendment with a view to give some relief to the Assembly staff. Hon. members do not know how the Assembly staff works when the Budget comes up for discussion.

Any number of motions are tabled, and it is the duty of the staff to arrange them, to bring them into proper form and have them printed in good time for circulation to the hon. members. So if the hon. members want not to curtail their right even with a view to give relief to the Assembly staff the hon. members have of course got that right.

**Rai Bahadur PROMODE CHANDRA DUTT:** I think, Sir, the sleeping members must not be allowed more latitude.

**Babu KAMINI KUMAR SEN:** Sir, I think the old rules were made by the old Council when there was lesser number of members and the number of cut motions was also lesser. But now the number goes up to 200 at times. Unless we curtail some of our rights, we cannot enjoy all the rights. As Mr. Hockenull has said, we must have at least a night's notice of the cut motions that are being moved the next day. So I think the hon. members will agree to this amendment.

**Srijat GAURI KANTA TALUKDAR:** Sir, we do not want to have any privilege for ourselves. We have come for the service of the people and we have to find out means how best we can do that. I submit, Sir, that getting lesser period of time for giving amendments does not stand against our individual interest, but it goes against the interest of the country. On the other hand, if we get any benefit by limiting the time to 2 clear days instead of 3, it means a benefit for them whom we have come to serve.

So, we say that two days' notice is quite sufficient and there is no need to extend it by one day more.

**The Hon'ble the SPEAKER:** The question is that the following be substituted for Rule 92:—

"92. Notice of a motion to refuse or reduce any demand shall be given to Secretary three clear days before the day on which the demand is under consideration."

The motion was adopted.

#### Rule 97

**Babu KAMINI KUMAR SEN:** I beg to move, Sir, that in the third line of rule 97(1) for the figure and words "3 o'clock" the figure and words "2 o'clock" be substituted.

This amendment is also consequential on the amendment to Rule 3, which we have already adopted.

**The Hon'ble the SPEAKER:** The motion moved is that in the third line of Rule 97(1) for the figure and words "3 o'clock" the figure and words "2 o'clock" be substituted.

**Srijat GHANASYAM DAS:** Mr. Speaker, Sir, I rise to oppose the motion moved by my hon. friend Mr. Kamini Kumar Sen. I am very glad that my hon. friend is very kind to the Assembly staff, but being kind to them he should not be unkind to us. We give all the notices after 2 p.m., that is after we come back here for the second sitting after the recreation period. If the time is so curtailed by one hour, we shall lose the opportunity of giving such notices. So I oppose this amendment.

**The Hon'ble the SPEAKER:** The question is that in the third line of rule 97(1) for the figure and words "3 o'clock" the figure and words "2 o'clock" be substituted.

The motion was negatived.

*Rule 118 (New)*

**Babu KAMINI KUMAR SEN:** I beg to move, Sir, that the following be added as a new rule after rule 117:—

“Interpretation—

118. If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the Speaker shall be final”.

I think, Sir, I need not speak much in support of this amendment. In case of any objection being raised as to the interpretation of these rules there must be some definite authority who should be final in deciding the interpretation of rules. The Hon'ble Speaker's decision in the matter has always been considered to be final though there is no definite rule on the point.

**The Hon'ble the SPEAKER:** The motion moved is that the following be added as a new rule after rule 117:—

“Interpretation—

118. If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the Speaker shall be final.”

**Srijat GAURI KANTA TALUKDAR:** Sir, I wholeheartedly support this amendment

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:\*** Mr. Speaker, Sir, before we come to any final conclusion regarding this section, *i.e.*, the decision of the Speaker to be final, may I raise a question of vital principle and importance? It is this.

(1) In framing the rules and regulations for the conduct of business of the Assembly, may I ask, Sir, which constitution do we follow?

(2) What is the procedure and tradition of the British Parliament which is called “the mother of all Parliaments” regarding the position of the Hon'ble Speaker in the House. What I mean to say is this whether the Hon'ble Speaker of the House can be a member of his party within and even outside the House.

Here, Sir, may I quote a few lines from the valuable and authoritative opinions of Professor D. N. Banerjee.....

**The Hon'ble the SPEAKER:** I can understand the object with which the hon. member is making his statement, but I think that does not really come under this rule. After we finish the rules the hon. member may raise his point.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Sir it is a new section and I must give my opinion on this section.

**The Hon'ble the SPEAKER:** That question is quite irrelevant so far as this question is concerned.

Hon. members know that so far as Governor's rules are concerned there is a specific rule that in case of interpretation of those rules, the decision of the Governor shall be final. With regard to Assembly rules also, there should be such a rule that in case of interpretation of Assembly rules, the decision of the Speaker shall be final, irrespective of the question that the Speaker belongs to this party or that party. The Speaker must have power to give his decision and it is a well-known Parliamentary principle and it is also the principle of the Constitution that the decision of the Speaker should be final within the walls of the House (*Hear, hear*). So far as the members of this Honourable House are concerned, they have decided that whatever may be the decision of the Speaker it shall be final in the House. It is on account of this view that it is necessary that such power should vest in the Speaker, who will decide all questions according to his conscience without considering the interests of any party. That has always

\*Speech not corrected.

been the convention. Unless the decision of the Speaker be final no business can be done in the House, as there can be no authority to whom appeal from the decision of the Speaker would lie. The hon. member must have read in the papers the ruling of the President of the Central Assembly on the question of the Deputy President leaving his Chair in order to record a vote. The Hon'ble President held that so far as that vote was concerned it was final.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY\*** : Will you kindly allow me to read the statement ?

**The Hon'ble the SPEAKER** : After we have finished the rules—I do not think it is relevant.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA\*** : Sir, if I gather his intention aright I think what my friend means is that before he can vote on this new rule that the Speaker should be the final authority in interpreting the rules he would like to know whether the Speaker is a party man inside the House.

**The Hon'ble the SPEAKER** : Then a simple question can be put without reading any statement. The Speaker is not a party man so long as he is in the Chair. He can never show any partiality for any side in any question coming up before the House. I have said this several times.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY\*** : And outside the House ?

**The Hon'ble the SPEAKER** : He cannot join any party. But so far as my personal conduct is concerned outside the House I guide myself by the principles of the Congress. I have said that also on several occasions.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY\*** : So far as taking part in politics is concerned is he a no-party man ? Has he resigned from the party or is he still a Congress man ?

**Babu KAMINI KUMAR SEN** : This has nothing to do with his activities outside the House. The hon. member should confine himself to the amendment.

**The Hon'ble the SPEAKER** : I think this will satisfy the hon. member. I am not a member of the Congress Party, nor a member of any executive, nor a member of any Congress Committee.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY\*** : If he follows the Constitution fully he must resign his membership of the party otherwise he will be considered to be a party man.

**The Hon'ble the SPEAKER** : Every man must belong to a community, and I consider the Congress to be a community of people possessing a certain kind of political faith and I belong to that community and so long as I shall occupy this Chair I shall only be a dormant member of that community.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY\*** : May I enquire, if he follows the Congress principles, how can he be a no-party man ?

**The Hon'ble the SPEAKER** : As I have already said I belong to no party, but I follow the Congress principles for my own personal conduct outside the House. If the people say so, let them say so.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY\*** : Are you aware that the Speaker of the Central Assembly has resigned his membership of the Muslim Party ?

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\*Speech not corrected.



**The Hon'ble the SPEAKER:** I do not know. I have not enquired. I shall now put the question. That after rule 117 the following be added as a new rule:—

“*Interpretation.*”

118. If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the speaker shall be final.”

The motion was agreed to.

**The Hon'ble the SPEAKER:** We have finished all the amendments. I shall put the rules together, to which amendments have been made. The question is that Rules 3, 17, 23B, 27, 32A, 35, 59, 66, 66A, 82, 85, 92 and 118 as amended, or inserted as the case may be do form part of the Rules.

This was agreed to.

**The Hon'ble Babu AKSHAY KUMAR DAS:** Mr. Speaker, Sir, I beg to move that the Draft Assembly Rules be passed.

The motion was put and agreed to.

**The Hon'ble the SPEAKER:** Before I go to the next item of business I want to mention one fact in connection with the rules which have been adopted by this House.

Khan Bahadur Sayidur Rahman raised a point as to when these rules would come into force. I then said that they would come into force after their due publication in the Gazette. Now I think there should be a resolution of this House as to the time from which these rules should come into force.

**Mr. F. W. HOCKENHULL\*:** They should come into force immediately.

**The Hon'ble the SPEAKER:** Then they should come into force from to-morrow. But there is one difficulty. The members have not got printed copies of the rules as amended. So I think it would be better to have the rules brought into force some time later. (*A voice:* From next session.) It may be from the next session, or it may be brought into force even from now. But there is this practical difficulty of our not having printed copies of the amendments.

**Mr. F. W. HOCKENHULL:** There are only 7 or 8 amendments.

**The Hon'ble the SPEAKER:** If it is the desire of the House that the rules should come into force now, there should be a resolution from the House.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI\*:** Government will come forward with a resolution as regards the time from which these rules will come into force. I shall ask my colleague to do that.

**The Hon'ble the SPEAKER:** But what is the effect of this Assembly passing these rules to-day? That is a thing to be considered.

**Babu KAMINI KUMAR SEN\*:** The rules should come into force immediately, whether the amendments are printed or not.

**Srijut KRISHNA NATH SARMAH\*:** There is no necessity of having any resolution. When the amendments have been passed, the rules should come into force at once.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI\*:** My humble suggestion, Sir, is that we should wait till the rules as finally adopted are published in the *Assam Gazette*.

**The Hon'ble the SPEAKER:** Unless there be a definite decision of the House, there will be some difficulty, I think.

**Srijut GAURI KANTA TALUKDAR\***: I think, Sir, there should be a definite resolution to the effect that the rules will come into force from the next session.

**Rai Bahadur PROMODE CHANDRA DUTT\***: I move, Sir, that the rules do take effect immediately.

**The Hon'ble the SPEAKER**: No question of notice arises. It follows from the fact that the rules have been passed by the House to-day.

**Babu KAMINI KUMAR SEN\***: Otherwise, Sir, we will be in an anomalous position. The old rules have already been annulled by the new rules. Unless we pass a resolution like that the position would be anomalous.

**Rai Bahadur PROMODE CHANDRA DUTT**: However, Sir, I move that the rules do take effect immediately.

**The Hon'ble the SPEAKER**: I may refer to sub-section (3) of section 84 of the Government of India Act. "Until rules are made, under this section the rules of procedure and standing orders in force immediately before the commencement of this Part of this Act.....shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion."

So according to the terms of this section of the Government of India Act, the new rules are now before the House as adopted by the House. So these rules really replace the old rules. But if the House desires to postpone the operation of these rules they may do so.

**Babu KAMINI KUMAR SEN\***: The House has adopted these rules. The Government of India Act says that, until it is adopted, the old rules would continue.

**Mr. F. W. HOCKENHULL\***: I agree, Sir.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: We have no objection, Sir.

**The Hon'ble the SPEAKER**: I shall put the motion moved by the hon. Rai Bahadur Promode Chandra Dutt, namely that the rules do take effect immediately. The Rules come into force from to-day. I think the House agrees on this point.

The motion was agreed to.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI\***: The question is whether the Assembly office can manage to get the amendments typed and put on the table of each member.

**Mr. F. W. HOCKENHULL\***: Until such time as the rules are reprinted, the typed amendments might be inserted in our books.

**The Hon'ble the SPEAKER**: We shall try to do our best. If we can, we shall certainly supply the typed copies of the amendments accepted by the House.

#### GOVERNMENT RESOLUTIONS

**Resolution that trade and commerce within the province in drugs, medicines, etc., which are among the matters enumerated in the Provincial Legislative List should be regulated in this Province by an Act of the Federal Legislature.**

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: Mr. Speaker, Sir, I beg to move—

"That this Assembly do resolve that it is desirable that:

- (1) trade and commerce within the province in drugs, medicines and biological products,

- (2) the production, supply and distribution of drugs, medicines and biological products,
- (3) the adulteration of drugs, medicines and biological products,
- (4) the fees in respect of the matters mentioned in clauses (1) to (3),
- (5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4),
- (6) offences against laws with respect to the matters mentioned in clauses (1) to (5), and
- (7) jurisdiction and powers of Courts with respect to the matters mentioned in clauses (1) to (6),

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this Province by an Act of the Federal Legislature."

Sir, in 1927, a resolution was moved in the Council of State and that resolution ran like this: "This Council recommends to the Governor General in Council to urge all Provincial Governments to take such steps as may be necessary to control the indiscriminate use of medicinal drugs and to legislate for the standardisation of the preparation and for the sale of such drugs". That resolution was passed by the Council of State.

After that the Government of India appointed a Drugs Enquiry Committee in 1930. There were four Members in the Committee consisting of three Medical men and one non-medical gentleman who happens to be our Hon'ble Colleague Maulavi Abdul Matin Chaudhuri, M.L.A. The Drugs Enquiry Committee finished their work and submitted their Report by the end of 1931. The recommendations were very interesting. In their enquiry they found that there was a great deal of adulteration in drugs in India and they have stated that this adulteration is on account of the demand in the country for cheap medicines. I will quote some of their words. In paragraph 278 of the report they say: "The root cause of the traffic in adulterated drugs is traceable, on ultimate analysis, to the demand for cheap medicines which unscrupulous manufacturers and dealers have not been slow to exploit. In the absence of restrictive laws, a certain class of manufacturers and dealers has been successfully flooding the market with inferior products. The true remedy for this state of affairs lies in the organisation of the drug industry in this country."

In that report they have given about 89 recommendations and among those recommendations is this one that I have mentioned that there shall be legislation to control drugs in India.

I will now read from paragraph 399 of the report. It says like this. "There should be legislation to control drugs and pharmacy. The control in respect of drugs should be for those included in the British Pharmacopoeia and other known and approved medicinal preparations, whether indigenous or not."

Then in paragraph 400 they say: "Legislation should be central with a view to secure effectiveness and uniformity in control throughout India".

They have also stated in paragraph 491 that this legislation should be uniform. They have said like this: "There is also a large volume of opinion that it is desirable to have uniformity in laws relating to drugs and the profession of pharmacy in force throughout the entire extent of India. In view of these considerations, we strongly recommend that legislation to give effect to our proposals may be introduced into the Indian Legislature".

Since then the Government of India wrote to all the provinces in India asking them to legislate in regard to the manufacture, production, sale and distribution of drugs in each province. But none of the provinces has done anything. In the meantime this new constitution under the Government

of India Act, 1935 has come into force according to which the Government of India cannot legislate for the manufacture, sale, production and distribution of drugs inside a province. The Central Legislature can legislate only on the importation of drugs into India from foreign countries. The Government of India did their part and in the year 1937 they introduced a Bill to control importation of drugs into India from foreign countries and that Bill was referred to a Select Committee. That Committee gave their opinion that it was not desirable to continue that Bill and they have recommended that the whole question of drugs should be dealt with in the Central Legislature as regards the sale, manufacture and distribution of drugs, for the whole of India. The Government of India have written to the different provinces asking them whether the Governments of the different provinces would be agreeable to give their power which has been given to them by the Government of India Act to make laws in regard to drugs inside their province to the Central Legislature and that would be according to section 103 of the Government of India Act which I shall read: "If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly. But any Act so passed, may as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province". Under this section, if the provinces agree that powers given to them by the Act to legislate on certain matters that they should give that power to the Central Legislature they can do so. The Government of India have written to all the provinces and it appears from the correspondence that we have with us that all the other provinces have agreed to introduce into their Legislatures a resolution to give power to the Central Legislature to legislate for the whole of India in regard to these matters.

Now in Assam, when we got the letter of the Government of India, we considered the question that it would be advisable for us to agree to this proposal. For we do not have factories in Assam to manufacture drugs. Moreover, it will be very expensive for us to have a laboratory here in Assam to examine the drugs that we are getting from Bengal. We are far away from the centre of manufacture and the centre of trade of these drugs is in Bengal. We have to deal with Bengal all the time. So, any legislation passed in Assam will hardly be operative in Bengal. In view of this, Sir, we and the other provinces also have agreed that we should move resolutions in both House of Legislature and have them passed. Then the Central Government can bring forward a Bill in the Indian Assembly and that Bill will, I think, be sent to the provinces for opinions.

In view of this we place this very same resolution which was sent to us by the Government of India. The Upper House, Sir, has passed this resolution without a dissenting voice, and I am sure this Lower House also will have no objection at all. It will be beneficial for us in every respect. Moreover, Sir, even if an Act has been passed by the Central Legislature, and if we find that any section of the Act is not conducive to the good of our province, our Legislature can amend or repeal that Act. If it should happen that that Act, when passed, is against the interest of Assam, then this Legislature can repeal that Act or amend it to suit itself. So we lose nothing by passing this resolution in this House and thus giving power to the Central Legislature to legislate in regard to the control of the manufacture, sale and distribution of drugs inside a province. Therefore, Sir, I move this resolution before this House.

**The Hon'ble the SPEAKER**—The resolution moved is—

“That this Assembly do resolve that it is desirable that :

- (1) trade and commerce within the province in drugs, medicines and biological products,
- (2) the production, supply and distribution of drugs, medicines and biological products,
- (3) the adulteration of drugs, medicines and biological products,
- (4) the fees in respect of the matters mentioned in clauses (1) to (3),
- (5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4),
- (6) offences against laws with respect to the matters mentioned in clauses (1) to (5), and
- (7) jurisdiction and powers of Courts with respect to the matters mentioned in clauses (1) to (6),

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this Province by an Act of the Federal Legislature.”

**Srijut MAHI CHANDRA BORA** : My question, Sir, is whether the Federal Legislature is in existence at present. If it is not, what is the necessity of passing this resolution at this stage ?

**The Hon'ble the SPEAKER** : The hon. member will look into the Government of India Act. There he will find that there is some provision for the transitional period. Although Federation has not come, certain provisions of the Government of India Act, 1935 are made applicable so far as the Central Legislature is concerned.

**Rai Bahadur PROMODE CHANDRA DUTT** : If the Central Legislature wants to legislate they should have uniformity of laws in these matters. The resolution was then put and it was agreed to.

**Resolution re : statistics of employment, etc., which is a matter enumerated in the Provincial Legislative List, should be regulated in this Province by an Act of the Federal Legislature**

**The Hon'ble Maulavi MUNAWWAR ALI\*** : Mr. Speaker, Sir, I beg to move—

“That this Assembly do resolve that it is desirable that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this Province by an Act of the Federal Legislature, namely—

- (1) statistics of employment,
- (2) offences against, and the jurisdiction and powers of Courts with respect to, the said Act of Federal Legislature.”

Sir, practically this resolution is a vesting resolution, that is to say it aims at vesting in the Central Legislature the powers that the Provincial Legislature possesses. Hon. members by reference to the Federal Legislative List and the Provincial Legislative List will find that the subject matter of resolution is missing from the Federal Legislative List. At page 306 of the Constitution Act the hon. members will find item No. 38 which is to this effect: “Inquiries and statistics for the purpose of any of the matters in this list”. Then hon. members will find item No. 46 which runs thus: “Taxes on professions, trades, callings and employments”. These subjects are chiefly within the purview of the Provincial Legislative List. If hon. members will also refer to item No. 43 of the Federal Legislative List they will find it runs thus: “Inquiries and statistics for the purposes of any of the matters in this list”. Thus we find that item No. 43 of the Federal Legislative List is identical with item No. 38 of the Provincial Legislative List.

\* Speech not corrected.

So it may be asked — what was the necessity of moving a resolution like this in order to enable the Federal Legislature to pass an Act as it is proposed? But by reference to item 46 of List No. II hon. members will see that it is missing from the Legislative List No. I. Of the two items Nos. 38 and 46, one is available in List No 1, but the other is not.

Now by reference to section 103 of the Constitution Act hon. members will find as my Hon'ble Colleague has just now stated—"If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly". Now one question may be asked whether two or more Provincial Legislatures have agreed to pass a resolution like this in both Houses? For the information of the hon. members of this House I would say that all the eleven provinces including ourselves have agreed to such a procedure. Now some of the hon. members may think that it will be yielding too much our legislative power to the Federal Legislature, and in order to dispel that doubt I shall read the subsequent lines: "but any Act so passed may, as respect any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province". Now if we are surrendering our power to the Federal Legislature that is not a servile surrender. If we find that that Act of the Federal Legislature does not work here or if it works against the interest of the province, we can either amend or repeal that Act by an Act passed by this Legislature at our sweet will.

Sir, the question of employment itself is very important indeed. It is essential that the capacity of the province must be gauged in that respect. We must find out to what extent the province can provide employment for her children. Sir, we are producing educated youths almost blindfold from day to day, year to year and decade to decade without knowing the requirement of the province and it is for this reason that we are faced with this question of unemployment. So the urgency of a legislation like this is imperative. We should cut our coat according to the cloth. We must first measure the extent to which we can give employment to our people and control the production of educated people accordingly. Sir, it is very good to have a legislation like this. The statistics can be easily and suitably collected by this Government. As the hon. members are aware this question has been very enthusiastically tackled in Bihar. The Bihar Government have started, as hon. members are aware, an unemployment bureau. That bureau wanted statistics of employment from various organisations and departments in the province and they met with insurmountable difficulty in that respect.

Certain industrial organisations refused to supply statistics or they gave inaccurate or perfunctory information. Now there must be some sort of legislation to control that and compel these people to supply them regularly. It is for this reason that it is essentially necessary that this resolution should be accepted by the members. This resolution I had the honour to bring in the Upper House and the hon. members will be glad to learn that they unanimously endorsed the resolution and I hope the hon. members here will also follow suit.

**The Hon'ble the SPEAKER :** The resolution moved is :

That this Assembly do resolve that it is desirable that the following matters, being matters enumerated in the Provincial Legislative List should

be regulated in this province by an Act of the Federal Legislature, namely:—

- (1) Statistics of employment.
- (2) Offences against, and the jurisdiction and powers of Courts with respect to, the said Act of Federal Legislature.

*(After a pause.)*

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

That this Assembly do resolve that it is desirable that the following matters, being matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature namely:—

- (1) Statistics of employment.
- (2) Offences against, and the jurisdiction and powers of Courts with respect to, the said Act of the Federal Legislature.

The Resolution was carried.

#### Adjournment

The Assembly was then adjourned till 11 a.m. on Tuesday, the 13th September, 1938.

*Shillong :*

A. K. BARUA,

*The 12th November 1938.*

*Secretary, Legislative Assembly, Assam.*

