

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a. m., on
Wednesday, the 7th September 1938

Complaint for not giving answer to a question, the reply of which
was asked for on the 1st day of the sitting of the Assembly

Srijut LAKSHESVAR BOROOAH: On a point of information, Sir. On the 1st of July I gave notice of some questions regarding local rates paid by the planting community, non-Muhammadan community and the Muhammadan community on the different Local Boards in Assam and I requested you in the same letter to ask Government to supply the information on the 1st day of the sitting of the Assembly. I was given to understand that the information would be supplied on the 5th September, but I find that the information has not yet been supplied.

The Hon'ble the SPEAKER: I may inform the hon. member that his request was duly communicated to Government, but if Government has not yet been able to send the replies, I am not to account for it. Of course I may again ask Government to supply the information.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am very sorry that the file has not been put up to me. After the Assembly proceedings have been printed, office deals with every reply that has been given by the Government. But this particular matter has not yet been put up to me and I am very sorry for that. However I have got this statement from the hon. member and I will look into that.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Travelling and halting allowances of certain Hon'ble Ministers

Maulavi MABARAK ALI asked :

*72. Will Government be pleased to state—

- (a) The amount drawn by the Hon'ble Ministers of the Education and Agriculture in their second tour with the Hon'ble Chief Minister, at Karimganj, as their travelling and halting allowances ?
- (b) The necessity of their second tour at Karimganj within a month of the first tour ?
- (c) Whether it was for the purpose of making Muslim League propaganda, or for any other purpose ?
- (d) What benefit did the public derive from the tour of the Hon'ble Ministers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

72. (a)—Rs.457-10-0 was drawn for the entire tour lasting for ten days visiting four subdivisions of the Sylhet district.
(b)—In public interest.

(c)—As replied to in (b) the tour was for the purpose of looking into the grievances and requirements of the public as regards subjects in their port-folios. The Hon'ble Minister for Agriculture, however, while addressing public gathering, impressed upon the Moslems the imperative necessity of organising themselves under the banner of the Muslim League in the best interest of the community and the country.

(d)—Direct personal contact of the Ministers with general public is undoubtedly conducive to efficient administration.

Maulavi MABARAK ALI: May I know from the Hon'ble Minister for Agriculture whether it was not possible for him to do these things in the first tour?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: No, because there were two different tours in two different parts of the subdivision.

Babu RABINDRA NATH ADITYA: What was the necessity for the second tour?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Because I had to visit a different part of the subdivision.

Babu RABINDRA NATH ADITYA: Has the Hon'ble Minister toured all throughout the subdivision?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Unfortunately it has not been possible to do so yet.

Settlement of Excise shops in Cachar

Maulavi MUZARROF ALI LASKAR asked :

*73. Will Government be pleased to state—

(a) The total number of Excise shops (*ganja*, opium and liquor) in the district of Cachar?

(b) How many of these shops have been settled with *bona fide* natives of the district this year?

(c) How many of these shops have been settled with up-country (Hindusthani) men?

(d) How many of these lessees are Muhammadans?

(e) Who is the present lessee of the Silchar Excise (*ganja* and opium) shops?

(f) For how many years, he has been holding these shops?

*74. (a) Is it a fact that the Deputy Commissioner, Cachar, with his Advisory Committee unanimously settled the Silchar Excise shops this year with a *bona fide* Muhammadan native of the district?

(b) Is it a fact that the same shops were settled with a Muhammadan tenderer the year before last by the Deputy Commissioner and his Advisory Committee?

*75. (a) Is it a fact that the Excise Commissioner set aside the orders of settlement of these shops on both these occasions and allowed the same old Hindusthani lessee to continue?

(b) If so, will Government be pleased to state the reasons for settling the shop with the old Hindusthani lessee against the decision of the local Advisory Committee repeatedly?

*76. Will Government be pleased to state—

(a) The number of Excise shops (*ganja*, opium and liquor) in the Province which are being held by the same lessees for more than three years?

(b) In how many of these cases, the Excise Commissioner set aside the orders of settlement by the Local Committees?

*77. (a) Will Government be pleased to place on the table a copy of the report submitted by the Deputy Commissioner, Cachar, for settling the Silchar excise shops this year with local tenderers?

(b) Do Government propose to consider the claims of *bona fide* inhabitants particularly of Muhammadans in settling excise shops in each district of the Province?

The Hon'ble Maulavi MUNAWWAR ALI replied :

73. (a)—Country spirit	...	...	29	(excludes canteens and lessee manager shops).
	<i>Ganja</i>	...	33	
	Opium	...	13	
(b)—Country spirit	...	...	18	
	<i>Ganja</i>	...	19	
	Opium	...	10	
(c)—Country spirit	...	...	9	
	<i>Ganja</i>	...	13	
	Opium	...	2	

(d)—None.

(e)—Sahadeb Ram Kalwar.

(f)—For ten years.

74. (a)—Yes.

(b)—Yes.

75. (a)—Yes.

(b)—The old lessee has acquired a domicile and is entitled to the rights and privileges of a domiciled resident. The ground that a shop has been held for a long time by such a person is not relevant for effecting a change if his management has been satisfactory.

76. (a) & (b)—The information is not readily available and the time and labour involved in collecting it will not also be commensurate with the result.

77. (a)—Government regret that they are unable to disclose the contents of official communications.

(b)—Government policy is that the claims of suitable candidates from all communities should be considered when a vacancy occurs subject to preference being given to candidates from tribal classes and scheduled castes in areas principally occupied by these classes.

Maulavi ABDUR RAHMAN: Is it a fact that a particular section of the people generally holds this business in a way of monopoly?

The Hon'ble Maulavi MUNAWWAR ALI: That was the state of things in the past.

Transit Rules of forest produce

Babu RABINDRA NATH ADITYA asked :

*78. Are Government aware that the Transit Rules of forest produce extracted from private lands are unduly harsh?

*79. Are Government aware that the process of obtaining a certificate of origin is lengthy and expensive specially for stray cases where the value of produce is also small?

*80. Are Government aware that the technical difficulties of the Transit Rules give a handle to the forest officers for harassment and illegal exactions?

*81.(a) Are Government aware that in many cases under rule 17 of the Transit Rules, the trying Magistrates have been compelled to convict the accused on a technical breach of the rules even on the finding that the fuel or timber was extracted from private land?

(b) If so, do Government propose to take steps for modifying the Forest Transit Rules?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

78.—Government have not received complaints regarding the rules since they were revised on an Enquiry Committee's recommendations in 1931. They have heard complaints regarding the operation of the rules, and propose to consider the matter fully.

79.—Government do not consider the process lengthy or expensive.

80.—As already stated, Government will consider how harassment can be prevented.

81.(a)—There may be a breach of the rules even if the produce has been extracted from private land.

(b)—Government will examine the point.

Babu RABINDRA NATH ADITYA*: Did the Hon'ble Minister receive complaints from some members on the floor of this House about these transit rules?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes.

Babu RABINDRA NATH ADITYA: May I know in what way Government propose to tackle the matter?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: We are considering the question of revision of these rules and which have given rise to a lot of grievances particularly under the present law the burden of proof is on the accused and that has led in some cases to some harassment. We think that the law as contained in the regulation ought to be revised to prevent abuses.

Babu RABINDRA NATH ADITYA: Are there not loopholes in the present forest law which give handle to the forest officers for harassment and illegal exactions?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Every law can be misused.

Maulavi ABDUR RAHMAN*: Are Government going to appoint a committee to enquire into these allegations?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: So far as the facts in possession of the Government go to show, there is no necessity for an Inquiry Committee. We are trying other steps to minimise the cause of complaints as far as possible.

Maulavi ABDUR RAHMAN: As the matter is very serious may I know from the Government whether they are prepared to consider the matter as early as possible?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Certainly, Sir.

Srijut KRISHNA NATH SARMAH*: Do Government think that production of certificate of origin before the forest officers is unnecessary in case of cultivators? Should not that clause be deleted from the regulation?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: We shall remember the hon. member's suggestion.

*(Speech not corrected).

Ferry Steamer between Neghriting Steamer Ghat and Ahotguri

Srijut RAJENDRA NATH BARUA asked:

*82. Are Government aware of the proceedings of a public meeting held in Golaghat on the 4th August 1938, demanding either a ferry steamer between Neghriting Steamer Ghat and Ahotguri or in the alternative to direct the Steamer Navigation Company to touch the erstwhile Talshibari Ghat or a convenient site in Ahotguri Mouza to facilitate people to cross the Brahmaputra?

*83. Do Government propose to take action in the matter to remove this urgent need of the people?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

82.—Yes.

83.—It is not possible to provide a steam ferry service. A reference is being made to the Steam Navigation Company and their views are being ascertained.

Waiting room at Barpeta Road Station

Srijut GHANASHYAM DAS asked:

*84. Are Government aware that the Barpeta Road station of the Eastern Bengal Railway is the main station for the town of Barpeta, the headquarters of the Barpeta subdivision?

*85. Are Government aware that there is no resting place for the higher class passenger except a portion of the station house which is mostly used by the Railway vendors as their shop house and wherein people huddle together for want of any resting place?

*86. Do Government propose to move the Eastern Bengal Railway authorities to arrange some resting place for the passengers of the higher classes in that Railway station?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

84.—Yes.

85.—Government are prepared to accept the statement that there is no resting place for the higher class passengers.

86.—The Assembly's Representative on the Eastern Bengal Railway Local Advisory Committee, is the correct person to move in the matter.

Spread of education amongst the Scheduled caste people

Babu BIPIN BEHARI DAS asked:

*87. (a) Are Government aware that the Scheduled caste people are most backward in education?

(b) If so, do Government propose to take steps for the speedy spread of education by way of allowing Scheduled caste boys and girls admission to the colleges and secondary schools of Assam free of tuition fees?

*88 Will the Hon'ble Minister in charge be pleased to state whether the special scholarships reserved for the boys of the Scheduled castes have been awarded to boys other than those of the Scheduled castes this year?

The Hon'ble Maulavi MUNAWWAR ALI replied :

87. (a)—Yes.

(b)—The hope of speedy spread of education in this as in any other community lies in the sphere of Primary Education. The formulation of such a scheme is under the consideration of Government. Simultaneously Government are considering the question of making a larger number of free studentships available for candidates from these castes.

88.—No.

Srijut RUPNATH BRAHMA: Will it be correct if I say that the scheduled caste people are most backward in education?

The Hon'ble Maulavi MUNAWWAR ALI: The hon. member might refer to question 87 where the wording is: are Government aware that the scheduled caste people are most backward in education. 'Most backward' is not preceded by the word 'the'. Therefore they are not the most backward.

Srijut BELIRAM DAS: Will Government state if any scheme has been prepared for the education of the backward class people?

The Hon'ble Maulavi MUNAWWAR ALI: If he means a scheme for illiterate among children, then that is now under my consideration.

Srijut BELIRAM DAS: Is it under the contemplation of the Government to give preferential treatment to the scheduled caste in the matter of education both primary and higher?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, this is the policy of Government.

Srijut BELIRAM DAS: How long do Government propose to take in considering the matter?

The Hon'ble Maulavi MUNAWWAR ALI: We expect to present the scheme before the next session of the Assembly.

Srijut BELIRAM DAS: Is it for the introduction of free and compulsory primary education?

The Hon'ble Maulavi MUNAWWAR ALI: I am personally engaged in preparing the scheme as suggested by the hon. member.

(Starred questions 89—93 standing in the name of Mr. Kedarmal Brahmin were not called and answered as the questioner was absent).

(Starred questions 94—97 standing in the name of Srijut Debeswar Sarma were not called and answered as the questioner was absent).

Education Minister's visit to Srimangal High English School

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

*98.(a) Has the attention of Government been drawn to the news published in No. 44 issue of the "Anandabazar Patrika" of 7th May Muffasil Edition regarding the Education Minister's visit to Srimangal High English School?

(b) If so, what was the object of the said Hon'ble Minister in saying "Baman-kai-gu" and dragging out particularly the Brahmin boys for drill?

*99. (a) Has the attention of Government been drawn to the article, heading "Chalti Paths" in the issue of the weekly paper *Abhijan* of 27th Baisak 1345 B.S.?

(b) If so, will Government please state whether the statements "let him be permitted" and "you should be communal even in small matters" alleged to have been made by the Hon'ble Education Minister while visiting the Maulvibazar Government High English School are true?

The Hon'ble Maulavi MUNAWWAR ALI replied :

98. (a)—Yes.

(b)—No one was dragged out and the query about Brahmin boys was made in order to ascertain their number.

99. (a)—Yes.

(b)—That such statements as alleged were made is absolutely untrue.

(Starred questions 100-104 standing in the name of Mr. Arun Kumar Chanda were not called and answered as the questioner was absent.)

Middle School Leaving Certificates and Scholarship Examination

Srijut PURNA CHANDRA SARMA asked :

*105. Will Government be pleased to state why the Middle School Leaving Certificates and the Scholarship Examination certificates have not been issued for the last two years in this province?

*106. Is it a fact that the Secretary for these examinations receives an allowance of Rs.50 a month for controlling these examinations?

The Hon'ble Maulavi MUNAWWAR ALI replied :

105.—The certificates for last year have been issued and those for this year will issue shortly.

106.—The Secretary receives an allowance of Rs.75 per month and not Rs. 50 per month.

Srijut PURNA CHANDRA SARMA: When were these certificates issued for the last year and year before last?

The Hon'ble Maulavi MUNAWWAR ALI: I require notice of this question, Sir.

Srijut PURNA CHANDRA SARMA: Did not Government tell us just now that certificates have been issued. When have they been issued?

The Hon'ble Maulavi MUNAWWAR ALI: I am required to refer to the files which are not here.

Srijut PURNA CHANDRA SARMA: Why were they not issued in time the year before?

The Hon'ble Maulavi MUNAWWAR ALI: That is what I will tell the hon. member, if he is anxious, in the recess period.

Appointment of Mandals in Nowgong for measurement of Jute area

Srijut PURNA CHANDRA SARMA asked :

*107. Will Government be pleased to state why some Mandals have been recently appointed in the district of Nowgong and engaged to measure the area under Jute cultivation of each cultivator?

*108. Are Government aware of the alarm caused by it among the Assamese small jute cultivators?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

107.—For a census of the area under jute to improve the jute forecast at the instance of the Indian Central Jute Committee.

108.—Government have no information.

Temporary arrangements in Government offices due to the proposal for the abolition of the Commissioners' Establishments

Srijut PURNA CHANDRA SARMA asked :

- *109. Will Government be pleased to state—
- If they issued instructions to all offices to continue the temporary arrangements, if any, in those offices till the question of abolition of the Commissioners' Establishments was finally decided after the grant for the same was refused by this House?
 - If so, will Government be pleased to state if they have arrived at any conclusion about the Commissioners' Establishments by now?
 - If not, will Government be pleased to state if the temporary arrangements then ordered are still to continue?
 - Do Government propose to order filling up of these vacancies permanently now?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

109. (a)—Yes.
 (b)—This Government has not yet received final orders from the Secretary of State.
 (c) & (d)—Until a decision of the Secretary of State received, the existing orders will remain in force.

Srijut PURNA CHANDRA SARMA: When did Government send this matter to the Secretary of State.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my memory serves me aright, Government addressed the Secretary of State last through the Central Government about June last.

Srijut PURNA CHANDRA SARMA: Has any reply been received from the Central Government or the Secretary of State?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I mentioned in an earlier session, since the House passed the decision to refuse supply for the establishment of Commissioner, Government sent up their proposal to the Secretary of State. The Secretary of State enquired of the Assam Government how the work (as I mentioned already Government proposal was to abolish one Commissioner) of this Commissionership will be proceeded with, what will be the amount of economy involved in this proposal and whether any compensation shall have to be given to the present members of the Indian Civil Service. To this query of the Secretary of State, this Government replied some time in June or possibly in May. Since then we have not received any reply from the Secretary of State.

Srijut PURNA CHANDRA SARMA: Are Government aware that some of these temporary vacancies have already been filled up by the District Officers?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It may be, Sir.

Srijut BELIRAM DAS: Am I to understand that the Government of India have refused to send any recommendation after June to the Secretary of State regarding this matter?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir. They cannot but send our recommendation to the Secretary of State.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Are Government prepared to send a reminder inquiring of the matter to the Secretary of State through the Central Government immediately?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It will be done, Sir, in proper time.

Waiting room at Pynursla

Mr BAIDYANATH MOOKERJEE asked :

*110. (a) Has the attention of Government been drawn to the unsatisfactory nature of the waiting room for passengers at Pynursla which is a very important crossing station for up and down traffic between Sylhet and Shillong?

(b) Will Government please state what steps, if any, they propose to take to remedy this defect?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

110. (a)—No complaints have been received by Government.
 (b)—The matter is under the consideration of Government.

Mr. BAIDYANATH MOOKERJEE: May we know how long it will take?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, although no formal complaint was received by me or the Government my hon. friend and some other hon. members told me about it and on my tour to Sylhet recently I looked into the place. I also consulted the Public Works Department. They say that the construction will become a new project and so it shall have to come into the budget. Therefore, until next year I cannot do anything in the matter. I wanted to have it done this year from the annual repairs but I am told that as it is original work it must come through the budget.

Mr. BAIDYANATH MOOKERJEE: Am I to understand that the Hon'ble Chief Minister admits that the condition is very much deplorable?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, the shed is not one of the kind desired.

Appointment of Mr. Lewis Addison as a Jailor

Mr. BAIDYANATH MOOKERJEE asked :

- *111. Will Government be pleased to state —
- The minimum height prescribed for candidates for posts of Jailors in Assam?
 - Whether it is a fact that one Mr. Lewis Addison, a Khasi, who has been appointed Jailor recently is under-height?
 - Whether the Head of the Department objected to the violation of the rule as laid down regarding the height of Jailors?
 - Will Government be pleased to state on whose recommendation the said appointment was made?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

111. (a)—5 feet 6 inches is the ordinary height limit. This was laid down in the advertisement. There is no rule.

(b)—Yes. The deficiency in height was condoned by Government.

(c)—Government are not prepared to disclose the opinions submitted to them by their officers in such matters.

(d)—On that of the Public Service Commission.

Mr. BAIDYANATH MOOKERJEE: Was it a special case or in some other cases also in the past this was done

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: There are precedents for condonation.

Maulavi ABDUR RAHMAN: May we know whether this particular candidate had any special qualification.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It was done because the Khasi people are generally short in height and sometime man with requisite height and necessary qualifications cannot be available.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Did Government make an inquiry to that effect?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Inquiry about what, Sir?

Mr. NABA KUMAR DUTTA: May we know what is the average height of the Khasis?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Does the Hon'ble Minister say from his own knowledge that the Khasis are short in stature?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is the general knowledge, Sir.

Miss MAVIS DUNN: May I know if there was a Khasi candidate with the requisite height and qualification who applied for the post (*hear, hear*)?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I shall require notice of that question, Sir.

Maulavi ABDUR RAHMAN: May we know whether there were any other more qualified candidates for this post?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That I cannot say, Sir. Appointment was made on the recommendation of the Public Service Commission.

Mr. BAIDYANATH MOOKERJEE: Am I to understand that this Khasi candidate got the first nomination?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Probably, Sir.

Mr. BAIDYANATH MOOKERJEE: Sir, I cannot understand why the Hon'ble Minister says 'probably'. Are we to understand that the recommendation of the Public Service Commission is not carried out?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is the convention to accept the recommendation of the Public Service Commission.

Mr. BAIDYANATH MOOKERJEE: Then why does the Hon'ble Minister say 'probably'. He could easily say that it is the convention that the candidate who gets first nomination from the Public Service Commission should get the appointment.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I believe that this is the position, Sir. If the hon. member puts a substantive question whether the first nominee of the Public Service Commission got the appointment I shall be glad to answer.

Mr. BAIDYANATH MOOKERJEE: Again, Sir, the Hon'ble Minister says 'I believe'. Why is it so, Sir?

Babu RABINDRA NATH ADITYA: On a point of order, Sir. In the reply it is written that the Government are not prepared to disclose the opinions submitted to them by their officers in such matters. May we know whether the hon. members of this House are not entitled to know the opinion of a particular Head of a Department with regard to any question?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Communications from one officer of the Government to another which are of confidential nature are never laid before the House.

Dr. MAHENDRA NATH SAIKIA: Do Government propose to make an inquiry.....

The Hon'ble the SPEAKER: Order, order. With regard to the point of order that has been raised, I think, the position of the Government is correct. If the communications with the Head of the Department and other minor Officers are always to be disclosed then I think, the efficiency of the administration would suffer and the administration would not be properly carried on. So the position is quite correct.

Mr. FAKHRUDDIN ALI AHMED: On a point of order, Sir. Is it not the duty of the Hon'ble Ministers to come equipped with all materials in order to give reply to all supplementary questions, that may arise?

The Hon'ble the SPEAKER: Certainly. As far as practicable Government must come ready to answer all probable supplementary questions.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is not always possible, Sir, to visualise all sorts of supplementary questions before. We come prepared to answer all the possible supplementary questions that are likely to arise.

Mr. FAKHRUDDIN ALI AHMED: Sir, a supplementary question was put whether the candidate, who has been appointed by the Government, was given the first preference by the Public Service Commission or not. This is a supplementary question which can naturally arise out of the main question and therefore we can legitimately press for a reply.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I am always prepared to answer that question if the hon. member puts a substantive question on it.

Dr. MAHENDRA NATH SAIKIA: May I know whether Government propose to make an inquiry with reference to the question raised by Miss Mavis Dunn?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: If Miss Dunn be pleased to put a substantive question, I shall be glad to answer.

Mr. NABA KUMAR DUTTA: Was he the only Khasi candidate for the post?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I am not sure, Sir.

Amount spent for the construction of the Sylhet-Shillong Road

Mr. BAIDYANATH MOOKERJEE asked :

*112. Will Government be pleased to state—

(a) The exact amount spent on the construction of the Sylhet-Shillong road?

- (b) The source from which the money required for construction was obtained ?
 (c) Whether the local Government contributed anything ?
 (d) If so, how much ?
 (e) The rate of tolls levied on this road for vehicles ?
 (f) Whether there is any charge for pedestrian traffic anywhere on this road ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

112. (a)—Rupees 33,19,661.

(b)—

	Rs.
(1) Loans (not charged to Revenue) ...	21,39,819
(2) Grant from reserve with the Government of India in the Central Road Fund ...	4,04,636
(3) Ordinary share of the Provincial Government in the Central Road Fund ...	7,21,152
(4) Provincial Revenues ...	54,054

33,19,661

(c) & (d)—Already stated in reply to Question 112 (b).

(e)—The hon. member's attention is drawn to Notifications No.29-M.V., dated the 20th March 1937 and No.135-C.F., dated the 11th August 1938, copies of which have been placed on the Library table.

(f)—No.

Mr. BAIDYANATH MOOKERJEE: Sir, may I know whether there is any charge for pedestrian traffic anywhere on this road ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The answer is 'no'.

Mr. BAIDYANATH MOOKERJEE: Is this rule observed on every road ? Is there any other road on which the vehicles are charged and the cattle are not charged ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, on the Gauhati-Shillong Road.

Mr. BAIDYANATH MOOKERJEE: Can the Hon'ble Chief Minister mention any other bridges and roads ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the bridges that are borne on the Public Works Department Schedule, both vehicles and pedestrians are charged. Similarly charges are levied both from men and vehicles on the bridges that are under the control of the Local Boards.

Mr. BAIDYANATH MOOKERJEE: Then am I to understand that on this road charges are levied for vehicles and not for any pedestrians ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I mentioned yesterday, Sir, that tolls had to be levied because Government has given licenses to different parties to ply buses. In the case of Sylhet Road it is already mentioned that for each passenger carrying lorries Rs.3,000 has to be paid as royalty. If private cars or taxis are allowed to run on this road free of toll it would be detrimental to the interests of those people who have taken licenses to run buses. Therefore Government had to levy this toll on such vehicles, plying on this road, carrying passengers without paying royalty.

Mr. BAIDYANATH MOOKERJEE: I can quite understand this so far as taxis are concerned. So far as private cars are concerned I cannot really follow how the companies who have taken leases of the road can suffer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, if the private cars carry friends.

Mr. BAIDYANATH MOOKERJEE: If they carry relatives and not friends ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It would be very difficult for subordinate officers in charge of toll gates to distinguish between relatives and friends and therefore Government thought it wise to levy a very small charge of Rs. 2-8.

Mr. BAIDYANATH MOOKERJEE: If there is only one passenger and if he is the owner of the car, then in that case he is not to pay.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There will be this possibility, but it would be too cumbersome to make an exception in such cases.

Amount spent for Keane Bridge at Sylhet

Mr. BAIDYANATH MOOKERJEE asked :

*113. (a) Will Government be pleased to state the exact amount spent on the construction of the Keane Bridge at Sylhet ?

(b) Whether the local Government contributed anything towards its construction ?

(c) If so, how much ?

(d) If not, from which fund the money required was obtained ?

(e) The rates of toll levied on the bridge for (i) pedestrians and (ii) vehicles such as cycles, carts, cars, etc. ?

(f) Whether Government propose to realise such toll permanently ?

(g) On what basis or calculation such tolls are being levied ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

113. (a)—Rupees 4,62,747.

(b)—No.

(c)—Does not arise.

(d)—From grant from the reserve with the Government of India in the Central Road Fund (Petrol-tax Fund).

(e)—The hon. member's attention is drawn to Notification No.9C/F., dated the 21st January 1937 and also to the notice dated the 21st January 1937, copies of which have been placed on the Library table.

(f) The hon. member is referred to the reply given to a similar question No.78 asked by Maulavi Abdul Bari Choudhury, M.L.A., at the Budget 1938 Session of the Assembly.

(g)—Rates of tolls on the Bridge are based on the rates of tolls levied previously on the ferry it replaced.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that this is a case of double taxing ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am not prepared to give an opinion on this matter.

Mr. BAIDYANATH MOOKERJEE: Sir, as it has been admitted by the Hon'ble Chief Minister that this bridge was constructed from the fund which this Province got as its share of petrol tax paid by the people of the Province, and as again some tax is being realised from the people of the Province, so it is clear that this is a case of double taxation.

The Hon'ble the SPEAKER: The hon. member should not deliver a speech. The Hon'ble Chief Minister has replied that he is not prepared to give an opinion, so the hon. member must seek another opportunity to get the answer from Government on this point.

Mr. BAIDYANATH MOOKERJEE: I am going to put another question. Is the present Government in favour of double taxation?

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

The Hon'ble the SPEAKER: Certainly it is too large a question.

Bridges notified as unsafe on the Shillong-Sylhet Road

Mr. BAIDYANATH MOOKERJEE asked :

- *114. Will Government be pleased to state—
- If any bridges were notified as unsafe on the Shillong-Sylhet Road during the current year?
 - If so, what was the number of such unsafe bridges?
 - For what length of time, each of such bridges remained notified as unsafe?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

114. (a)—Yes,
(b)—Six.
(c)—These bridges were notified to be unsafe on the 8th May,

1938 and will remain so till they are repaired in the winter. Caution signs have been put up at the approach of each bridge restricting speed limit to 8 miles per hour.

Mr. BAIDYANATH MOOKERJEE: May I know what is the reason that so many bridges on a new road have been declared unsafe?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the weight of lorries passing over these bridges originally fixed was 3 tons. Later on it has been raised to 5 tons for the benefit of the Licensees. This contingency was not thought of at the time when this portion of the Local Board road was taken over by the Public Works Department. The bridges of hill portion of the road is quite all right.

Mr. BAIDYANATH MOOKERJEE: How many miles were taken over from the Local Board?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As my hon. friend knows, more than 30 miles.

Mr. BAIDYANATH MOOKERJEE: Are those present bridges were under Local Boards?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They were all Local Board's at the time when the road was taken over by the Public Works Department. Some of the bridges were repaired and strengthened; some remained at the present state.

Appointment of two Sub-Registrars at Balaganj and Dirai

Mr. BAIDYANATH MOOKERJEE asked :

- *115. Will Government be pleased to state—
- Whether two Sub-Registrars have been recently appointed at Balaganj and Dirai Sub-Registry Offices?
 - Whether they have been appointed on the commission basis?
 - Whether these posts were advertised?
 - Whether they were filled up from the applications received?
 - Whether the principle of communal representation in Government services was followed in these cases?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

115. (a)—Yes.
(b)—Yes.
(c)—Yes.
(d)—Yes.
(e)—Yes.

Mr. BAIDYANATH MOOKERJEE: With regard to (e), may we know what was the result of communal representation? Who were appointed?

The Hon'ble Babu AKSHAY KUMAR DAS: Two Muhammadans and one Scheduled.

Unemployment of candidates trained in dyeing and printing

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

*116. (a) Is it a fact that Assamese candidates trained in dyeing and printing at Calcutta at the cost of the Assam Government are sitting unemployed now?

(b) If the answer to question (a) is in the affirmative do Government propose to employ them?

(c) If so, how?

(d) Is it a fact that there is a proposal to introduce dyeing parties in Industries Department of the Government of Assam?

(e) If so, when that proposal will materialise?

(f) Is it a fact that the posts of "Dyeing Supervisor" and "Calico Printing Instructor" are held by foreigners?

(g) If so, do Government propose to consider the desirability of replacing them by the Assamese already trained for the purpose?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

116. (a)—Two out of four trained Assamese boys, who completed their training only in April last have not got any employment as yet.

(b) & (c)—It is not possible for Government to absorb all trained men.

(d)—No.

(e)—Does not arise.

(f)—Yes, by non-provincials.

(g)—The question of replacing them does not arise but there is no reason why the cases of suitable candidates of the province will not be considered if and when vacancies occur.

Mr. NABA KUMAR DUTTA: May we know who holds the post of Dyeing Supervisor?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is held by a non-Provincial, *i. e.*, a man of belonging to the Province.

Appointment of the Lecturer of the Law College at Gauhati

*117. **The Hon'ble the SPEAKER:** With regard to starred question 117 § standing in the name of Khan Bahadur Maulavi Sayidur Rahman, he intimates me that he does not like to put the question to-day. So this question will stand over for another day.

Srijut GAURI KANTA TALUKDAR: On a point of information, Sir. Can we not ask supplementary questions?

The Hon'ble the SPEAKER: The question is not put to-day; so answers are not given. No question of putting supplementaries arise.

Srijut GAURI KANTA TALUKDAR: When it will be taken up, Sir?

The Hon'ble the SPEAKER: I shall fix a day. Probably to-morrow or day after to-morrow.

Maulavi MUHAMMAD AMJAD ALI: Has he given any written notice, Sir?

The Hon'ble the SPEAKER: Yes.

Recommendations of the Indian Jails Committee

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*118. (a) Has the attention of Government been drawn to the recommendation of the Indian Jails Committee 1919-20 at page 51 of the Report that all Jailors should be Gazetted Officers?

§117. Will Government be pleased to state—

(a) Whether it is a fact that applications for a law lecturership were invited in February or March last?

(b) Whether it is a fact that the candidates were interviewed by the Public Service Commission in March last?

(c) Whether it is a fact that the recommendations were submitted by the Public Service Commission immediately to Government?

(d) Whether it is a fact that the appointment was not made by Government till the middle of July?

(e) If so, will Government be pleased to state the reasons for this unusual delay in considering the recommendations of the Public Service Commission?

(b) Will Government be pleased to state—

(i) Whether the Jailors of this province are Gazetted Officers?

(ii) If not, why not?

(c) Do Government propose to consider the desirability of implementing the aforesaid recommendation of the Indian Jails Committee?

(d) Do Government propose to notify the transfer and promotions of the Jailors in the *Assam Gazette* as is done in the case of Inspectors of Police, School teachers and Sub-Assistant Surgeons?

(e) Is it a fact that the Jailors of this province are treated as third class officers so far as payment of travelling allowance is concerned?

(f) If so, why?

(g) Do Government propose to raise their status to the level of other corresponding officers in the Revenue, Police and other Departments and place them in class II?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

118. (a)—Yes.

(b) (i)—No.

(ii)—This question was considered several times from 1926, but Assam Government preferred to follow the Bengal procedure and did not grant Gazetted status.

(c)—No.

(d)—The suggestion will be considered.

(e)—Yes.

(f)—The matter is regulated by the Subsidiary Rules under the Fundamental Rules.

(g)—No.

Scholarships tenable at Campbell Medical School

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*119. Will Government be pleased to state—

(a) If there are two scholarships tenable at the Campbell Medical School for the lady students of Assam?

(b) If so, whether the Government of Assam have to pay any contribution to Bengal for reservation of two seats there?

(c) Do Government propose to consider the desirability of stopping the contribution to Bengal and making those scholarships available at the Dibrugarh Berry-White Medical School?

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

119. (a) & (b)—Yes.

(c)—The matter is under the consideration of Government. The main difficulty is to provide suitable residential accommodation to the girl students at Dibrugarh. If a suitable hired house to accommodate at least 8 students is available Government could immediately come to a decision.

Tuberculosis Ward at Dibrugarh

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

- *120. Will Government be pleased to state—
- Whether the Tuberculosis Ward attached to the Dibrugarh Hospital is in the heart of the town?
 - Whether tuberculosis is an air-borne disease?
 - Whether there is any constant watch on the movement of the inmates of the above ward while going out for a walk in the town?
 - Do Government propose to consider the desirability of shifting the aforesaid Tuberculosis Ward outside the town?

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

120. (a)—Yes.
 (b)—Yes, in a limited sense.
 (c)—No patients are allowed out of hospital without permission, and the risk to the public from their taking exercise in the open air is no greater than from other tuberculosis cases in other parts of the town, who take exercise in the open air and in any case the risk is a very small one.
 (d)—Government at present see no reason to adopt such a course.

Srijut PURNA CHANDRA SARMA: With regard to (b) what are the limitations?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The limitation is this: The question is whether this infection is air-borne. It is an air-borne disease in a limited sense, *i.e.*, only when a patient is in constant close touch with the patient. It does not mean that if he walks on the street he can spread infection.

Srijut PURNA CHANDRA SARMA: Does the Hon'ble Minister mean that the disease is only contagious and not infectious?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have no technical knowledge about that.

(Here the starred questions Nos. 73-120 appearing in the list of questions of the 6th September 1938 ended).

Srijut DEVESWAR SHARMA*: Sir, now that the starred questions have come to an end may I request your indulgence to allow my starred question No. 94?

The Hon'ble the SPEAKER: There is another set of starred questions fixed for to-day.

Mr. KEDARMAL BRAHMIN*: I am sorry that I was a bit late, Sir, but may I request that my question be taken up now?

The Hon'ble the SPEAKER: During the last session I made a distinct rule which is to the effect that if a member remains absent when his question is called out he will not be given any further opportunity of asking that question. Of course it was open to the hon. member to authorise some other hon. member to put the questions on his behalf.

*Speech not corrected by the member.

Srijut DEVESWAR SHARMA: Can he not be allowed to ask the questions as a special case?

The Hon'ble the SPEAKER: Some hon. members insisted on it three or four times and so I gave a definite ruling on the point. What is the use of making a rule if it is to be relaxed?

Mr. KEDARMAL BRAHMIN: This is a very important matter, Sir, and therefore I request that I may be allowed to ask the questions as a special case.

The Hon'ble the SPEAKER: It is not a question of importance or unimportance. I have decided that such a practice should not be introduced and I must adhere to my ruling. The hon. member must pardon me if I am going to stick to my decision.

Representation of communities in public services

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

- *121. Will Government be pleased to state—
- If the principle of communal representation in services recognised in the office of the District and Subdivisional headquarters?
 - If so, will Government be pleased to state—
 - The particular communities which are given representation?
 - On what basis, the percentage is fixed?
 - Whether it is on the population basis of the District and Subdivision or on the provincial basis?
 - Who fixes this percentage?
- *122. Will Government be pleased to state—
- The percentages for service fixed for each of the communities in the two Subdivisions of Lakhimpur District?
 - The number of posts held by each of the communities in the offices of the Deputy Commissioner, Lakhimpur, the Executive Engineer, Upper Assam Division, the Divisional Forest Officer, Lakhimpur, the Superintendent of Police, Lakhimpur, and the Civil Surgeon, Lakhimpur?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

121. (a)—Yes.
 (b) (i)—The hon. member is referred to Circular No. 1-A.P., dated the 2nd December 1935, a copy of which is placed on the library table.

(ii)—On the population basis.
 (c)—Where the recruitment is on a district system the percentage is fixed on the total population of the district and in provincial recruitment the percentage is on that of the province. The subdivision is not treated as a separate unit for this purpose.

(d)—Government.
 122. (a)—As explained above, the percentages are not fixed on subdivisional basis. The district figures at present are shown in the table attached to the Circular. The whole system is however now under revision.
 (b)—A statement is laid on the table.

Statement referred to in reply to starred question No.122(b) by Khan Bahadur Maulavi Sayidur Rahman

Communities	Office of the Deputy Commissioner, Lakhimpur	Office of the Executive Engineer, Lakhimpur Division	Office of the Divisional Forest Officer, Lakhimpur	Office of the Superintendent of Police, Lakhimpur	Office of the Civil Surgeon, Lakhimpur	Remarks
1. Europeans and Anglo-Indians.	...	...	...	...	...
2. Muslims	14	6	2	3	1	
3. Hindus, Assam Valley (excluding those falling in categories 5 and 6).	46	8	2	3	...	
4. Hindus, Surma Valley (excluding those falling in categories 5 and 6).	3	4	...	...	1	
5. Scheduled Castes	4	...	...	...	...
6. Domiciled Hindus (other than ex-coolies).	...	1	...	...	...
7. Tribal people (Hills and Plains).	2	...	...	...	...
8. Others ...	2*	3†	1‡	...	...

*One Manipuri and one Nepali.

†Bengali Hindus.

‡Non-domiciled Bengali.

Number of Jail Schools in the Province

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

- *123. Will Government be pleased to state—
- How many Jail Schools are there in the Province ?
 - The number of students in each school ?
 - Who are the present teachers and what are their age, experience and educational qualifications ?
 - Will Government be pleased to lay on the table a copy of the Government letter containing instructions for the appointment of teachers in the Jail schools ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

123. (a)—There are no regular schools in the jails in Assam ; but in each of the seven jails, viz., Sylhet, Gauhati, Tezpur, Dibrugarh, Jorhat, Nowgong and Silchar an outside teacher is employed to impart literary education to prisoners of 30 years of age and under.

(b) & (c)—A statement giving the particulars is laid on the table.

(d)—A copy of the Inspector-General of Prisons' Memorandum No.5865-69, dated the 4th November 1937, to certain Superintendents of Jails, is laid on the table. Government did not issue any separate instruction regarding the appointment of these teachers.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION No.123(c) BY KHAN BAHADUR MAULAVI SAYIDUR RAHMAN

Statement showing certain particulars in connection with the Jail Schools in the province

Names of jails to which a school is attached	Number of students in jail schools	Name of the teacher attached to the jail schools	Age of the teacher	Educational qualifications and experience of the teachers attached to the jail
Silchar ...	28	Babu Narendra Kumar Purkayastha.	45 years	Read up to B.A. and entered into service in 1913 and served as a school master and Sub-Inspector of Schools for 22 years.
Sylhet ...	105	Babu Kali Prasanna Paul-Choudhury.	26 years	B. A.

Names of jails to which a school is attached	Number of students in jail schools	Name of the teacher attached to the jail schools	Age of the teacher	Educational qualifications and experience of the teachers attached to the jail
Gauhati ...	112	Srijut Charan Das. Tarini	43 years 3 months	Read up to I.A. standard. He served as a teacher in Middle English School for two years and as a clerk in the Deputy Commissioner's Office at Gauhati for 18 years. Officiated as a teacher for 2 months in the Gauhati Jail School in 1936.
Tezpur ...	40	Srijut Suresh Ranjan Deka.	36 years	Matriculate (1st division) (1) served as Assistant teacher in the Bilaspur Middle English School for a considerable period. (2) Assistant Master in Tezpur Government High School on temporary basis.
Nowgong...	35	A teacher was appointed with effect from the forenoon of the 13th December 1937. He resigned on the afternoon of the 7th May 1938. Since then the school has remained closed. A new teacher will be appointed soon.		
Jorhat ...	60	Srijut Budhindra Nath Bhuyan.	23 years 5 months	Passed [I.Sc. Examination of the Benares Hindu University.

Names of jails to which a school is attached	Number of students in jail schools	Name of the teacher attached to the jail schools	Age of the teacher	Educational qualifications and experience of the teachers attached to the jail
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Experiences—

- Served in the Jorhat Government High School as an Assistant Teacher for about 2 months in the year 1933 (Lower Subordinate).
- (i) Served as Second Master in the Kakojan Government Middle English School for 7 months from August 1934 to February 1935 in Middle School Cadre IIA (General Grade) of the Assam Lower School Service.
(ii) Served in the above School as second Master in class III of Assam School Service from November 1935.
(iii) Served in the same school in the same capacity as above, in class III of Assam School Service from November 1936 to January 1937.
- Served as Assistant Teacher in Golaghat Government High School for 3 months from August to October 1936.
Passed the Intermediate Arts Examination of the Calcutta University. Served as a teacher in the Grahambazar Middle English School, Dibrugarh, for some time.

Dibrugarh

27 Srijut Hem Chandra Bhuyan. 22 years

Statement referred to in reply to starred question No.123(d) by
Khan Bahadur Maulavi Sayidur Rahman

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, ASSAM

Memo. No.5865-69, dated Shillong, the 4th November 1937

The undermentioned document is forwarded to the Superintendent, District Jail, Silchar, Nowgong, Jorhat, Dibrugarh, Gauhati, for information and necessary action.

*2. The temporary post should be locally advertised and the teacher carefully selected in consultation with the local educational authorities. He must be a man of good reputation and loyal subject of the British Raj and the Government, who is likely to be

*Paragraphs 2, 3 and 4 to other Jails excepting Gauhati.

really helpful in carrying out the reformatory policy of the Government. He will be required to give instructions to all prisoners under 30 years of age in the 3 R's for one hour daily—classes being arranged to suit the work of the Jail. Adolescent prisoners (under 21) to be given special instructions apart from adult prisoners for two hours daily.

*3. The Superintendent should report how this educational scheme progresses and come forward with his proposal for retention of the services of the temporary teacher before the present sanction expires on the 26th October 1938.

*4. The name and date of appointment of the temporary teacher should be reported to this office as early as possible.

T. D. MURISON,
Lt. Col., I.M.S.,

Inspector-General of Prisons, Assam.

List of document forwarded—

A copy of Government letter No.Pri.—431/4617-G.J., dated the 27th October 1937.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Will Government be pleased to state if the candidate from Dibrugarh has satisfied the criteria laid down in the letter of the Inspector-General of Prisons?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: When the appointment has been made I presume that the criteria have been satisfied.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Is not his age 22 and is he not a youngster?

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

Khan Bahadur Maulavi SAYIDUR RAHMAN: The statement shows it, and that he was a teacher in the Graham Bazar school for some time.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: To what candidate is the hon. member referring?

Khan Bahadur Maulavi SAYIDUR RAHMAN: I am referring to Dibrugarh.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Srijut Hem Chandra Bhuyan, age 22; passed intermediate examination; passed as a teacher.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do Government think that he is likely to be really helpful in carrying out the reformation policy of the Government?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government have no reason to think otherwise.

Srijut PURNA CHANDRA SARMA: Are Government aware that some of these teachers are also employed in offices?

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

Srijut BELIRAM DAS: Are persons who have taken part in the Civil disobedience movement eligible for appointment to these posts?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: This is a question of opinion.

Srijut BELIRAM DAS: Is this a question of opinion whether persons convicted of taking part in the civil disobedience movement are considered to be loyal subjects of the British Government?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I do not think they are disloyal. That is my personal view.

Srijut PURNA CHANDRA SARMA: What is the view of the Government in this matter?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I do not think they are disloyal.

Srijut PURNA CHANDRA SARMA: On a point of information. Whether these teachers will be treated as Government servants and be subject to the rules for pension and provident fund?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: No, Sir.

Srijut PURNA CHANDRA SARMA: What is the view of the Government on this matter? We are not concerned with the personal view of the Minister.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That the persons who joined the Civil disobedience movement who have not thrown away their allegiance to His Majesty's Government are not disloyal.

Srijut PURNA CHANDRA SARMA: About my question, Sir, whether these teachers will be treated as Government servants subject to the rules of pension and provident fund?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: No, Sir.

Dibrugarh Government Girls' High School

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*124. Will Government be pleased to state what has become of the proposal [referred to in reply to Mr. Naba Kumar Dutta's question No. 766(b) of the August-September session, 1937], to utilise the site already acquired for the purpose of having a new building for the Dibrugarh Government Girls' High School?

The Hon'ble Maulavi MUNAWWAR ALI replied:

124.—Government regret that in answering Mr. Naba Kumar Dutta's question No. 766(b) of the August-September session, 1937, a confusion was made between the acquired plot and the rented plot. The former was acquired for removing the school from its present site. But as funds were

not forthcoming for the scheme and extra accommodation had become imperative and urgent owing to increased enrolment, a plot adjoining the present school was rented for the construction of two rooms. As regards utilising the acquired site for the school, there seems no early prospect of funds.

Assistant Manager of Jamira Tea Estate

Khan Bahadur Maulavi SAYIDUR RAHMAN asked :

*125. (a) Is it a fact that the Assistant Manager of Jamira Tea Estate was killed in April last while driving by the Assam Trunk Road to Dibrugarh by the sudden fall of a roadside tree on his car ?

(b) Will Government be pleased to state—

(i) Whether any enquiry was held into the accident to ascertain the liability of the Public Works Department in the matter ?

(ii) If so, what was the result of the enquiry ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

125. (a)—Yes.

(b) (i) & (ii)—Yes, the Police held the usual enquiry and reported that the death of Mr. Presslic of the Jamira Tea Estate was due to accident and that there was no suspicious or foul play. The Executive Engineer of the Lakhimpur Division also held an enquiry within a couple of hours of the accident and found that the tree which caused the accident was on private land inside *jeora* fencing 41 feet away from the centre of the road. There was nothing to indicate the tree would come down, and its fall was caused by heavy rain on the previous night which loosened the soil round its roots. No one can be held responsible for the accident.

Scholarship from the Prafulla Chandra Trust Fund

Mr. BAIDYANATH MOOKERJEE asked :

*126. (i) (a) Is it a fact that Srijut Hares Chandra Bhattacharyya, B.Sc., was awarded Prafulla Chandra Trust Fund Scholarship of Rs.25 in June last year ?

(b) If so, will Government be pleased to state whether he was granted the said scholarship for study in Fellowship Course at the Technological Institute, Cawnpur ?

(c) Are Government aware that the said scholar could not obtain admission into the Technological Institute, Cawnpur ?

(d) If so, will Government be pleased to state whether he forfeited the scholarship in consequence ?

(ii) Will Government be pleased to state—

(a) Whether Government helped him in any way in the matter of obtaining admission into the Technological Institute ?

(b) If not, why not ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

126. (i) (a)—Yes.

(b)—Yes.

(c)—Yes.

(d)—Necessarily : at any rate for the time being.

(ii) (a)—Yes : the Official Trustee conducted the necessary correspondence with the Director, Imperial Institute of Sugar Technology, Cawnpore, from the 25th May 1938 to the 9th June 1938.

(b)—Does not arise.

Names of persons disqualified during the last General Election

Mr. BAIDYANATH MOOKERJEE asked :

*127. Will Government be pleased to state—

(a) The name of persons disqualified according to election rules for not having filed their election returns after the last elections to the Assembly and the Council of this province ?

(b) The names of persons whose violation of the election rules in this respect was condoned ?

(c) Will Government be pleased to lay on the table a statement showing the names of persons disqualified and persons condoned as a result of the last election to the now-defunct Assam Legislative Council ?

The Hon'ble Babu AKSHAY KUMAR DAS replied :

127. (a)—The hon. member is referred to Notifications No.4368-G. J., and No.4369-G. J., dated the 12th July 1938, published in the *Assam Gazette* of 20th July 1938, so far as the General Election to the Assam Legislative Assembly is concerned. No candidate for election to the Assam Legislative Council has been similarly disqualified.

(b)—Please refer to Notification No.3567-G.J., dated the 27th May 1938, published in the *Assam Gazette* of 1st June 1938 and Notifications No.4366-G.J., and No.4367-G.J., dated the 12th July 1938, published in the *Assam Gazette* of 20th July 1938.

(c)—No person was disqualified as a result of the last General Election to the now-defunct Assam Legislative Council.

A statement showing the persons who incurred disqualifications, which were removed subsequently, is laid on the table.

Statement referred to in reply to question No.127(c) by Mr. Baidyanath Mookerjee

Statement showing the list of persons who incurred disqualification as a result of the last General Election to the now-defunct Assam Legislative Council but were condoned subsequently

Names	Constituencies from which contested
(1) Khan Sahib Maulavi Abdul Latif, M.B.E.	Dhubri Muhammadan Rural Constituency.
(2) Rai Bahadur Satish Chandra Dutta.	Habiganj (South) Non-Muhamadan Constituency.
(3) Babu Upendra Chandra Dutta Majumdar.	Election Agent of (2) above.
(4) Mr. A. McCreath	Surma Valley Planting Constituency.

Mr. BAIDYANATH MOOKERJEE : May I know what was the reason of differential treatment and why in some cases it was condoned and in some cases it was not ?

The Hon'ble Babu AKSHAY KUMAR DAS: According to the merit of each case.

Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Minister kindly explain what exactly he means by saying 'according to the merit of each case'?

The Hon'ble Babu AKSHAY KUMAR DAS: No further explanation is required, Sir.

Mr. BAIDYANATH MOOKERJEE: In this case it is not clear. I think the Chair will help.

The Hon'ble the SPEAKER: The hon. member will put his question more explicitly.

Mr. BAIDYANATH MOOKERJEE: In some cases although some persons did not file their election returns in time and were thus debarred under the law from standing in the next election and sitting in the Assembly their disqualification has been condoned. In some other cases, this disqualification has not been condoned. May I know what was the reason for this difference?

The Hon'ble Babu AKSHAY KUMAR DAS: If the hon. member will give specific instances and put substantive question the Government will be prepared to answer.

Srijut PURNA CHANDRA SARMA: Does the Hon'ble Minister require to be given instances to know the nature of their violation of rules?

The Hon'ble the SPEAKER: The hon. members will have to supply names whose disqualification was removed and the names of others whose disqualification was not removed and then ask the question.

Mr. BAIDYANATH MOOKERJEE: Is it a fact that in the case of a Member of the Cabinet this disqualification was removed?

The Hon'ble the SPEAKER: It would quite appear from the notification to which reference has been made.

Number of Jail Schools in the Province

Mr. BAIDYANATH MOOKERJEE asked:

*128. Will Government be pleased to state—

- (a) The number of jail schools in the province?
- (b) The routine followed in such schools generally?
- (c) The numerical strength of each such school and the strength of the staff of each of these schools?
- (d) The places where these schools are held?
- (e) Whether the school going convicts attend schools in convicts' dress?
- (f) Whether jail-works are suspended in the jails on gazetted holidays?
- (g) If not, why not?
- (h) Whether Government proposes to absorb jail schools in the Education Department of the province?
- (i) Whether all convicts are under any compulsion to attend schools?
- (j) If not, will Government be pleased to state the rules relating to convicts' education in Jails?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

128. (a) and (c)—The hon. member is referred to the replies given to questions asked by Khan Bahadur Maulavi Sayidur Rahman in this session.

(b)—Generally the teachers are required to work for at least 6 hours a day—3 hours in the forenoon and 3 hours in the afternoon. Juvenile prisoners receive two hours' instruction and adult prisoners one hour's instruction daily in big jails.

(d)—Jail dormitories are generally used as jail schools.

(e)—Yes.

(f) and (g)—The hon. member is referred to Rules 290 and 408 of the Assam Jail Manual, Volume I. The convicts are not required to perform any labour other than such as is indispensable to enable the necessary jail services including menial offices and the clearing up and tidying of the jail premises, to be carried on.

(h)—No such step is in contemplation by Government.

(i)—Although elementary instruction is regarded as compulsory for all prisoners under 30 years of age, the Superintendents have full discretion to decide whether or not certain prisoners should be excluded from receiving such instruction, viz., those mentally defective, those who do not wish to receive instruction and who are not likely to profit thereby, the sick and the infirm.

(j)—Does not arise.

Mr. BAIDYA NATH MOOKERJEE: Sir, do Government think that separate uniform is necessary for those who go to the school?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government do not think so, Sir.

Srijut PURNA CHANDRA SARMA: With regard to (f), Sir, the Hon'ble Minister has answered by reference to certain rules. The question was whether jail works are suspended in the jails on gazetted holidays. The rules are there we all know, but what we want to know is whether actually the works are postponed?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I have no reason to think that the rules are not followed.

Disenfranchisement of non-Khasi voters in the town of Shillong

Mr. BAIDYANATH MOOKERJEE asked:

*129. (a) Has the attention of Government been drawn to an article written by Babu Charu Chandra Dutt in the *Sylhet Chronicle*, dated the 15th August 1938, on the question of disenfranchisement of non-Khasi voters in the town of Shillong?

(b) Will Government be pleased to state what steps, if any, have so far been taken by Government to enfranchise those disenfranchised as mentioned in question 129 (a) above?

(c) Will Government be pleased to state when the new Electoral Rolls are likely to be ready?

(d) Do Government propose to give effect to their decision in the matter at the time of the preparation of the next Electoral Rolls?

The Hon'ble Babu AKSHAY KUMAR DAS replied:

129. (a)—Yes.

(b)—The matter is at present under consideration of Government.

(c)—This will be ready some time before the next General Election in 1941.

(d)—Government are not in a position to answer this question till they have arrived at a decision as to what action should be taken as regards amendment of Order-in-Council.

The Assam Local Self-Government (Amendment) Bill, 1937, by Srijut Siddhinath Sarma

The Hon'ble the SPEAKER: Order, order. Now we go to Srijut Siddhi Nath Sarma's motion about the Assam Local Self-Government (Amendment) Bill, 1937, to refer it to a Select Committee.

On this motion the debate has been continuing from the last session. The debate was stopped when Mr. Clayton was making his speech, and if he want to continue, he can do so.

Mr. J. R. CLAYTON: Sir, at the conclusion of the last discussion on this Bill, I was speaking on the subject of the personnel of the Select Committee which it is proposed to set up to consider this Bill. I pointed out that 9 out of the 17 members were of the Congress Party, and that I think is an unfair distribution. Also I think it would have shown a consideration for the financial aspect of the two Committees which the Congress party have proposed to deal with the two Local Self-Government Bills which are coming before this House, had it been composed of the same personnel. However, apart entirely from these considerations, I would like now to oppose the taking of Srijut Siddhi Nath Sarma's Local Self-Government Bill to any Select Committee.

In the first place we have been given the assurance that the Government is itself going to come forward with its own Local Self-Government Bill, and when this happens, the whole subject will again have to be gone over.

Now to deal with the Bill itself. In the first place it proposes to do away with the principle of nominations. Apparently now-a-days no one likes nomination and the discussion we had on the floor of this House only two days ago goes to show that whoever the Government nominates there are bound to be persons and communities who feel themselves aggrieved. Actually although many have expressed their dislike of nomination, there is quite a big body of opinion which feels that between nomination and there being no provision for representation of minorities, nominations is by far the lesser of two evils.

The Bill under consideration proposes to do away altogether with nomination, but makes no provision whatever for any method of minority representation to replace it. It is noticeable that the chief support for abolition of nomination comes from the majority communities whilst the minorities are nervous as to what their position would be if nomination were abolished.

There is a middle course even without recourse to separate communal representation and that would be by a system of plural voting. Whether this would be too complicated for our purpose I am not in a position to say, but I commend consideration of this to Government.

Unfortunately in all districts of Assam we have minorities, and as this state of affairs is likely to continue for many years to come, some special provision for their representation is very desirable, and this Bill as it stands should in my opinion therefore be opposed by all representatives of minorities.

Before leaving the subject of nomination, I would point out that much prominence has been given to the methods of appointment which have been used, but we should not altogether forget the excellent service which many an appointed member has given to Local Boards in the past and that over a period of very many years the system has not worked too badly.

This Bill also proposes to alter in many respects the system of control by Government Officers. In this respect also I oppose this Bill. It is to be remembered that the income of local bodies is not entirely self-subscribed and that it is only just to the general provincial ratepayer that the Provincial Government should, through its agents (that is, its District Officers), have the right to examine books, make reports and so forth and so see that the debits charged are according to the principles laid down by the Government of the day.

It would be impossible for the Hon'ble Minister for Local Self-Government to deal adequately and expeditiously in cases involving Local Boards spread all over Assam without making references and calling for reports through the Local Officer competent to deal with such matters.

Lastly, the Bill proposes to substitute dissolution and re-election for supersession in cases where a Local Board's affairs are allowed to fall into a state of chaos. This also I oppose, as dissolution and re-election makes no provision against the same personnel being again re-elected and continuing the maladministration till again the Local Board is dissolved, in which case the conditions within the Local Board area can only tend to worsen as time goes on.

For all these reasons, Sir, this group opposes this Bill being sent to the Select Committee.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, on behalf of Government I oppose this motion. Some of the principles incorporated in this Bill, are very revolutionary and will make the administration of the Local Boards very difficult. As far as the question of nomination is concerned, we ourselves have decided to abolish nominations (*Hear, hear,*) Government are going to introduce a Bill in the next session. I have actually drafted the Bill. I have it here with me. We want to introduce communal electorates in place of nomination to give representation to the different communities.

Babu KAMINI KUMAR SEN: On a point of information, Sir. Is the Hon'ble Minister bringing a Bill to amend the whole Act or is it only for abolishing nomination?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is what I am going to say. I shall be very thankful to the hon. member if he would wait and listen.

The Act as it is, Sir, is somewhat obsolete; there are many sections which ought not to be in the Act for example the sections regarding village authorities which have been repealed by the Rural Self-Government Act. Our proposed Bill makes some provisions to amend these sections. The Act, as I have said, has many defects and in my view the whole Act will have to be amended. Most of the sections will remain and many will have to be amended. On that Bill we shall have a committee which will deal thoroughly with the whole question. There is no use of having this piecemeal legislation. When we deal with the question of the Local Self-Government Act, it is better for us to revise the whole Act and deal with the many defects that it has. By the working of the Local Self-Government Act for many years since it was introduced in 1915, there have been many amendments. We propose to consolidate the whole Act, amend the defects and make improvements here and there. In view of these facts I think it would be a wise course for the hon. mover to withdraw this Bill and wait until the whole question is gone into.

Now, Sir, I come to the Bill itself. I am against the principle of abolishing altogether the power given to the Local Government to nominate persons when the electorates are unable to send their own men. That is an emergency provision in the Act in section 5. This Bill proposes to omit that emergency clause. It would bring the administration to a very difficult position. Government is also against the principle of abolishing altogether the power of the Local Government to nominate the Chairman when the parties in the Board are not able to elect one. We have got experience which compelled the Government to use this emergency power on this line during the last few weeks. Sir, if these emergency provisions in the Act were to be omitted, it would create a very difficult situation. Whichever party takes up the reins of Government they will find it very difficult to deal with the local bodies in practical administration.

Then there is another emergency power which the Bill wants to do away with, that is, the power of the Local Government themselves. There is a power given by the provision of the Act that any Local Board can by a majority pass in the meeting, which has a number of two-thirds of the members present a resolution asking the Local Government to appoint a Chairman. That is a power given to the Local Boards, but this Bill proposes to take away that power given to the majority of the Local Boards. I say, Sir, that is a very wrong principle to take away the power of self-determination from the people for running the administration by the majority.

There is another very important principle which this Bill wants to do away with, *i. e.*, the power of supersession by the Local Government. This Bill only provides that Government can only dissolve the Board and reconstitute it. When the same party comes into power, it will work in the same way; and we have got experience of this kind. It may be that certain Local bodies will very soon be superseded simply because of that defect. The same party will come into power and run the administration in the same way. Sir, there must be power in the hands of Government to supersede the Board for some time so that the chaotic condition of the Board might be removed. Sir, these are very important principles for good administration which this Bill wants to do away with. From the stand-point of good administration Government is quite against the principles enunciated in this Bill and therefore we oppose the Bill.

I have spoken about the principles in the Bill. Now I will speak a little about the defect in the Bill in regard to the fact that no suggestion has been made here about giving representation to the minorities who want to get representation. Nothing is provided in this Bill in regard to that, and that is one of the reasons why the Bill is very defective. As we are going to introduce a Bill giving representation to the different communities, I think, it would be well for the hon. member to withdraw the Bill.

Then I have to deal with opinions. The Bill was circulated and we have got several opinions. These opinions are divided no doubt, and opinions are always divided. From one side it is urged that the idea of appointment of Chairman and Vice-Chairman should be totally abandoned. Everything should be done only by election. But all those who have had some experience in the administration of local bodies seem to be quite against that kind of proposal. Sir, I will read a few opinions. The Secretary of the Surma Valley Branch of the Indian Tea Association writes like this:—

“(1) The Bill proposes to remove the principle of nomination and make Local Boards purely elected bodies, and the author bases his case on the analogy of the provincial Assembly in as much as this is a purely elected body; but he overlooks the extraordinary care in the case of election to that body with which every minority community has been awarded representation. Assam is largely made up of minority communities and as one of such, this Association must oppose a Bill which purports to have only general constituencies.

(2) Another object of the Bill is to remove the privilege now in vogue of permitting the Board by a two-third majority to invite the Local Government to appoint a Chairman. In the past instances have happened where these bodies failed to agree and they had this remedy to overcome a deadlock. The privilege is permissive and not obligatory, and this Association have no wish to see it done away with.

(3) Lastly, the Bill desires to minimise, if not altogether remove, the control of the Commissioner and Deputy Commissioner, and implies that Local Boards are competent to deal with the Local Government direct. It must be borne in mind that Local Boards derive an appreciable portion of their income from the the Local Government and the history of some Local Boards particularly in the realm of finance, is not such as to encourage the belief that some supervision by intermediary officers is unnecessary or will be for some years to come.”

Sir, this opinion is no doubt valuable. Now I want to read another opinion which is from the Secretary, Assam Branch Indian Tea Association Dibrugarh, who says like this:

“(1) This Association is not in agreement with the suggestion that nomination of a certain number of members should be abolished. It is submitted that nomination is the best method of securing proper representation for minorities and backward sections of the community. Secondly nomination means that the services of a number of experienced and knowledgeable persons may be put at the disposal of the Board in addition to those who are elected by ordinary means adding steadiness and maturity to the considerations of the Board”.

Then he says:

“(2) This Association opposes the suggestion whereby, if a Local Board is superseded for incompetency, breach of powers etc., the Local Government may appoint a Chairman only until the Board is newly constituted. After reconstitution, a Local Board may find itself in little better state than formerly and it is surely advisable that the Local Government should be empowered to appoint a Chairman not merely for a short interregnum, but for a reasonable period so that he may place the financial and executive structure of the Board on a sound basis”.

Sir, there are many associations which have given their opinions against this Bill. I will read the opinion of the Chairman of the Local Board of Silchar at page 11 of the Opinions:

“This Bill is intended to do away with ‘nominations and stricter control,’ but does not provide for representation of the minority communities, *e.g.*, scheduled castes, labour etc. There are some provisions quite welcome while there are some of doubtful utility. Again, the Bill proposes partial amendment while it is desirable now to recast the entire Act in the light of the new Reforms and so I am not in favour of the Bill as it stands now.”

Then, Sir, I will read the opinion of another Chairman of a Local Board, who has had experiences in this matter. His opinion is valuable. This is from the new supplementary list of opinions on Srijut Siddhi Nath Sarma's Assam Local Self-Government (Amendment) Bill.

Srijut BELIRAM DAS: Was that Chairman elected with the support of the nominated members?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That I do not know. Mr. K. Sarma, Chairman of the Local Board, Golaghat says:

"I propose to deal with the subject generally and not section by section as in the Bill."

I will read the second paragraph:

"The Bill proposes in section 4(1) to do away with the principle of nomination. Members are appointed to represent un-represented, under-represented and minority classes. This is a very salutary provision necessary to safeguard the interest of these classes of people. Ideally this is all well and good to run the administration of local affairs with elected members provided the franchise is properly exercised and capable and efficient men are returned who are free from party or communal spirit. It is equally unsafe to draw an analogy of these local bodies from western countries. These countries, if my information is correct, do not allow themselves to be influenced by party or communal or sectional spirit. The local bodies of these countries scrupulously avoid politics in their administration. With the present state of our societies, where illiteracy is the rule (and literacy is an exception) rancorous party or communal spirit prevailing all round, it is impossible to visualise an ideal local body properly functioning in the interests of all concerned. In this state of societies, it is not desirable to leave the interest unprotected of under-represented and minority classes, and as such it is but meet and proper that the principle of appointing member should continue unless and until the local bodies are bereft of politics or party or communal spirit. I shall not be exaggerating if I say that our local bodies are not free from these harmful factors rather they are prominently present in our local bodies to the great prejudice of the people concerned."

Then, Sir, he says about the power of supersession.

"Instead of supersession it advocates dissolution and constitution of new Board and appointment of a Chairman during the interregnum. When the circumstances and state of affairs in a certain Body are such as to call for existence of the extraordinary powers of the Government under section 85 of the Act to supersede it, with the result that the Board ceases to function, that is, it is dissolved, and the appointed Chairman carries on the work, it is not understood how a newly constituted Board at once after dissolution is meant to tide over the situation. The very object for which the Board is dissolved may be frustrated, at least it is not an impossibility, inasmuch as the very members may be returned to the Board again in the election for whose inefficiency and conduct in handling the administration of the Board earned the order of dissolution or supersession from the Government. To put matters right, so that a newly constituted Board can again properly function and take the responsibility of administration, some reasonable time must be allowed and this cannot be achieved simply by appealing to the constituencies. In view of what is stated above I am constrained to be against the proposed amendment of dissolution and rather am inclined to stick to the present provision of supersession. The period of supersession however should not be longer than is required by the circumstances of the case."

The Hon'ble the SPEAKER: May I intervene at this stage? I do not want to fix a time limit for a speech in regard to this discussion; but at the same time I would like to express a desire that each of the hon. members taking part in the debate should see that his speech does not go beyond a reasonable length of time. The Hon'ble Minister was referring to the opinions which have already been circulated to the hon. members of this House. I think that much time may be saved if a reference is made to the opinions and the substance of the opinions is stated in the language of the Hon'ble Minister speaking. This will perhaps save time and shorten the length of the speech.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, from what I have read of the opinions, I find that the majority of the considered opinions are against the Bill.

Srijut SIDDHI NATH SARMA: Majority are not against; they are in favour.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, the majority of the considered opinions are against the Bill and these opinions come from people who have had experience in the working of the local bodies and also from officers of Government. They had a great deal of experience in dealing with local bodies for many years. I think, Sir, from the standpoint of good administration all these emergency provisions which we have now in the Local Self-Government Act to deal with the chaotic conditions of the Board should be kept and should not be omitted. In this matter we greatly differ from my hon. friend in the opposite and on account of that we oppose the Bill. We do not want that the Bill should go to the Select Committee because we shall spend time and money only for nothing. Again we shall have to bring our own Bill to get another Select Committee to revise the Act and the matter will be again discussed and therefore it will be of no use to refer this Bill to the Select Committee. So I oppose the reference of the Bill to the Select Committee.

The Hon'ble the SPEAKER: It seems that no other hon. member is going to speak.

Maulavi NAZIRUDDIN AHMED: Mr. Speaker, Sir. I am opposed to the principle of this Bill. It aims at doing away with the principle of nomination, but it does not indicate how the representation of different communities can be secured. The move for abolishing the system of nomination is welcome, but before we agree to it adequate representations of the different communities must be assured. Sir, the Local Self-Government Act requires a thorough overhauling. The Hon'ble Minister in charge of Local Self-Government will surely be introducing a comprehensive Bill for this purpose very soon. So time and money should not be wasted in this Bill. With these few words I oppose the motion for reference of the Bill to the Select Committee.

Mr. JOBANG D. MARAK: Mr. Speaker, Sir. I quite agree with my hon. friend who has just now spoken and I oppose this Bill.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir. The Bill deals with the principle of nomination and the control of Local Boards by Government officials—supersession by Government. As regards the principle of nomination it is admitted by Government that this system has not worked for the welfare of the Local Bodies. I find that Government agree that they are going to abolish the principle of nomination. It is rather redundant to refer to the opinion of the experienced people

about the question of nomination. We have discussed the question of nomination and how it operated only on the 5th September. The hon. members know how it has re-operated in many cases—instead of giving representation to minority communities, it has been given to over-represented communities in many places.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, is it necessary to discuss any more about that? We have already finished it, and I do not see any reason why the hon. member should refer to that again. I have explained the whole matter, and I have said, so far as nomination was concerned, we acted according to the best of our intention. I have also said that as for the future we are going to abolish nominations. So, Sir, what is the good of spending the time of the House?

The Hon'ble the SPEAKER: Yes. So far as nomination is concerned, I think everything has been finished. So I think this is not relevant here.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: The Hon'ble Minister refers to the opinion of different European Associations which lay stress upon the question of representation of minorities by nomination. I have referred to this only in connection with that. The opinion expressed by the two European Associations of the two Valleys is that nomination is an absolute necessity for preserving the rights of the minority communities. I say that experience has shown that the system of nomination has not operated in the interest of the minority concerned, and so I want that this should be abolished. Under no circumstances it will protect the interests of the minorities.

Then, Sir, the question of control of the Local Boards by the officials comes in. The Local Board members are elected on the same franchise as the members of this Hon'ble House. In view of this fact, I think they should be regarded as responsible person to deal with their own affairs. They are conversant with everything. They are not less responsible than any member of this House including the Hon'ble Ministers. In view of this they should, I think, be allowed to control their own affairs unfettered by local authorities. Nothing should intervene between the Local Government and the local bodies.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Does the hon. member mean to say that even the Local Government should not have any power over the Local Boards? Perhaps he also means that the Minister should not have any authority over the local bodies. Is this his idea?

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I do not mean that. I mean the agency of the Local Government—the District Officers and the Commissioners. What I mean is that with regard to the control of local bodies there should be none to intervene between the Local Government and the local bodies.

Mr. BAIDYANATH MOOKERJEE: He is sympathetic towards the Minister. (Laughter.)

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Then, Sir, from my practical experience as a member of the South Sylhet Local Board I can say that as regards the grant of various items money is ear-marked by the officials and the Local Boards have absolutely no discretion—to spend any money from that grant for any other purpose. The local bodies pass the budget, but they have no control over it. The Divisional Commissioners return the budget with amendments if any. The members of the Local Boards have got no control over it. Sir, this Bill provides for the abolition of this system. We boldly assert that the representatives of the people are able to guide the destiny of the nation. Do we believe in democracy or not?

I was rather amused to hear from the Hon'ble Minister that the principle of nomination rather protects some sort of democratic idea in the Local Boards. I do not know how to explain that expression.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I could not hear what the hon. member said about the principle of democracy.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I hope every hon. member of this House is fully conversant with the meaning of democracy. I mean democracy only in that sense and in no other sense.

Then comes the question of supersession. Sir, once we acknowledge the right of the people to guide their own destiny either for good or for worse, there should not be any outside authority to act as a guard against the so-called mal-administration. We should not allow any other authority to call such and such thing as 'mal-administration'. The local bodies should not act under the guard of bayonet hanging over them. They should be unfettered and free to guide their own destiny. If there is any mal-administration the members of the Board are already in the Boards to look to it. They are conversant with their own interest and they are the best judges for their own things. So the whole matter should be entirely left at the discretion of the local bodies should be disallowed and the whole matter should be left to the discretion of the members concerned. So when there is a question of mal-administration, the provision of dissolution of the Board and fresh election is to my view the best method.

Again, Sir, the question of representation has been raised. It has been said that no provision has been made with regard to the representation of minorities. On behalf of the Party which I represent I say we do agree and do admit that there should be proper representation for the minorities; the minorities should have every voice in the administration of every country (hear, hear). I think, Sir, since the Bill is going to a Select Committee there is ample scope for making adequate provision for the representation of minorities either by joint electorate or by separate electorate or by any other method which may be found feasible for the purpose.

My reading of the Bill shows that it does not prevent the question of representation being included in this Bill; that question may be discussed in the Select Committee. Again, Sir, objection has been taken with the personnel of the Select Committee on the ground that majority of the members belong to the Congress Party. On behalf of that Party, I say, Sir, that we have no objection to either decreasing the number or increasing it, so that the Select Committee may represent the strength of the various parties in this House. With these few words, Sir, I support the Bill, and I take my seat.

Srijut BELIRAM DAS: Mr. Speaker, Sir, I rise to say a few words regarding this Bill. Sir, the principle of nomination is against the principle of democracy. The retention of this nomination will go against the principle of Provincial Autonomy which is alleged to have been given to us by the Government. The Hon'ble Minister was pleased to say that nomination was introduced only to give representation to the unrepresented, under-represented and more under-represented communities, but during the discussion of the adjournment motion we have found that great injustice has been done.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Is it relevant, Sir?

The Hon'ble the SPEAKER: Yes, this is relevant. The hon. member is referring to what he has learnt from the discussion of adjournment motion about Government policy and principle.

Srijut BELIRAM DAS: Great injustice has been done in the name of doing justice to these communities. If the retention of nomination means giving nomination to the defeated candidates, giving nomination to the Mauzadars, giving nomination to the excise vendors and other third rate persons, then it is no use retaining this practice of nomination. It has degenerated into the stage of favouritism. Sir, the proper method of representation of minority communities should have been by reservation of seats. The Hon'ble Minister said that there was no provision for reservation of seats for these communities in the Bill. Now, if the Bill be referred to a Select Committee provision may be made for giving representation to the minority communities by means of reservation of seats. The Select Committee is within its power to do that as it is within the scope of the Bill. The question of giving representation by reservation of seats is a question of method only.

With these remarks, Sir, I heartily support this Bill.

Khan Bahadur Maulavi KERAMAT ALI: Mr. Speaker, Sir, I hope the hon. members remember that in the last session of the Assembly a Bill called the Assam Municipal (Amendment) Bill, was introduced by my hon. friend Srijut Rajendra Nath Barua, and the same principle—I mean the principle of abolition of nomination—was involved in that Bill. But that Bill was thrown out by the House. I do not know, Sir, how the same House, which had once thrown out that Bill, because they did not agree that the nominations should be done away with before separate electorates are introduced in the Municipalities and Local Boards, can now agree to another similar Bill.

Babu KAMINI KUMAR SEN: On a point of information, Sir. Is not separate electorate in vogue in Local Board elections? I think it is.

Khan Bahadur Maulavi KERAMAT ALI: Yes, but the number of seats is not in proportion to the communal representation.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: On a point of information, Sir. What is the source of information that the Bill of Srijut R. N. Barua was defeated or refused by the House only on the issue of nomination.

Khan Bahadur Maulavi KERAMAT ALI: Mainly on the issue of nomination (Babu Dakshinaranjan Gupta Chaudhuri:—You are qualifying now.) I therefore submit, Sir, that the hon. mover of the Bill should have seen as to what Bill Government are going to introduce to do away with nominations. If they were satisfied that the Government are coming forward with a Bill having the same principle which my friend the mover wants to introduce in the Assam Local Self-Government Act it would not have been necessary for him to introduce this Bill at all. Therefore, I request him to wait and see what sort of Bill Government brings. As far as Muhammadans are concerned, I am quite sure they will not agree to the principle of the abolition of nominations (Mr. Baidyanath Mookerjee: Question) until they are satisfied that some principle for the representation of minorities is introduced in the Local Self-Government as well as the Municipal Act.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: Mr. Speaker, I only rise to protest against certain remarks made by my hon. friend Mr. Beliram Das. I think I heard him correctly to say that the Mauzadars and Excise Mahaldars are third class people.

Srijut BELIRAM DAS*: No, I said Mauzadars, etc. and third rate persons.

*Speech not corrected.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I am very glad to hear that he did not say that they are third class people—at any rate he did not mean it. Because, Sir, it would have been very ungrateful on his part to say so.

A voice: How?

Because I know even in the group in which the hon. member belongs there are several members whose brothers are Mauzadars. Not to speak of considering them as third class people I know very well that many members avail themselves of their services in times of difficulty.

Several voices.—Is it relevant, Sir? The hon. member is speaking on a hypothetical question.

The Hon'ble the SPEAKER: Hon'ble Mr. Chaudhuri is addressing on the assumption that Mr. Beliram Das described Mauzadars as third class people. But he (Mr. Das) says he did not say so.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI*: I am not arguing on that assumption, Sir, because I have already stated that I am glad to hear that he did not say so. I was only saying that I would have been very much surprised if he had called them third class people. I was only now dealing with possible reasons that might exist against their nomination. I have failed to understand why they should be debarred from nomination. If their personal character is not satisfactory that is another thing, otherwise there is no reason why they should be debarred.

Srijut SIDDHI NATH SARMA: Mr. Speaker, Sir, the Hon'ble Minister in charge of Local Self-Government from the beginning has been trying to mislead this House not only by his misleading statements, but by false statement. There are 61 opinions received, by Government and out of these 61 opinions, 32 opinions mainly endorse wholly the principles of the Bill, 19 opinions support the principles of the Bill mainly differing only on minor points; only 7 opinions are against the Bill, and he has read before the House only from these 7 opinions that are against the Bill.....

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is quite natural.

Srijut SIDDHI NATH SARMA: Even the Commissioners of the two Valleys support the main provisions of this Bill, but he has not referred to their opinions. Messrs. Cantlie and Walker are in favour of the main provision of this Bill.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Page? Page?

Srijut SIDDHI NATH SARMA: Page 10. Mr. Walker says "I am also strongly in favour of voting by ballot which is also I find the opinion of most of those consulted. It is wrong in principle to have any of the members nominated by an outside agency". The Hon'ble Minister is trying to mislead the House by saying that there was no provision in the Bill to represent the interests of minority communities and it cannot be provided. Now, let us examine section 4 of the Local Self-Government Act. The present Act does not provide for any separate representation, but it is provided by rules and representation is given to several communities such as the Muhammadan, the Planting, the Hindu, etc. under the rules framed under the Act. It is done according to rules; it is not provided in the main provision of the Act. Section 4 of the present Act provides for 16 members, as the minimum for a Local Board and in my amending section I have provided for 20 members who shall be elected by votes by ballot. Power of giving representation to different communities according to the rules is entirely left in the hand of the Government or it may be provided in the Act itself by the select committee. The rules framed under the present Act provides for representation of Muhammadans, Hindus, and Planting communities and this rule can be extended in the case of other minority communities such as scheduled castes, tribal community,

*Speech not corrected

Indian Christian, etc. if the Government wishes to do so. Now he says that there was no provision and hence the Hon'ble Minister is opposed to the Bill and he will bring a Bill providing representation to minority communities, but can he not do it now, even he could have done it before the last Local Board election simply by modifying the rules. He has told the House that he will bring a Bill in the following session. That session will not come (*laughter*). This time also he promised that he would bring in a Bill in the next budget session. That session will not come.....

The Hon'ble the SPEAKER: Let me assure the hon. member that there will be a next session. (*Laughter.*)

Srijut SIDDHI NATH SARMA: But his Bill I am sure will not see the light of the day or may not come at all (*laughter*). He has promised and he will go on promising like that. He can provide representation under the rules if he had a mind to do so. I challenge the sincerity of the Hon'ble Minister of Local Self-Government. If he had a mind to do so, he could have provided for it under the rules long ago and Government have full power to make rules.

Then he has enunciated a new principle of democracy. The principle of nomination must be one of the fundamental principles of democracy and it should be in the hands of any Government. If you can give representation to every community by election then what is the necessity of nomination?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I said that I was not supporting nomination, and that my idea was to abolish nomination, and there is no use discussing it.

Srijut SIDDHI NATH SARMA: Then you intend to keep your promise that you will bring an Act, but you are not bringing the Act; you have been promising all along.....

The Hon'ble the SPEAKER: An Act cannot be brought, only a Bill can be brought (*Laughter*).

Srijut SIDDHI NATH SARMA: I mean Bill, Sir, not an Act.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The hon. member is again addressing the Hon'ble Minister direct. (*laughter*)

Srijut SIDDHINATH SARMA: Then, Sir, regarding the emergency powers and the control of the officials. I have not done away with the control of the officials—there is the control of the Subdivisional Officer, or the control of the Deputy Commissioner on the spot and control of the Minister, Local Self-Government at the top. I want to do away with the control of the intermediate official, *viz.* the Commissioner. I want to do away with his control because there is the control of the Deputy Commissioner on one side and Hon'ble Minister, Local Self-Government on the other side.

The Hon'ble the SPEAKER: The House stands adjourned for lunch.

ADJOURNMENT

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

AFTER ADJOURNMENT

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

Srijut SIDDHI NATH SARMA: Sir, the Hon'ble Minister in charge of Local Self-Government has just said that the provisions of my Bill are all revolutionary. I say, Sir, this is bound to be so. We are under a new regime and under a new Act, namely, the Government of India Act. So, Sir, we cannot be guided by the Act and Rules which belong to an old regime. There must be some change. It appears to me that the Hon'ble Minister in charge of Local Self-Government belongs to the old regime and he is an old man, and so everything new appears to him to be revolutionary. But I assure him that I belong to a group pledged to non-violence and that therefore he need have no fear about us.

As regards the power of appointment of the Chairman, by the Government he says that power to the Local Government is necessary. Why? I fail to understand this. The Government need not appoint a Chairman. The elected members can very well elect their own Chairman. Why should it be necessary for Government to appoint a Chairman of the Board? Why should the members of the Board request the Government by two-thirds majority to appoint their Chairman? I say, Sir, the power is absolutely unnecessary and it should be left to the members to elect their own Chairman.

The Hon'ble Minister made two appointments in the last Local Board election, one in Mangaldai and the other in North Lakhimpur. But he did not observe the provision of the law, two-thirds of the elected members did not request the Government to appoint the Chairman of the Boards. He had violated the rules. Whenever it suits the convenience of the Government they can violate the rule and follow their own rule that suits the Government. So, Sir, this provision that two-thirds of the elected members request Government to appoint a Chairman has not been observed in the past by the Hon'ble Minister in these two cases mentioned above.

As regards other minor matters, in regard to the abolition of cart tax, etc., this has been objected to by the Hon'ble Minister. I have stated in my last speech that I have confined myself to *bona fide* agriculturists.

The Hon'ble Minister has promised that he would bring a Bill. But we have not been enlightened as to what will be the provisions of the Bill. If he at all brings in a Bill, even then the House should solve its own problems. If he brings a Bill, the House will have an opportunity to consider the Bill and it will, I am sure, the Bill will be sent for eliciting public opinion and the consequence will be that a year or two will elapse in the meantime. So, before the next election, Sir, we must have these changes. At least the nomination should go, which is one of the main principles of the present Bill.

There are some minor differences. But these differences can be well reconciled in the Select Committee.

With these few words, Sir, I commend my motion for the acceptance of the House.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do I understand from the hon. mover that the constitution of the Select Committee remains as it is with a disproportionate representation of the Congress Group?

Srijut SIDDHI NATH SARMA: I am open to any change that may be suggested by the House.

The Hon'ble the SPEAKER: Will the Hon'ble Minister in charge give his views?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Sir, I have already said that this Government intends to bring a Bill to revise the whole Local Self-Government Act. This Bill will not deal only with the question of nomination; it will deal also with many other defects which there are in the Act and also with the question, which the hon. mover has stated, relating to the cart tax. But I must make it clear that the Government Bill will not abolish the emergency power that has been reserved for the Local Government. But there will be some amendments in regard to the power of appeal from the decision of the Commissioners to the Local Government. Things of that kind will be covered by the Bill that we shall introduce.

Now, Sir, I come to some points that have been raised. The hon. mover of the Bill criticised me when I said that the majority of the opinions were against the Bill. I meant by that—against one section or other of the Bill. There are very few who have given their unreserved opinion that the Bill should be passed as it is. Those opinions in my view are due to the fact that those gentlemen probably had no time to study the different clauses of the Bill. For, if they had known that there are so many defects as I have pointed out for instance the clause of the Bill relating to Village Authorities—they would not have given their opinion as they have done. The clause regarding Village Authorities which this Bill proposes to amend has already been embodied in the Rural Self-Government Act. Those opinions which give unreserved support to the Bill without any comment must have been given without proper study of the clauses of the Bill. Therefore I place weight on those opinions which have dealt with almost every clause of the Bill and especially the opinions of those associations which have made a special study of this Bill. For this reason I say, Sir, that the majority is against the Bill.

Now, Sir, I have been accused for not bringing a Bill during this session and it was stated that I promised to bring the Bill during this session. This Assembly did not want to postpone the election of the Local Boards and circumstances were such that Government had to withdraw the Bill for postponement of the election.

Mr. BAIDYANATH MOOKERJEE : By private arrangement I should say.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : At that time we intended to amend only one section of the Act, *i.e.*, section 4, to give representation to the minorities so that the Legislature may know which minorities will get representation and not leave to the Government to choose certain minorities. But, Sir, when the session was over and when the election in Local Boards was over it is only fit and proper to examine the whole Act because some sections of the Act have become obsolete. That is why we have taken time. We have practically finished the draft Bill, and also I have made arrangements to call a conference of the Local Board Chairmen to get some suggestions from them regarding what they may have found to be the defects in the Act, and that conference will probably be held some time in the month of October next. After we have got all the suggestions, the Bill will be recast if we see any necessity, and we shall come with a Bill in the next February-March session of this Legislature. These are the things I want to say about the reason why we have not introduced the Bill in this session.

I find that the hon. mover of the Bill has taken objection to my using the word "revolutionary". By that I meant that if the control over the Local Bodies is done away with then there will be occasions when a local body may not function. There must be some control and there must be some provision for emergency. This Bill seeks to do away with all emergency powers. I say that any Ministry coming in the future will find it necessary to have these emergency powers for the sake of controlling the local bodies. Sir, many of the gentlemen who have been returned to the Local Boards are inexperienced. If we extend the franchise there will be trouble in the local bodies. Men will be returned to the Local Boards who do not have any idea of administration. Factious spirit plays a great part in the administration of Local Boards and some Local Boards are administered with great difficulties due to this factious spirit. That is why there should be more control over the Local Boards and the Local Government should have agents to keep that control because no Ministry will be able to deal directly with the Local Boards. Therefore the power given to the Deputy Commissioner and Commissioner if there is one should not be relaxed in all matters.

Again my hon. friend, the mover, asked—why should it be necessary for the Government to appoint a Chairman when the Chairman can be appointed by the representatives of the people in the local bodies? Well, a little experience in the running of these local bodies will explain that. Here is an incident. There are two parties in a Local Board. The party that is not in a majority does not come inside the meeting room, but waits outside in order to prevent a quorum to be formed. So a Chairman is not elected, and the time for appointing the Chairman according to the rule is till 31st March. How will the Board function in such a case?

Srijut SIDDHI NATH SARMA : I have made provision for that.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Now in such instances Government should come forward and appoint the Chairman. There is provision under section 12(b) of the Act that when any Local Board fails to appoint the Chairman or the Vice-Chairman within the time fixed, the Local Government may appoint a Chairman or a Vice-Chairman as the case may be. There have been such instances and Government under such circumstances have to take steps. If Government think it fit for the good administration of the Local Board, they may ask the Deputy Commissioner or the Subdivisional Officer as the case may be to take over the Board. Instead of doing so, power is given to nominate a Chairman.

Then I come to the emergency power of appointing a member in the Board when a particular constituency fails to elect a member for the seat allotted to that constituency. There was a case just in the last election in a certain constituency, I think, it was a Planting constituency in the Surma Valley. When the notice was issued by the Magistrate regarding the date of election, all the members were outside the constituency and they did not know that there was a date fixed for election of members to the Local Board. When they returned it was too late for filing nomination papers. As a result, four or five seats could not be filled; and the date for the first meeting of the Board had to be fixed soon. If the election were to be again declared the meeting of the Board could not have been held in time. In such a case, there is an emergency provision in section 5 of the Act that the Commissioner can appoint a member subject to the control of the Local Government. Why should all these emergencies be taken away?

Srijut SIDDHI NATH SARMA: Provision is also made for that in the Bill.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The provision made does not cover such a case. The provision made will repeat the same trouble. I have dealt fully in my previous speech on this point. The provision he made was only in a case when the Local Boards do not appoint their own Chairman.

Srijut SIDDHI NATH SARMA: Will the Hon'ble Minister please state what provisions I have not made?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The provisions did not cover all these points. The provision made in this Bill is only to call the Deputy Commissioner or the Subdivisional Officer to elect their own Chairman.

So I say that old things will be repeated and the Board will be at a standstill.

Babu KAMINI KUMAR SEN: If a meeting is adjourned for want of quorum then an adjourned meeting can be held without any further quorum. No quorum is required for an adjourned meeting.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: But the Chairman must be elected before a certain date. No provision is made at all for this.

This emergency power this Bill wants to abolish, but we are against this.

So, Sir, I think this House will see that there is no use in going any further with this Bill and spending the time of the members and money of the province.

There is another point that the hon. member is trying to make out against my previous speech. That was this. He asked, why should the Local Board get the power of asking the Local Government to appoint a Chairman? Suppose in the Board there is no body who has any experience of local administration and no one wants to take the responsibility of the work of the Chairman then what will be the consequence? The members are all elected under the present Bill, and Government cannot nominate a man who has no experience to run a Local Board. (*A voice*—I think the Hon'ble Minister had experience before he was appointed Minister for Local Self-Government.)

Then, Sir, what is going to happen if the majority does not want to elect a Chairman from among themselves if there is no experienced person? All of them may say—We do not want to take the responsibility if money is spent against rules by ignorance, we may be surcharged. If the majority of the members want that the Local Government should appoint a Chairman there is no provision in the Bill of the hon. member to provide for such emergency. There are so many things that may happen which this Bill has not provided for. Under the present Act Government have the power of appointing a Chairman. In these special circumstances the Local Government should have emergency power.

Now, Sir, what happened in Mangaldai and North Lakhimpur? In Mangaldai notice was issued and the members were present round about the meeting hall, but a certain number of them remained outside the meeting house. The same thing happened at North Lakhimpur.

Srijut SARVESWAR BARUA: There in spite of the appointment of an official Chairman, there were three parties.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It matters very little. But it seems to me that if any group wants to run Local Self-Government and wants to run the administration well, they should not play such tactics and such game, but they should be in the meeting and discuss matters. It is this kind of tactics also which has to be dealt with by the emergency power. The Local Government must be given power to deal with such tactics which may be adopted by any party in the local bodies.

Well, Sir, in regard to cart tax, I have said that there is provision in the Act for the local body itself to specify which carts should or should not be taxed. So this provision in the Bill is unnecessary. But there are certain matters which have to be dealt with regarding cart tax. These things which are not in the Act will be dealt with in the Bill which we are going to present before the House.

I think, Sir, I need not take more of the time of the House. The speech which I have delivered the other day has, I think, cleared the whole matter. I hope the hon. members will think that it is better for the hon. mover to withdraw the Bill at this stage. Let us all work together for the Bill that is coming in the next session.

Srijut SIDDHI NATH SARMA: Is it coming at all?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I hope, Sir, after hearing what I have said the House will agree that it is better to postpone the consideration of this Bill only for a few months more. The next election of the Local Boards will be, I think, held after two years more and so there is still time for the Government Bill.

The Hon'ble the SPEAKER: Order, order. The question before the House is that the Assam Local Self-Government Amendment Bill, 1937 be referred to a Select Committee consisting of the following members:—

- (1) The Hon'ble Minister in-charge of Local Self-Government,
- (2) Mr. F. W. Hockenhull (3) Maulavi Md. Ali Haidar Khan, (4) Mr. Fakhrudin Ali Ahmed, (5) Babu Kamini Kumar Sen, (6) Srijut Rupnath Brahma, (7) Babu Bepin Behari Das, (8) Mr. Arun Kumar Chanda, (9) Babu Dakshinaranjan Gupta Chaudhuri, (10) Srijut Sarveswar Barua, (11) Srijut Lakshesvar Borooah, (12) Srijut Kameswar Das, (13) Srijut Mahi Chandra Bora, (14) Srijut Bhuban Chandra Gogoi, (15) Mr. Naba Kumar Dutta, (16) Maulavi Muhammad Amjad Ali and (17) the mover.

(Six members to form a quorum.)

The motion was lost.

The Assam Local Self-Government (Amendment) Bill, 1937 by Srijut Lakshesvar Borooah

Srijut LAKSHESVAR BOROOAH: Mr. Speaker, Sir. I beg to move that the Assam Local Self-Government (Amendment) Bill, 1937, be referred

to a Select Committee consisting of the following members:—

(1) Maulavi Abdur Rahman, (2) Mr. Arun Kumar Chanda, (3) Maulavi Muhammad Amjad Ali, (4) Maulavi Md. Ali Haidar Khan, (5) Babu Bepin Behari Das, (6) Khan Bahadur Maulavi Sayidur Rahman, (7) Srijut Gopinath Bardoloi, (8) Mr. F. W. Hockenull, (9) Mr. Baidyanath Mookerjee, (10) the Hon'ble Minister for Local Self-Government and (11) the mover.

(Five members to form a quorum.)

Sir, under the present Local Self-Government Act the distribution of seats to various communities in different Local Boards are made under section 4(2). Sub-section (2) says, "the Local Government shall, by notification, fix for each Local Board—(a) the total number of appointed and of elected members; (b) the distribution of the elected members among the different sections of the community and in different localities; and (c) the qualifications of members and of electors or of any electorate body:

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

By this Bill I only want to add another proviso. In short I want to do away with two factors contained in the first proviso, namely, the "area held" in the case of the Planting community. The reasons for my dispensing with this factor of the proviso is that the Planting community pay land revenue for the area they hold and for that they get representation in the Provincial as well as in the Central Legislature, and also because as they pay local rate for the area occupied, they get representation in Local Board as well.

In the present Local Self-Government Act there is no provision for representation of the Indian Planting community and in my Bill I propose to give the Indian Planting community a separate representation. Under the present provision of the Act, the Indian Planting community cannot have any representation unless they merge their interest with the interests with the European Planting community who form the majority.

Sir, before I proceed to discuss the Bill I want to give an idea before the House the population of the European Planting community and the local rates paid by that community in each district. According to the census of 1931 the Europeans in Nowgong district is 67 whereas non-Muhammadan population is 3,84,769; in Darrang district non-Muhammadan population is 4,17,314 whereas the European population is only 265; in Sibsagar district the population of non-Muhammadan community is 8,92,843 whereas the Europeans are only 389; in Lakhimpur district, the non-Muhammadan population is 6,93,633 and the European population is 798. In Silchar the non-Muhammadan population is 2,60,899 and that of the Europeans is 250 only. I have given the number of the population of the European community as a whole. From this figure we shall have to exclude those Europeans who are not in tea-gardens, and in that case the figure will be less. I tried my level best, Sir, to obtain information as to what amount is paid by the Planting community to each of the Local Boards of Assam. I looked into the annual reports of Land Revenue and the Local Boards administration, but I did not get any information. The information is curiously a sealed book to us.

Mr. F. W. HOCKENHULL: We shall provide you with the information.

Srijut LAKSHESVAR BOROOAH: From a reply given by the Hon'ble Chief Minister to a question of my hon. friend Srijut Sarveswar Barua I found the amount that is paid on account of the Tea Cess Road Fund by the tea Planting community is:—

	Rs.
Lakhimpur	34,400 a year.
Sibsagar	35,000 a year.
Darrang	23,000 a year.
Nowgong	4,000 a year.
Goalpara	200 a year.
Kamrup	1,400 a year.

The above figures are average of 10 years from 1927 to 1937.

The hon. members know that the rate of Tea Cess Road Fund is 8 annas per acre *minus* the amount of local rate paid under section 3 of the Assam Local Rates Regulation. Roughly the tea Planting community pays 5 annas per acre on account of Tea Cess Road Fund. If 5 annas per acre yields Rs.35,000 then 3 annas per acre will yield less than that.

Mr. F. W. HOCKENHULL: May I correct the hon. member, Sir? These two are separate accounts and one has no connection with the other.

Srijut LAKSHESVAR BOROOAH: This Tea Cess Road Fund is not paid to Local Board. This fund is administered by a separate body. The Chairman cannot touch a single pie of this. Only the local rates paid under section 3 of the Local Rates Regulation is credited to the Local Boards. Therefore I beg to submit that on this proportion the amount paid by the various Local Boards will be less than the amount paid for Tea Cess Road Fund.

Mr. F. W. HOCKENHULL: Would you mind telling us where you are quoting from?

Srijut LAKSHESVAR BOROOAH: I am quoting from the *Assam Gazette*, November 24th, 1937, Part VI. These figures were supplied by the Hon'ble Chief Minister in reply to a question put by my friend Srijut Sarveswar Barua.

Mr. F. W. HOCKENHULL: Thank you.

Srijut LAKSHESVAR BOROOAH: Now, Sir, from this we gather that local rates paid under section 3 of the Local Rates Regulation in the districts quoted above would be much below these figures quoted against each district.

Then coming to the amounts that are realised from the districts of the Assam Valley, we find from the Annual Report of the working of the Local Boards for 1936-37 that the income of the Lakhimpur district from local rates is Rs.1,44,108. The local rates realised in Sibsagar district is Rs.182,783.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Are the figures given for the whole district or the Local Board area? I have got the figures for each Local Board area.

Srijut LAKSHESVAR BOROOAH: This figures are for the whole district. As I said for Darrang the figure is Rs.1,12,187, for Kamrup Rs.2,10,738.

From this we find that although the Planters of Lakhimpur district pay a local rate of Rs.34,000 or less out of an income of Rs.1,44,108, those of the Sibsagar district pay less than Rs.35,000 out of Rs.1,82,783, those of Darrang

district pay Rs.23,000 or less out of Rs.1,12,187, those of Nowgong district pay less than Rs.4,000 out of Rs 80,000 and those of Kamrup district pay Rs 1,400 out of Rs 2,10,738. Their representation in the Local Boards is much higher.

Sir, I have given a rough idea about the population and the local rates paid by the Planting community in each of the districts of Assam Valley.

I now propose to read from the table showing the number of seats allotted to various communities in the Local Boards of Assam under the present Act.

District	Number of seats allotted to		
	Tea planters	Non-Muham madans	Muhammadans
Silchar ...	7	7	5
Hailakandi ...	5	5	6
North Sylhet ...	4	7	12
Karimganj ...	6	8	9
South Sylhet ...	6	7	7
Habiganj ...	4	10	11
Sunamganj ...	0	8	10
Dhubri ...	0	12	9
Goalpara ...	0	8	5
Gauhati ...	2	16	5
Barpeta ...	0	11	5
Tezpur ...	6	11	2
Mangaldai ...	6	12	2
Nowgong ..	5	10	5
Sibsagar ...	7	11	2
Jorhat ...	6	11	3
Golaghat ...	6	11	2
Dibrugarh ...	10	10	3
North Lakimpur ...	6	10	2

From these facts, the hon. members will undoubtedly draw the conclusion that the representation of the Planting community in various Local Boards is really high and inequitable, considering their undoubted economic and intellectual superiority over the rural population of Assam. They enjoy heavy weightage. Sir, it is the principle laid down in Parliament that weightage to various representative bodies are given on two conditions. Firstly, on account of economic inferiority, and secondly on account of intellectual inferiority. It is for this reason that Muhammadans have been given certain weightages in certain provinces. I submit, Sir, an average voter of the Planting community is head and ears superior to an average voter of rural constituencies of Local Boards both intellectually and economically.

Sir, in consonance with the letter and spirit of the Constitution Act, I have restricted the population of the Planting community to Superintendents, Managers, Superintending Medical Officers, Assistant Managers and Engineers of tea estates. It was contended that the tea Planting community should include the labourers; in other words, labourers should be allowed to be represented by their employers. I submit, Sir, that this most unnatural principle of representation of labourers by employers was in vogue in the Assam Provincial Council under the Montague-Chelmsford Reforms. But as this system of representation was condemned by the public the Government of Assam in its recommendation to the Indian Franchise Committee rightly urged for a change of the principle of representation of labour by the employers, and this is how the Government of Assam expressed its opinion to the Parliamentary Committee—"The representation of labour by one nominated member, who has in practice been an employer, is admittedly unsatisfactory. The Government of Assam would welcome some method by which at least the stable labour population resident on tea estates could obtain the franchise, and be given effective representation in the Legislative Council." This, Sir, is the opinion of the Government of Assam to the Franchise Committee, and in view of all these things no one having any elementary idea of constitution would favour the idea that labourers should be represented by employers.

I have explained already why I have provided that the area occupied by the tea Planting community should be left out of consideration in giving representation to them.

The second provision of my Bill is this that the Indian Planting community should be given separate representation. Under the present Act there is no provision for this. The Indian Planting community represents a large section of the general Planting community, and according to the Government Report on Tea Culture for 1936 that I have, we find that out of 1,103 gardens 335 are owned by Indians. Their place in the general Planting community is not negligible, and therefore it is in the fitness of things that they should get separate representation. As I have already said, I have had a sad experience of the attitude of the Planters to the general population in matters of primary education and village sanitation, village communication and other measures of improvement and I keenly felt the necessity of removing the over representation of the Planting community.

Mr. BAIDYANATH MOOKERJEE: Your experience of what district?

Srijut LAKSHESVAR BORGOAH: Lakhimpur.

I did not however off-hand want to thrust my opinion on the House at the beginning and I move for circulation of my Bill for eliciting public opinion. In pursuance of that Government has invited public opinion, and I am glad to say that a large volume of public opinion is in favour of my Bill. Going through the opinions we find that 54 associations and individuals have given opinions, and many of course remained neutral and did not express any opinion. Out of that 29 associations gave their opinion on my Bill, and I say for the edification of the House that 26 associations out of 29 have supported my Bill, and also 12 individuals, of which 3 are officials are in favour of my Bill. Of the associations that gave their opinion in my favour, the following deserve mention, viz. :—

1. Assam Valley Indian Tea Planters' Association—Page 2.
2. Surma Valley United Indian Planters' Association—Page 3.
3. Surma Valley Indian Planters' Association—Page 4.
4. Indian Tea Growers' Association—Page 4.

The Hon'ble Rev. J. J. M. NICHOLS-ROY*: May I ask whether the hon. member has seen the opinion of the Association of which Mr. B. Gupta was Chairman?

Srijut LAKSHESVAR BOROAH: Yes. At first he gave an adverse opinion, but afterwards he revised it.

5. General Secretary, Indian Planters' Association—Page 4.

6. Jorhat Sanjibani Sabha—Page 6.

The then Hon'ble Srijut Chandradhar Baruah, nominee of Government of Assam to the Round Table Conference is the Secretary of this Association.

7. Secretary, Muslim Association, North Lakhimpur—Page 10.

8. Secretary, Anjuman-i Islamia, Silchar—Page 11.

9. Secretary, Cachar Jana Sabha—Page 12.

Mr. Gupta at first gave an adverse opinion, but afterwards he changed his opinion and was in favour of my Bill. The report says—“Considered again the Assam Local Self-Government (Amendment) Bill, 1937, introduced by Srijut L. Baroah, and also the proceedings of the meeting of the committee held on 26th September 1937, and the opinion of Srijut Bepin Chandra Bhattacharjee, member of the committee in this connection.

Resolved that the clause 4 of the Bill be so amended that in allotting members of the planting community or for the matter of that all communities in different localities, the Local Government shall take into consideration only the local rates paid by the respective communities. And further that the last portion of the proviso of clause 4 of the Bill providing 25 per cent. of seats allotted to be filled in by the Indian planting community, be approved with this proviso that any Local Board within the territory of which there is any Indian estate, should have at least one seat allotted to the Indian planting community”.

All the above notable Associations are in favour of my Bill, and out of the 12 individual opinions three are opinions of officials. With these words I commend this motion for the acceptance of the House that the Bill be sent to a select committee consisting of the gentlemen I have named. We have been assured that the Hon'ble Minister is coming forward with a Bill to remove all these inequities and if the Hon'ble Minister's Bill contains these provisions, I give my word of honour that I shall withdraw my Bill. In these circumstances, I appeal to the House to accept my motion and send the Bill to a select committee.

Khan Bahadur Maulavi KERAMAT ALI: May I be permitted to bring to your notice, Sir, that I have been requested by several hon. members to say that they would like to adjourn the House at 4 p.m. every day just as we have been doing for the last two sessions?

The Hon'ble the SPEAKER: I am also considering the point whether it is the desire of the House to adjourn at 4 p.m.

(Cries of Yes, yes).

Of course during the last two days there was a special kind of business and we sat till 5-30 p.m. on the first day and till 5 yesterday. Since it is the desire of the House, we can adjourn at 4 p.m. to-day.

Mr. BAIDYANATH MOOKERJEE: Why to-day, Sir; why not every day?

Srijut GOPINATH BARDOLOI: May I be permitted to say only one point by way of protest against the majority decision of the House in this matter, when we have seen that very little time is left for discussion of non-official business? This year so far we have had only two sessions the first session being in February. In the last session we were given only six hours' time for non-official business. In this session we have 6½ days.

*Speech not corrected.

We, therefore, feel Sir, that if this limit is made universal for all days, that will to a certain extent curtail the privileges of the opposition. I will have no objection to have these timings on Government business days, but so far as private days are concerned, at any rate during this session, I hope we may not be denied the usual sitting hours of the Assembly till the rule, as you have been good enough to suggest, is accepted by the House.

The Hon'ble the SPEAKER: The hon. the Leader of the Opposition perhaps wants to press before the House the desirability of sitting on private members' business days upto 5 p.m. I do not know whether the House is agreeable to adopt his suggestion.

Maulavi JAHANUDDIN AHMED: We do not agree, Sir.

The Hon'ble the SPEAKER: In this session the hon. members may realise that on the first two Government business days most of the time was devoted to non-official business. The Government business on the first day took not more than two hours and the rest of the time was available wholly for non-official work. In the same way on the second day the entire day was practically devoted to private business.

Rai Bahadur PROMODE CHANDRA DUTT: No complaint!

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Moreover as you know, we have also resolutions put down for consideration on Government days, time permitting.

Mr. BAIDYANATH MOOKERJEE: Everybody desires that we should adjourn on all days at 4 p.m.

The Hon'ble the SPEAKER: The point raised by the hon. Leader of the Opposition is really to be considered. But having regard to the fact that the majority of the hon. members are desirous of adjourning the House at 4 p.m., I am willing to accede to that desire. For the future, I would like that the hon. the Leader of the House might take this question of sitting hours into consideration in allotting days for private members' business.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Very well, Sir, I shall consider that.

Maulavi JAHANUDDIN AHMED: Sir, yesterday the hon. the Leader of the Opposition said, and you also agreed, Sir, that proportionate representation should be given to each party of this House.

The Hon'ble the SPEAKER: The hon. Leader of the Opposition has not spoken on this motion as yet.

Maulavi JAHANUDDIN AHMED: Yesterday, I mean, Sir.

The Hon'ble the SPEAKER: The hon. member may deliver his speech and make his point. It will then be up to the hon. Leader of the Opposition to reply to it.

Maulavi JAHANUDDIN AHMED: Yesterday it was agreed that each party should have proportionate representation on these Committees, but I find that the hon. mover of the motion who belongs to the Opposition party and whose agreed opinion is proportionate representation has not given any amendment to that effect.

Mr. BAIDYANATH MOOKERJEE: There was no time.

Srijut GOPINATH BARDOLOI: May I reply, Sir? The motion is before the House and the Committee may be changed or altered according to the principle accepted. I have nothing to say to that.

Maulavi JAHANUDDIN AHMED: It is the duty of the hon. mover to give amendment to that effect.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, on behalf of the Government, I beg to oppose this motion. The reasons which I have stated for opposing the other Bill on account of the fact that Government is going to introduce a comprehensive legislation which will deal also with these questions apply to this also. I may say at the beginning that in that

Bill which we are going to introduce we propose to give separate representation to the Indian planting community too. But the basis of representation will not be what the hon. member is proposing. There must be some basis on which such representation should be given.

Rai Bahadur PROMODE CHANDRA DUTT: That is the rub.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is the rub, Sir. In his Bill the hon. member says that the basis should be two, one is the payment of local rate and the other is population, and the mean between the two. In his definition of population he has limited it to Superintendents, Engineers, Assistant Managers and Medical Officers in the tea gardens. That is where we greatly differ.

We must consider well what should be the appropriate basis for this representation. Some of the members of the Indian planting community have already said whatever basis is taken for the general population it must be taken also for the planting community.

Srijut DEBESWAR SARMAH: We cannot follow the Hon'ble Minister.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Am I speaking too low, Sir? I am very sorry. But I thought I was loud enough.

I said that there must be some basis on which we can give these representations. Should the representation be on the basis of local rates, or on the basis of area, or on the basis of population of tea gardens, or on all of these factors taken together? That is the question that will be dealt with by our Bill. We are against the principles of this Bill. We are against the definition of the word 'population' as is defined in the Bill. We are also against the principle of fixing an arbitrary figure of 25 per cent. for Indian Planting. We must have an equitable basis. That is the reason why I say that there is no use of sending this Bill to Select Committee. The whole question will be discussed when we bring forward our Bill, and we shall consider all those points which the hon. mover has stated.

In order to clear some of the statements made by the hon. mover of the Bill I must go into figures. He has given certain figures and he has tried to prove that the previous Government which fixed this representation of the three communities—the planting, the Muhammadan and non-Muhammadan communities—by rules under the Act, had done it arbitrarily or without considering the proper basis on which it should be considered. I do not know, Sir, what the reasons were, but they were fixed by a notification that was issued in the year 1920. But when I examined the figures of local rates, population in the planting area, and also the area. I find that the figures are not very much different. I will just give an instance of the Dibrugarh Local Board, over which there has been a great deal written in the press as well as spoken of by several gentlemen inside this House and outside. The figures are these—in Dibrugarh, the planting community, pay Rs. 51,607 as local rates, when all the other communities pay Rs. 60,967. This comes to about 49 per cent. paid by the planting community. I must point out to this House that, when my friend the mover of this Bill made a speech in moving his Bill, he was labouring under a misconception. He did not know the facts. These are his words. They will be found in the *Assam Gazette* of November 10th, 1937, at page 1445 in the proceedings of the Assembly that was held in September of that year.—“Further, Sir, speaking of the local rates, the planting community contributes only one-third or little over that of what the non-Muhammadan population contribute.” He did not know the figures. He was under the impression that the planting community contributed only one-third of what the non-Muhammadan population contributed. But that is not a fact. The fact is that the planting community contributes about 48 to 49 per cent., i.e., Rs. 51,607 while the other communities contribute only Rs. 60,967.

Srijut LAKSHESVAR BORODAH: May I know, Sir, whether this figure includes the amount paid on account of the Tea Cess Road Fund?

Mr. F. W. HOCKENHULL: It does not include.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Then, Sir, according to the local rates the planting community ought to get 14 members if there are 30 members in the Local Board and 13 members if there are 28 members. That is the position. If it is based on local rates the number of representation of the planting community would be large. If based on population of the tea gardens, they will get 15 members out of 30.

Srijut LAKSHESVAR BORODAH: Including labour population?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Including all the labour population, inside the tea garden areas.

Srijut SARVESWAR BARUA: May we know the population?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The population of the tea garden areas is 2,76,380 and the population in other parts of the Dibrugarh subdivision is 2,95,578. They are almost equal. The whole population inside the Dibrugarh Local Board area is 5,71,958. When I look at these figures it appears that the previous Government in fixing the number of planting members must have considered all these points according to the provisions of the Act. I believe they must have worked on such a basis and did not fix the number arbitrarily. That it seems to me, was the position before.

Now, Sir, in order to fix the proportion for the future we must take some basis. But the basis of this Bill for this representation is faulty. The definition of population is very objectionable and that has been acknowledged also by one association of the Indian planting community.

Srijut KRISHNA NATH SARMA: There is no provision for labour representation in the Local Board.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We can make it in the Bill, Sir.

Srijut DEBESWAR SARMAH: Very big promise, Sir.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The reason why we do not want to fix the communities by rule, as my hon. friend Srijut Siddhi Nath Sarma wanted us to do when he was making a speech on the motion regarding his Bill is because there must be communities that must be defined or agreed upon by the Legislature. If the Government should choose their own communities, the Assembly would come up with an adjournment motion (*laughter*). So we do not like to take the responsibility to choose the communities for giving representation to them. We want to mention all these communities in the Act itself, so that every body will be safe under the Act and will not be under the mercy of any Government that may change the rules. That is the reason why we are not rushing to fix the number of representatives for the different communities as required by section 4 of the Act.

I think I have made the position of the Government very clear and I hope the hon. member will now see his way to withdraw the Bill if he intends to do justice to all communities and arrive at certain principle on which all representations should be based.

As regards opinions I have already said that opinions are divided on this Bill. Some of the opinions are not very valuable. This is perhaps due to the fact that those who have given these opinions have not had sufficient time to properly scrutinise the Bill and express their considered

opinion. The opinions are divided no doubt, but I know there are some opinions, especially of those gentlemen who have studied the Bill which are valuable. Some of them touch all the important clauses in it. I find that the basis of representation in the Bill is not equitable. Therefore, Sir, I oppose this Bill.

Srijut SARVESWAR BARUA: May we get the figures for other Local Boards?

(No reply)

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, it is quite clear to the House by what has been written in the Bill and by what has been said by the hon. mover that it is his intention to limit the definition of the planting community so that it can only include Superintendents, Managers, Assistants, Engineers and Supervising Medical Officers. Not even one as highly placed on what for convenience I call the Junior Staff as the Assistant Medical Officer who is also a member of the planting community is to find a place in the community.

Further, the area occupied by the interests represented by the community as so defined in the Bill is to be entirely neglected. Surely that is a most unreasonable and original proposal. The proportion of local rates and taxes paid by the Companies which the communities represent is not to be considered and the well accepted principle that taxation should carry with it representation is to be annulled. The hon. proposer proposes to include only such local rates and taxes as are paid by individuals of the community and not by the interests which they represent. These proposals are tantamount to the entire abolition of representation of tea gardens on Local Boards.

The hon. mover goes further. He seeks to empirically allocate 25 per cent. of the Planting seats to Indian Planters without reference to any consideration whatever. As a matter of fact the number of tea gardens under European supervision in Assam is greater than those under Indian ownership. It therefore follows that the European Community would numerically preponderate over the Indian Community as defined in the Bill. The proposed basis for calculation of the Planting seats on Local Boards would entirely annul Planting representation of any kind, and 25 per cent. of nothing than is what Indian Planting interests would have. So, as I have said, the annulment of our representation is the primary object of this Bill.

I have dealt with the material grounds for consideration for representation of the planting community which the hon. mover has proposed. Now I come to another aspect of the case which is recognised and for which provision is made in the words "among other things" in the present proviso of the existing Act. Surely, Sir, among other things must be considered the large sums of money which the tea industry devote every year apart altogether from the payment of taxes on account of road cess, drainage, medicines, sanitation, primary education—the work which Planters have always been ready and now are still ready to do as members of Local Boards, and as Fiduciary Agents.

As I have said, this Bill appears to have been drawn up with the object of entirely annulling the representation of the Indian Tea Planting Community. If that is so, it may be well to remind the hon. members of this House of the record of service which this industry has rendered to this province. Nearly hundred years ago pioneers came by country boat up the rivers of this province to open up what was then impenetrable jungle and to establish what are now the tea gardens of the province. I claim that the tea industry in this province has been responsible for making Assam what it is to-day. Because the indigenous people of the province were either

numerically insufficient, unwilling or unable to cultivate the gardens, the industry imported labourers from other parts of India at a great deal of expense. There are over 6,00,000 of such labourers at work to-day all contributing to the prosperity of Assam, and some million souls are dependent on the industry.

One million and six hundred thousand acres of the soil of this province is under the administration of the tea industry.

There are moreover 6,00,000 retired tea garden labourers who have taken up Government lands in Assam. These people all pay revenue to this province, and let me remind the House, they are here because we brought them here and for no other reason.

It is well known to this House what the tea industry has done by way of installing hospitals, anti-malarial measures, welfare schemes, contribution to charities and in countless other activities for the good of the province. Of even more direct benefit to the province I want to point out that in some Local Boards about 49 per cent. of the total revenue is derived from the Planting Community.

Against all this and a great deal more the hon. proposer wishes that our voice shall not be heard in local affairs. Surely such a proposal is nothing short of scandalous and I call upon hon. members of this House to reject this Bill here and now.

Srijut BELIRAM DAS: Mr. Speaker, Sir, I rise to support the Bill sponsored by my hon. friend Srijut Laksheswar Borooah. Sir, if I remember aright the area of land owned by the planting community will be about 50 lakhs of bighas. If according to the area owned by the planting community representation is to be given then for about 35 lakhs of bighas of land full of jungles and reserved for future cultivation, we will be giving representation to the planting community for nothing. I would not have objected to give them representation for the area owned by them if those areas would have been inhabited by human beings. Two-thirds of the area owned by the planting community is inhabited by wild animals like tigers and jackals. And in my opinion to give representation for the area inhabited by wild animals will simply mean giving representation to the tigers and jackals of the jungles, and I am sure my planting friends cannot legitimately represent them in the local boards.

One thing which I want to bring to the notice of the hon. members of this House. Sir, on perusal of the Report on the workings of the Local Boards in Assam, I have found that local boards predominated by the planting community spend far less an amount for the spread of education. For that I invite the attention of the House to refer to the workings of the Local Boards of Goalpara and Dhubri. In these two local boards where there are no planting members they spend about 40 per cent. of their income on the spread of education. But on the other hand in the local boards predominated by the planting community sometimes over 50 per cent. of the income of the local boards are spent only on roads, presumably, for the advantage of the planting community.

With these few words, Sir, I support the Bill sponsored by my friend, Srijut Laksheswar Borooah.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, the scope of the discussion is whether the principle of the Bill is accepted by the House. So far as we have heard the Hon'ble the Minister for Local Self-Government he does not dispute the principle enunciated in the Bill. The sum and substance of his argument was that as Government was going to sponsor another Bill in the next session he is going to oppose it. It is one of the main grounds of objection of the Hon'ble the Minister for Local Self-Government. That there has been an inequitable distribution of seats in the local boards which requires re-adjustment has not been denied. From what I have heard from the Hon'ble the Minister for Local Self-Government I think there can be no legitimate objection in referring the Bill to a Select Committee. Of course, there have been other objections that the distribution of 25 per cent. of the seats of the planting community to the Indian planters is arbitrary. That is a question of details regarding the provisions of the Bill which can be thoroughly discussed in the Select Committee.

Now it has been argued from the side of the planters that they have made many important contributions to the development of this province. Sir, I shall come to this point later. First of all, we must decide upon certain qualifications which will determine the representation in the local bodies in this province. These qualifications should uniformly apply to all concerned (*Hear, hear*). If payment of local rate is a criterion of representation then why should not the Zemindars who pay heavier local rates be given proper representation on that basis? Why are they not given that amount of representation which the planting community get on account of their payment of local rates? There are a good many Zemindars in the districts of Sylhet and Goalpara and elsewhere who contribute much more local rate. To fix representation in local bodies on the tax qualification is a negation of democracy.

Sir, if population is the criterion to determine representation then I say the planting community is proceeding on a very wrong assumption. The labour population has not been enfranchised. It is only the supervising staff of the gardens who have got the power of vote. That means they are entitled to get representation to the boards. Sir, the labour population has no votes. They have no chance to be returned from their constituencies. So the labour population is debarred from getting their grievances heard through their elected representative. How can then the supervising staff justify their claim for representation for the labour community?

Then, Sir, we come to the question of area. Here also there are good many Zemindars in this province who occupy far greater areas of land than many tea garden owners. What about the area in the tea gardens? These are prohibited areas. These are worse than excluded areas. The hon. members know that in excluded areas the Governor has full control, but there is none to dispute the authorities of the tea garden managers.

Mr. BAIDYANATH MOOKERJEE: Just like their house—a family property.

Babu RABINDRA NATH ADITYA: If it is a family property your argument is tenable, but it is never a family property.

Then, again, Sir, these tea garden areas are, as I have already said, prohibited areas. If one has to cross to the other side of a tea garden one has to undergo all kinds of humiliation. His umbrella has to be shut, his car is held up and he has to put up with all affront to the sense of self-respect. Sir, what is the contribution made by the tea garden planters in Assam, their contribution is a kick to our enlarged spleen, their contribution is an *abi nikal jao* order of dismissal for employees. Their contribution is all sorts of humiliation to the labourers who are collected from distant parts of India, under manifold temptations. Exploitation of labour and humiliation for all—that is their contribution. Do they think that Assam would not have been worth living, but for their tea bushes? Had there been no tea gardens in Assam, Assam would have been far more covetable to live in.

So, this is the contribution of which my tea garden friends boast. If that be the position of the tea garden, there is no denying the fact that they are now holding the balance in almost all the Local Boards and practically ruling the Local Boards by holding the balance of power.

The constitution of these Boards has been framed so ingeniously that in almost all the Local Boards it is the tea garden representatives who determine the majority. So, Sir, the side to which they would lend their support would get the upper hand in the administration of the Boards. This is the position, Sir, and this has become intolerable to us. Almost all the tea garden areas are well-connected by communication. The connection is maintained at prohibitive cost and almost the major portion of the grant allotted to Local Boards goes for communication in these tea garden areas. Sir, here in this Assembly, we have got only 8 or 9 European members to represent the planting interest. Now, Sir, even in a House of 108 they are only 8 or 9 still they are effectively ruling and holding the balance. So if in a House of 108, 8 or 9 European members are considered by the British Parliament sufficient to represent the planting interest why should not that proportion be followed even in Local Boards?

Mr. BAIDYANATH MOOKERJEE: It is not their fault.

Babu RABINDRA NATH ADITYA: I say that even if the numbers of the planting members be reduced in the Local Boards, they will be able to effectively control their own interest in every case. They are far better in intellect than many of the rural representatives in Boards and as such there is no fear of their interest being jeopardised in any way if the representation be minimised to some extent. Then comes the question of the representation of Indian tea planting interests. The Indian tea planters no doubt form the minority among planters and as such some weightage must be given to them. From the reports as to the number of the gardens held by the Indians we find that the claim for 25 per cent. is not unjust. Of course, that point, as I have already said, may be discussed threadbare in the Select Committee. But the necessity for readjustment of seats has not been denied from any responsible quarter and as such there is no harm if the motion is supported by all the parties in this House. Sir, with these few words I lend my whole-hearted support to the Bill moved by my hon. friend Srijut Lakshesvar Borooah.

Mr. F. W. HOCKENHULL: Mr. Speaker, Sir. When Mr. Lakshesvar Borooah moved this Bill for circulation we frankly told him that we would welcome its circulation for two reasons—first because on that occasion

he was unable to express himself clearly as to what he meant by the Bill and secondly because those who are interested in Legislative affairs would be able to analyse his proposals and those criticisms could come before the House. Nine months have elapsed since that time and to-day the hon. mover of the Bill has quite explicitly told us what he means. His Bill is in fact an attempt to reduce by any means the planting representation in Local Boards. Now, Sir, I would like to point out to this House that European members of the Local Boards are there not to voice their own interests. They of course, do not subscribe an anna to the Local Boards. If representation were given on the basis of European residents in the districts there would not be a single representative in the Local Boards. No one on our side of the House has ever claimed that the European representatives are in the Local Boards because of the number of Europeans they represent. The contribution of nearly 50 per cent. of the local rates in the Dibrugarh Local Board and about 40 per cent. in the Silchar Local Board is made not by the Planters nor is it paid by the labourers or the staff, but it is paid by the Industry. So I am at one with the member of the opposition who urges that some basis of representation must be found for them. My objection is that at present we are playing the game according to certain rules and in the middle of the game without consulting us he puts forward a measure which alters the rules. That is one of the reasons why we are opposing this Bill. We have mentioned in this House over and over again that the reform of the Local Self-Government Act is overdue and there will be an opportunity of doing this when the Hon'ble Minister for Local Self-Government introduces his measure. One reason we have for opposing this Bill is that it contains no principle at all. In the Statement of Objects and Reasons he says "whereas a fair and equitable distribution of seats among the different sections and communities in the Local Boards in the province of Assam is necessary and for that purpose it is expedient to amend the Assam Local Self-Government Act of 1915 as subsequently amended up to 1926 by different Acts and by Act I of 1928". In the words of the mover a fair and equitable distribution means adequate reduction of planting members. We have failed to find out the reason and I am equally sure he has failed to tell us the reason. Those who have got the copies of the opinions expressed on the Bill will have their views. I do not propose to trouble the House with a long catalogue of quotations but I would like to mention just one which comes from a respectable source. "In my view the Bill is founded upon no principle. It takes a population principle and proposes a definition for the community which excludes everyone employed in the industry except the managing staff. On the same principle all Musalmans could be excluded except Syeds or all Hindus save Brahmins. The results would be to give no seats at all to the planting community."

Shrinking from such a conclusion, the opposite principle of amount of payment of rates is taken.

The whole object is to reduce the number of tea planting members and the proposer has been unable to find a logical or reasonable way of reducing, so has fallen back on a device which lacks all principles". That is from the Commissioner, Assam Valley Division, and that is the tenor of all the logical and reasonable criticisms of the Bill.

Now, Sir, I would like to point out some of the misapprehensions which have been inadvertently (I hope it has been inadvertently) placed before the House. In this question of local rates the figures I have before me are those of local rates; the actual figures of local rates have nothing whatever to do with the voluntary contribution which the Tea Industry has

taken upon itself to improve the roads in certain parts of the country through the medium of the Tea Rate Road Fund. When I say that in the Dibrugarh district Rs.51,600 is subscribed by the Industry and Rs.60,900 by other interests, he will see that at least we have some basis for the present representation. Whether that basis is by common consent the best one, at least we are open to argument, but before we make any alterations surely we ourselves and the other communities which form Local Boards ought to be consulted.

Then, Sir, I would like to point out that Local Boards are not quite in the same category as those bodies, such as this Assembly, which are more particularly engaged in legislative work. Local Boards and similar bodies are engaged in the spending of money partly subscribed by Government, but very largely subscribed in their own vicinity, and not only do the planting community subscribe their quota according to the present rates they do more than that. In the case of medical aid they ask for nothing in return. In the matter of schools not only do they subscribe but they themselves very rarely, if ever, take advantage of the educational establishments supported by the Local Boards. In the matter of water supply the tea gardens themselves are self-contained. This is common knowledge, Sir, everybody knows it; and for our friends on the other side of the House to say that we are a very privileged community, in spite of what is being done, is really not quite fair.

Our second reason for opposing this Bill is that Government itself is bringing forward an amending measure. On that occasion we shall at least have an opportunity of expressing our views before that amending measure is passed. If this matter is to be settled, it must be settled by agreement and we hope that every community will have the opportunity of expressing its views. And further the Local Board election has just taken place. There is, if I may say so, a tendency towards hasty legislation. We have at least two years and a half in which to deliberate on any measure of Local Self-Government amendment before the next election. Let us take advantage of that time (Srijut Lakshesvar Borooah:—Don't forget the second Chamber please). Now, Sir, I come to another point, *i.e.*, Indian Planting representation. We have never taken any exception to the Indian Planting representation on Local Boards or any other Boards. The only criticism we have to offer to the proposal mentioned in this Bill is that it is arbitrary. If Indian planting represents 25 per cent. of the planting community, then surely that is a reasonable figure to allot to the Indian Planting Constituency. If they represent 50 per cent. surely 25 per cent. is unfair to them. If they represent 10 per cent. that is the reasonable and equitable basis for representation. We feel that is only a matter of detail, a matter regarding which we have no desire to raise any discussion at this stage.

My hon. friend Mr. Aditya mentions the fact that in his experience wherever there is a large European element on the Local Boards they are disposed to spend an undue proportion of their resources on communications. Well, in no Local Board in the whole province is the planting community in a majority and over the whole province they represent only 20 per cent. of the seats in aggregate of the Local Boards. My reply to that charge is, as they are not in a majority, if the other members of the Local Boards cannot see eye to eye with them concerning the interest of communications, the remedy is in their hands.

We feel, Sir, this is hasty and ill-conceived legislation. We feel it is a direct challenge to the Tea Planting Industry. We have not been consulted, no one in the House has been consulted and we realize that we are not very popular with those benches on the right. If other elements are playing their part in the new Reforms, we are playing our part with a desire to assist. If circumstances so divide a Local Board or so divide this House as to make our part prominent from every section of the House that is not our fault. Sir, it would be just as logical, because the Government was saved from defeat on the no-confidence motion by a single vote, to urge that the women of this province were responsible in the person of their single representative, Miss Mavis Dunn.

We are here to take our part and to share in working the Reforms, to make this province a better place for all of us to live in. And if undue prominence has been attached to our share in that work, we can only say we are trying to share the burden, and that this is the force of circumstances.

ADJOURNMENT

The Assembly then adjourned till 11 a.m., on Thursday, the 8th September 1938.

Shillong,
The 28th October 1938.

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