

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 at 11 a.m. on Thursday, the 8th September 1938.

STARRED QUESTIONS AND ANSWERS

(to which oral answers were given)

(Starred question No.117 standing in the name of Khan Bahadur Maulavi Saiyidur Rahman, which was due to have been taken up on the 7th September, 1938, but was not called out on his request, was taken up.)

Khan Bahadur Maulavi SAIYIDUR RAHMAN: I do not wish to ask for reply to my starred question No.117, Sir.

Mr. FAKHRUDDIN ALI AHMED: Since the question is before the Assembly, Sir, can a member withdraw it, and take away the right of other members from putting supplementary questions?

The Hon'ble the SPEAKER: With regard to starred questions the procedure is that the number of the question is to be read out. When the answer is given hon. members can put supplementary questions. So if the hon. member who has tabled the question does not put the question there can be no answer and no supplementary questions.

Ranee Guidaloo of Naga Hills

§Mr. ARUN KUMAR CHANDA asked:

*130. (a) Is it a fact that Ranee Guidaloo of Naga Hills is serving out her sentence of imprisonment in the Shillong Jail?

(b) If so, for how long has she been in the same Jail?

*131. Will Government be pleased to state—

(a) Whether any of her people has been permitted to visit her in the Jail?

(b) If so, on how many occasions?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

130. (a)—A female prisoner described in the warrant as Gaidilieu Kabui Nagini is serving a sentence of transportation for life in the Shillong Jail. She is not in any sense a Ranee.

(b)—She has been in the Shillong Jail since 2nd July 1934, except for three months (December 1936 to February 1937) during which she was in the Jorhat Jail.

131. (a)—Yes,

(b)—On six occasions.

Mr. FAKHRUDDIN ALI AHMED: Is it not the custom for the Government to give all sorts of facilities to the prisoners for the purpose of being interviewed by their relations?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government allow relations to interview prisoners within specified intervals.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that by keeping her in Shillong Government is preventing her relations from paying regular visits to her?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I think the relatives of Guidaloo visited her several times during the time she has been in Jail.

§ Questions were put by Mr. Fakhruddin Ali Ahmed on behalf of Mr. Arun Kumar Chanda.

Mr. FAKHRUDDIN ALI AHMED: How many times in a month or in a year are the relations allowed to interview the prisoners?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I am not sure about the rule, but I think it is about once in three months.

Mr. FAKHRUDDIN ALI AHMED: Does not the Hon'ble Minister know that it is very expensive for the relations of Guidaloo to come up to Shillong and pay her visits?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That may be so.

Mr. FAKHRUDDIN ALI AHMED: Does it not follow that the Government is indirectly preventing the relations of Guidaloo from paying visits to her?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: She has been brought up to Shillong in consideration of her health as the climate of Shillong is good.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister tell me who is responsible for bringing her to Shillong after trial and sending her to various jails in Assam?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: She is a political prisoner from Manipur, and she is kept here under our custody.

Mr. FAKHRUDDIN ALI AHMED: Under what principle or under what rule a political prisoner who was convicted by the Manipur State has been transferred to the jails in Assam?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I must correct my previous statement. I understand that she was convicted by the Political Agent at Manipur and was sent down here.

Mr. FAKHRUDDIN ALI AHMED: Could not she be kept at Manipur where she was tried and convicted?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That is not our concern. She was sent here for custody.

Mr. FAKHRUDDIN ALI AHMED: Whose concern is it, if it is not the concern of this Government?

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

Mr. FAKHRUDDIN ALI AHMED: On a point of order, Sir. This question was tabled even during the last session when the Government refused to answer and wanted notice, and how can they now come forward with the same plea that they want notice?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Every pertinent question that has been put, has been answered by the Government.

Mr. FAKHRUDDIN ALI AHMED: My point is, could not the Government find a jail in the district from which Guidaloo comes, or could she not be kept in Manipur?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I said that she was brought to Shillong for considerations of her health.

Mr. FAKHRUDDIN ALI AHMED: Which Government bears the expense of such prisoners?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: She is not a political prisoner.

Mr. FAKHRUDDIN ALI AHMED: May I know what is her present state of health?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I think it is good.

Mr. FAKHRUDDIN ALI AHMED: Has she ever complained to the Government or the jail authorities that she did not like to be kept in the place where she belongs to?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I do not know.

Mr. FAKHRUDDIN ALI AHMED: What is the basis for the Government to say that she has been sent to Shillong for reasons of health?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Because Shillong is known to be a place with a good climate.

Babu RABINDRA NATH ADITYA: Was the place where she was born and bred not more suitable for her?

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

Babu RABINDRA NATH ADITYA: Are Government jealous of the epithet 'Ranee' being used in connection with her name?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Government do not recognise her as 'Rani'.

Babu RABINDRA NATH ADITYA: Are Government aware that there are many Ranis without a kingdom? Cannot that epithet be used in an ideal sense?

(No answer)

Mr. FAKHRUDDIN ALI AHMED:** May I take it that it was not on the request of Guidaloo but that it was at the initiative of Government that she has been brought to Shillong?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, the position is this. This lady, whether she is a Ranee or not I do not know and I would not grudge her that title of Ranee if my hon. friends would like to give that to her, was convicted by the Political Agent of Manipur. She is a resident of Manipur. All that we have done is that at the request of the Manipur State we have got her in Shillong Jail. If my hon. friends think that out of consideration for her relatives she should be kept somewhere near Manipur, we shall consider that suggestion.

Srijut SARVESWAR BARUA:** At whose request was she confined in Jorhat Jail?

The Hon'ble Maulavi Sayid Sir MUHAMMAD SAADULLA:** The Political Agent, Manipur.

Mr. FAKHRUDDIN ALI AHMED:** I would like to make a statement, Sir. These questions have been asked only from the point of view that the lady has not been given proper facilities for her relatives to interview her and her relations are finding it very difficult to see her in Shillong incurring a huge expenditure. We want the lady to be sent back to her own native place or to Manipur where she was found guilty and convicted.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I can well appreciate the suggestion conveyed in this question. For it is apparent, although she was convicted in July 1934, only on six occasions her relations have been able to see her. I will take that point into consideration and see whether she could not be transferred to some jail nearabout.

Babu DAKSHINARANJAN GUPTA CHAUDHURI:** On a point of order, Sir, when any question is asked, the Hon'ble Judicial Minister gives us the reply saying "I think", "I believe" and so on. I want to know from you, Sir, whether that is a proper form of answering question. When a direct question is put, I submit that the Government should give a direct answer.

The Hon'ble the SPEAKER: Certainly that is not the proper form of answering questions. The Government should be prepared to give directly definite answers.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI*: If definite replies are available then I give definite answers. But when I could not get definite replies I cannot help saying that 'I think' or 'I believe' or something like that.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: May we know on what assumption the Hon'ble Judicial Minister 'thinks' or 'believes' or 'presumes' in such cases?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: When a question is put you will find that the answers are given directly. But when supplementaries are put, I am not omniscient and I am not expected to be carrying all the information in my head. So I have to say when I am not very sure 'I think', 'I believe' and so on.

(Starred questions 132—135 standing in the name of Khan Bahadur Maulavi Mahmud Ali were not called as the questioner was absent.)

Abolition of Excise Rules allowing *Kavirajes* to collect *bharg*

Srijut GHANASHYAM DAS asked:

- *136. Will Government be pleased to state—
- Whether they have received a copy of the resolution passed in the Assam Ayurveda Mahasabha held on the 28th December 1937 under the presidency of Rai Bahadur Kalicharan Sen?
 - If so, will Government be pleased to state whether they have thought of redressing the grievances of the *Kavirajes* by abolishing the Excise Rule which hinders the Ayurved Physicians from collecting the indigenous and wild "Bhang" for the preparation of "Modak" and various other Ayurvedic medicines?

The Hon'ble Maulavi MUNAWWAR ALI replied:

136. (a)—Yes.

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

Srijut GHANASHYAM DAS: May I know how much time the Government would require to consider the matter?

The Hon'ble Maulavi MUNAWWAR ALI: That I cannot vouchsafe. But I can assure the hon. member that I shall try to expedite the matter.

Srijut GHANASHYAM DAS: When Sir?

The Hon'ble Maulavi MUNAWWAR ALI: I shall take up the question immediately after the Assembly.

Differential treatment of Police Officers towards Europeans and Indians

Srijut DEBESWAR SARMAH asked:

- *137. Are Government aware—
- That the Police Officers show differential treatment to Europeans and Indians, particularly in the tea districts of Sibsagar and Lakhimpur?
 - That the Police Officers kotow before the Europeans and unnecessarily harass Indians when opportunity offers?

**Speech not corrected.

- That the Police generally place themselves unreservedly and with an amount of zeal at the disposal of Europeans whereas often the poor Indian Raiyots or labourers do not receive due help?

*138. Do Government propose to issue necessary and proper circulars to the police not to discriminate between different classes or communities of British subjects?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

137. (a)—Government have no evidence for such a general proposition.

(b)—No.

(c)—No. Any case in which the police unreasonably refuse help should be brought to the notice of the District Superintendent and other higher authorities.

138.—The Inspector-General has already issued a circular in which the Police have been directed to observe courtesy to the public without distinction of classes.

Laban Field at Shillong

Srijut DEBESWAR SARMAH asked:

*139. (a) Has the attention of Government been drawn to the news sent by the Shillong Office of the Amrita Bazar Patrika and published in its issue of the 15th March 1938, to the effect that "Laban Field at Shillong. Is it a Taboo"?

(b) If so, what action Government has taken to prevent the recurrence of such insult to the Indians by the Military?

*140. Is it a fact that the said field is a reserve for the Europeans and the Military?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

139. (a)—Government have seen the article.

(b)—The Military Department is within its rights in regulating access to the ground. If any person has a complaint that force has been unduly applied or that he has been insulted he can complain to the authorities. A Bengali gentleman interviewed the Chief Minister complaining that he was roughly ordered out of the field by the sepoy on guard while crossing it in absence of any prohibitory notice. The Chief Minister represented the case to the then Officer Commanding.

140.—The field is the Brigade parade ground, and is reserved for the Military Department. There is no provision for it to be reserved for Europeans only. Admission of the public is allowed on certain occasions at the discretion of the Military authorities, and when it is used for non-military purposes, e. g., games, Indians as well as Europeans have the enjoyment.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Is there any notice there that it is reserved?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is fenced all round. There is a private road which runs from the main road to a bungalow nearby without knowing that the road leads to that

bungalow, public sometimes walk across the field to Laban. As a matter of fact the hon. member would be surprised to hear that not merely Indians but even our Chief Secretary Mr. Dennehy was warned once by the sepoy.

Mr. BAIDYANATH MOOKERJEE: Shall I be wrong if I say that it is not properly fenced?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I admit that it is not properly wired all round. I know that in the fence at the Laban end the strands of wire have been brought to the ground level by the public to make a passage.

Appointment to Indian Engineering Service

Srijut PARAMANANDA DAS asked:

- *141. Will the Hon'ble Chief Minister be pleased to state—
- Whether it is a fact that students of Indian Engineering Colleges with high qualification are still taken in the Indian Service of Engineers directly?
 - If so, will Government be pleased to state whether any rules have recently been made and published in the *Assam Gazette* dated the 18th July 1938, completely shutting the door of direct appointment to Class I of the Indian Engineering Service for such students of Indian Engineering Colleges?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

141. (a)—Recruitment to Indian Service of Engineers has been stopped.
- (b)—Does not arise

Baralikson Country spirit shop

Srijut RAJENDRA NATH BARUA asked:

- *142. (a) Is it a fact that the newly opened Baralikson Country spirit shop was first settled with one Kedarnath Borbora?
- (b) If so, will Government be pleased to state the names of the tenderers who submitted tenders for settlement of that shop?
- (c) Is it a fact that the order for settlement was cancelled after the said Kedarnath had run the shop for a month?
- (d) Will Government be pleased to state why this order of settlement was cancelled and the shop settled with late Thakurdas?
- (e) Is it a fact that the former lessee spent a good deal of money for constructing the house and other accessories for the running of the shop?
- (f) Is it a fact that after the death of Thakurdas, the shop was temporarily settled with his son Khubchand?
- (g) Is it a fact that after about a fortnight, this shop was advertised for sale when many Assamese including Kedarnath tendered for the same and the shop was settled with one Bhagabandas, a salesman of late Thakurdas?

*143. Will Government be pleased to state—
Why the claims of the Assamese tenderers were not taken into consideration and specially that of Kedarnath Borbora?

*144. (a) Is it a fact that in the appeal by Kedarnath Borbora, the Revenue Tribunal held that the appellant's claim to the excise shop should be considered when vacancy occurs?

(b) Will Government please state whether there were any vacancies since then and after the annual settlement of 1937-38?

(c) If so, will Government be pleased to state why his case has not been considered?

(d) Do Government propose to consider Kedarnath Borbora's case and to allow him some compensation for the loss incurred by him?

The Hon'ble Maulavi MUNAWWAR ALI replied:

142. (a)—Yes, in 1937-38.
- (b)—(1) Padmakanta Dutta, (2) Mohendra Nath Datta, (3) Gopal Chandra Nath, (4) Mohendra Nath Barua, (5) Golap Chandra Phukan, (6) Abdul Majid, (7) Indeswar Gogoi, (8) Basanta Kumar Hazarika, (9) Sarbananda Dwara, (10) Lokram Gogoi, (11) Debendra Nath Hazarika, (12) Golap Sing, (13) Satish Ch. Datta, (14) Rebakanta Gohain, (15) Upen-dra Nath Barpatra Gohain, (16) Radha Nath Barua, (17) Baputi Nath, (18) Keshab Chandra Bora, (19) Thakurdas, (20) Jogendra Nath Das, (21) Ramprotap Sing, (22) Jaduram Hazarika, (23) Ganga Nath Barua, (24) Kedar Nath Borbora, (25) Joyguram Kalita.

(c)—The settlement was set aside on appeal.

(d)—The reply to the first part of the question is that Kedarnath's past record as a country spirit lessee was most unsatisfactory. He was found drunk in the liquor shop and truculent to the excise staff. So far as the second part of the question is concerned the reply is that late Thakur Das was considered most suitable for the management of this particular shop.

Srijut RAJENDRA NATH BARUA: With regard to 142 (d), was not this fact that he was drunk, known to the Settlement Officer at the time of settlement?

The Hon'ble Maulavi MUNAWWAR ALI: Perhaps not so. Otherwise he would not have got the settlement.

(e)—Government have no information. All lessees are required to make their own arrangements.

(f)—Yes.

(g)—The reply is in the affirmative. Bhagaban Das being the nominee and son-in-law of the late lessee had the right of transfer during the pendency of the lease.

143.—Because Bhagabandas has the right of transfer.

144. (a)—The tribunal's order contains no such statement.

(b)—Yes.

(c)—Does not arise in view of the reply to question 144(a).

(d)—Settlement of excise shops is a matter for the local officers and their Advisory Committees. The question of compensation does not arise in view of the reply to question 142(e).

Debt Conciliation Board

Mr. ARUN KUMAR CHANDA asked:

*145. Will Government be pleased to state the results of the work done by the Debt Conciliation Board in Sylhet since it was installed?

*146. Is it in the contemplation of Government to set up a Debt Conciliation Board in the district of Cachar?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

145.—A statement is laid on the table summarising the returns from January to July 1938.

**Statement referred to in reply to Starred Question No.145 by
Statement showing monthly progress of the Debt Conciliation Board, North Sylhet,**

Cases pending at the beginning of the month	Cases registered during the month				Cases disposed of during the month					
	Involved		Amount involved		Dismissed under section 7(1)		Agreements executed under section 12(1)		Cases dismissed under section 14	
	Number	Rs.	Number	Rs. a. p.	Number	Rs.	Number	Rs.	Number	Rs.
January 1938 ..	5	569	5	569 0 0	5	516 3	5	516 3	11	..
February 1938 ..	93	42,298	93	42,245 13 11	12	6,179 0	12	6,179 0	..	..
March 1938 ..	201	95,018	178	63,382 0 0	14	3,876 0	9	3,098	..	..
April 1938 ..	356	1,50,795	228	87,616 0 0	13	(a)8,170 0	16	8,547	1	96
May 1938 ..	554	2,21,598	211	68,108 0 0	(a)28	18,072 0	15	4,780	2	461
June 1938 ..	720	2,66,393	169	56,961 0 0	(a)54	18,336 0	44	10,466	2	261
July 1938 ..										

Mr. A. K. Chanda

in the Sylhet district, for the months from January-July 1938

Cases pending at close of the month	Cases in which agreement has ceased to subsist under section 13(3)			Number of certificates issued under section 15(1)	Number of days on which the Board sat during the month		
	Number	Amount	As compounded				
13	14	15	16	17	18	19	20
Rs. a. p.	Rs.	Number	Original	As compounded	Number of cases	Number of certificates	Amount due to creditor against whom certificate is granted
5	569 0 0	..	..	..	..	..	Rs.
93	42,298 10 11	..	..	..	..	..	..
201	95,018 0 0	..	..	..	..	..	..
356	1,50,795 0 0	..	..	..	1	1	631
554	2,21,598 0 0	..	..	..	..	..	..
720	2,66,393 0 0	..	..	..	..	..	..
789	2,94,291 0 0	..	..	..	..	..	..

1
7
11
13—(a) In case No.12 there were 5 creditors out of which 4 agreed to the settlement and one refused to accept the fair offer and he claimed Rs.631 and it was dismissed under section 14.
17—(a) Actually 15 cases were dismissed under section 7(1) but 13 cases have been shown in the return in column 5. In 2 cases applications have been filed under section 19 for review of the orders passed under section 7(1) and final orders have not yet been passed in these cases. Sixteen cases have been disposed of under section 12(1) and are shown in column 7. In one case a debt amounting to Rs.75 was dismissed under section 7(1) for want of jurisdiction and that amount only has been shown with the amount in column 6.
16—(a) 29 cases were dismissed under section 7(1) and one case has not been shown in the return as the application under section 19 has been filed for review of the order passed under section 7(1) and final order has not yet been passed in that case.
16—(a) 4 cases have not been shown in the return as application under section 19 has been filed for review of the order passed under section 7(1) not yet been passed in those cases.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

146.—A proposal to extend the system of such boards is now under consideration and Government expects to start at least two more boards in the province within this year

Mr. FAKHRUDDIN ALI AHMED : Have the Government decided, Sir, as to where actually they intend to extend these boards in the province ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Not yet.

Maulavi ABDUR RAHMAN : Do Government intend to extend the operation of the board to every subdivision of the district of Sylhet ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : A proposal to increase the number of boards is under consideration.

Mr. FAKHRUDDIN ALI AHMED : Will Government take into consideration at the time of extending these boards the cases of Cachar and Kamrup North ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : I shall remember that suggestion, Sir.

Motor car accidents at Jorhat

Srijut KRISHNA NATH SARMAH asked :

*147. Are Government aware—

- (a) That there was a collision between the cars of Mr. Alban Ali, Superintendent of Police of Jorhat and Srijut Panchanan Phukan, Sub-Deputy Collector on the Trunk Road some months back ?
- (b) If so, whether the drivers of both the cars are responsible for the accident in view of the statement of the Superintendent of Police ?
- (c) That the lady and the young boys in the car of the Sub-Deputy Collector were very seriously injured ?
- (d) That the driver of the Sub-Deputy Collector's, car named Bejia was prosecuted and convicted ?
- (e) If so, will Government be pleased to state the reasons for non-prosecution of the driver of the Superintendent of Police under the Motor Vehicles Act ?

*148. Will Government be pleased to state the names of the superior officers, police and non-police, if any, who supervised this case of motor collision ?

*149. Are Government aware—

- (a) That the car of one Mr. Figgins of Kokilamukh ghat, with Mrs. Figgins on at the moment, knocked down and killed a bullock of one Bapukon some months back on the Jorhat-Kokilamukh road ?
- (b) If so, will Government be pleased to state if any investigation for rash and negligent driving on the part of the driver was instituted by police ?

*150. Will Government be pleased to state—

- (a) Whether any case was instituted against Mrs. Figgins' driver for this accident ?
- (b) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

147. (a)—Yes.

(b)—No. The driver of the car of Srijut Panchanan Phukan was responsible for the accident.

(c)—The lady received a sprain of severe type on her right ankle joint and two babies received some bruises and swellings.

(d)—Yes.

(e)—There was no ground for prosecution of the Superintendent of Police's driver who was not guilty of any offence.

148.—Deputy Superintendent of Police Maulvi A. Makith Chaudhuri and Divisional Inspector Sasi Nath Dutt.

149. (a)—Yes.

(b)—No. A direct case was filed on the facts to the Magistrate by the complainant.

150. (a) & (b)—No, for the reasons given in reply to question 149(b).

Srijut DEBESWAR SARMAH : Will the Hon'ble Chief Minister be pleased to state on what basis the answer that the driver of Panchanan Phukan was alone responsible for the accident rests ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That was the report of the police, Sir, after investigation.

Srijut DEBESWAR SARMAH : Had the Hon'ble the Chief Minister any occasion to see or to acquaint himself with the statement made by the Superintendent of Police himself in the case ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We had a report from him also, Sir.

Srijut DEBESWAR SARMAH : I am referring to the statement made on oath in Court. I may state for your information, Sir, that he was a witness in the case for the collision and a statement was made by him before the Magistrate. Is the Hon'ble Chief Minister acquainted with it ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am not acquainted with the statement made by him on oath, but we have on the file a report from him.

Srijut DEBESWAR SARMAH : Had the Hon'ble Chief Minister any occasion to acquaint himself with the judgment in that case itself and the appellate judgment ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have not seen the judgments.

Srijut DEBESWAR SARMAH : Will the Hon'ble Chief Minister be pleased to go into these judgments and see whether the reply given is based on correct instruction ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will take the suggestion of my hon. friend and call for the judgments as well as the statement of the Superintendent of Police.

Srijut DEBESWAR SARMAH : As regards question No.148, Sir, is the Hon'ble Chief Minister aware that the Superintendent of Police himself was the complainant or the first informant of this accident ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I know that he was.

Srijut DEBESWAR SARMAH : Is it not a fact that in such cases where the Superintendent of Police is himself the complainant, the Deputy Commissioner, as the head of the Police in the district has to supervise the investigation ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got no reason to suppose that the Deputy Commissioner was not consulted in this matter. I do not think he himself made any enquiry, but he was consulted in the matter.

Srijut DEBESWAR SARMAH: Has the Hon'ble the Chief Minister any definite information whether he really supervised or not?

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

Srijut DEBESWAR SARMAH: Will the Hon'ble the Chief Minister be pleased to look into this?

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

Srijut DEBESWAR SARMAH: As regards question No.149, Sir, what is the basis of the information that the case was started by private complaint of Bapukon?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is the report of the Police, Sir.

Srijut DEBESWAR SARMAH: Of course, Sir, for us people who are a little less acquainted with the matter it is not quite intelligible as to what was the report of the Police. Will the Hon'ble Minister kindly tell us what it is?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The report of the police was that both sides complained. Mrs. Figgins complained to the police, whereas, the other party complained in court and a direct case was started.

Srijut DEBESWAR SARMAH: May I know under what section and on what facts?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got this, Sir. "While the car of Mrs. Figgins was being driven, a cow came in front of the car and was knocked down. Thereupon the whole villagers came in a threatening attitude and Mrs. Figgins and the driver were abused and restrained from proceeding for nearly two hours and the latter were on the point of being assaulted. One particular gentleman, probably named Bapukon, was the ringleader. Later on she was rescued by another gentleman who was passing by a car. She complained to the police. On the other hand the villagers started a direct case against the driver and Mrs. Figgins on the allegation of rash and negligent driving and maiming a cow. Both cases proceeded. At one time it was alleged that there was a settlement and one case was withdrawn, but the party—the villagers—did not keep to their word, and ultimately the case ended in conviction." That is the report I have got from the police, Sir.

Srijut DEBESWAR SARMAH: May I state Sir, that the instructions given to the Hon'ble Chief Minister are not correct? I beg further to state that in reply to question No.137 the Hon'ble Chief Minister was pleased to say that I was asking a broad or general question regarding the differential treatment towards Europeans and Indians. Now I state that these are specific instances of differential treatment between Europeans and Indians by the police. We had not to wait long for finding specific instances.

The Hon'ble the SPEAKER: The hon. member should not start on a discussion.

Srijut DEBESWAR SARMAH: I wanted to state facts, Sir.

The Hon'ble the SPEAKER: He has already promised to go into the facts.

Srijut DEBESWAR SARMAH: My question is this. Is the Hon'ble Chief Minister aware that the private case started by Bapukon was for maiming the cattle under section 429 and not against Mrs. Figgins and not for rash driving either?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already stated that it was rash and negligent driving resulting in maiming a cow.

Srijut DEBESWAR SARMAH: I beg to state, Sir, that is definitely incorrect. Will the Hon'ble Chief Minister be pleased to state why did not the police enquire into the occurrence of rash driving when there was specific information before them?

The Hon'ble the SPEAKER: The question is not to be elaborated by an argument.

Srijut DEBESWAR SARMAH: I am sure you have appreciated my difficulty, Sir. The Hon'ble Chief Minister is very improperly instructed, I am sure.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not think so, Sir. I have got to rely on the facts in the file and I am just relating what is stated there. The occurrence took place at night.

Srijut DEBESWAR SARMAH: Not at night, in the evening.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: At about 8.

Srijut DEBESWAR SARMAH: Earlier than that, about dusk.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got the report of the people who are chiefly concerned. Next morning before the police could start investigation, there was a direct case in the court.

Srijut DEBESWAR SARMAH: That is not a fact. Will the Hon'ble Chief Minister satisfy himself personally when he next goes to Jorhat that these two are the specific instances of differential treatment between Indians and Europeans by the police?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is going behind the question. I will call for all papers and see whether there is any differential treatment.

Sunamganj Jubilee High School

Babu KARUNA SINDHU ROY asked:

*151. (a) Is it a fact that the receipt book of the Sunamganj Students Federation confiscated by the school authorities of the Sunamganj Jubilee High School, has now been destroyed under the orders of the Government?

(b) If so, why?

*152. Is it a fact that the Headmaster, Sunamganj Jubilee High School, circulated a Government circular to his students, just after the re-opening of the school after the summer vacation, 1938, to the effect that the activities of students in joining "Students Associations" should be restricted?

The Hon'ble Maulavi MUNAWWAR ALI replied:

151. (a)—It was destroyed under the orders of the Director of Public Instruction.

(b)—The book was being signed during school hours without the Headmaster's permission, and this constituted a definite and deliberate offence against school discipline.

152.—No.

Babu KARUNA SINDHU ROY:** Do Government know that there is a strong feeling amongst the students against this order?

The Hon'ble Maulavi MUNAWWAR ALI:** Government is aware that there is some feeling.

Babu KARUNA SINDHU ROY: Is it a fact that the receipt book was destroyed on the closing day of the *Puja* vacation when the classes were not held?

The Hon'ble Maulavi MUNAWWAR ALI: That is not so.

Babu KARUNA SINDHU ROY: Is the Hon'ble Minister aware that no class is held on the closing day?

The Hon'ble Maulavi MUNAWWAR ALI: This is not always the case, Sir.

Bridges on the Sylhet-Karimganj Road

Mr. BAIDYANATH MOOKERJEE asked:

*153. (a) Will Government be pleased to state the number of permanent and semi-permanent bridges on the Sylhet-Karimganj road?

(b) Are Government aware that there is heavy traffic over this road?

(c) If so, do Government propose to improve the wooden or otherwise semi-permanent bridges on this road?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

153. (a)—(1) Permanent bridges ... 31 nos.
(2) Semi-permanent bridges ... 5 nos.

(b)—Yes.

(c)—This is already included in the programme of road improvements at an estimated cost of Rs.70,000.

Sidli Estate

Mr. BAIDYANATH MOOKERJEE asked:

*154. Will Government be pleased to state—

(a) The name of the proprietor of the Estate of Sidli in Assam?

(b) The income of the Estate?

(c) Whether it is temporarily or permanently settled?

(d) The annual revenue payable to Government?

(e) Whether it is permanently fixed or varied from term to term?

(f) If not permanently fixed, from when the present term of settlement is continuing and when it is due to be determined?

(g) Whether there is any document setting forth the relations existing between Government and the Estate?

(h) If so, will Government be pleased to lay on the table a copy of the said document?

*155. (a) Is it a fact that Government manages the Estate?

(b) If so, on what terms and conditions?

*156. (a) Is it a fact that 20 per cent. of the total assessment is payable to the Estate?

(b) If so, will Government be pleased to state whether there was an order from a former Chief Commissioner of Assam to increase the Malikana to 30 per cent. of the assessment?

(c) If so, has the order been complied with?

(d) If not, why not?

(e) Is it a fact that Government have granted a temporary remission of land revenue to the tenants of the Estate?

(f) If so, will Government be pleased to state whether the consent of proprietor was obtained for such remission?

(g) Will Government be pleased to state whether the Malikana has been reduced in consequence thereof?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

154. (a)—Raja Abhoy Narayan Deb.

(b)—Government can only supply the figure of the gross assessment on the Sidli Duars which in 1933-34 was Rs.1,79,945. They have no information about other Estates of the Raja, if any.

(c)—The Sidli Duars are temporarily settled.

(d)—70 per cent. of the gross assessment. In addition 10 per cent. is taken as collection charges.

(e)—The percentage stated in (d) above is fixed but the amount varies.

Mr. BAIDYANATH MOOKERJEE: What is the reason that the amount varies from time to time?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: There are various reasons for it. Sometimes there may be extension of cultivation and for that reason the gross assessment may increase.

Mr. BAIDYANATH MOOKERJEE: In that case, does the share of the Raja increase?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: When the gross assessment increases, the percentages remain same, but the income of the Raja will increase in that case.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

(f)—The settlement is conveyed in the Rubakari of 1885. So long as the Estate is managed by Government the Raja will continue to receive his present percentage.

(g)—Yes.

(h)—A copy is laid on the table

Statement referred to in reply to starred question No.154(h) by Mr. Baidyanath Mookerjee

Proceedings of the Deputy Commissioner of Goalpara, Revenue Side, dated Camp Bijni, the 26th January 1885

Present—Lieutenant-Colonel T. B. Michell, Deputy Commissioner.

The Government of India has ordered that the cultivated and circum-jacent land in Duar Sidli shall be settled for a period of ten years with Babu Bishnu Narain Deb, Zemindar of Sidli, at a *jama* of 80 per cent. of the rental, so long as the Estate is managed, as at present, by Government the said Zemindar will continue to receive his present percentage.

Sd. T. B. MICHELL,
Deputy Commissioner.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

155. (a)—Yes, so far as the Sidli Duars are concerned.

(b)—Government retain 80 per cent. of the gross assessment and the Raja is paid 20 per cent. of it.

156. (a)—Yes as Malikana.

(b)—Yes.

(c)—No.

(d)—Because the order was passed under a misunderstanding. This was explained to the Government of India on a representation made to them by the Raja and accepted by India.

(e)—Yes to the Sidli Duars tenants.

(f)—No.

(g)—The information will be called for.

Mr. BAIDYANATH MOOKERJEE: Who is the proper authority to give the information to the Government whether the Malikana has been reduced consequently?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The Deputy Commissioner.

Mr. FAKHRUDDIN ALI AHMED: May I know from the Hon'ble Minister whether the arrangement between the Raja and the Government is based on contractual agreement?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already laid a copy of the document on the subject on the table.

Mr. FAKHRUDDIN ALI AHMED: What I want to know is whether it is based on contractual agreement?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have nothing to add to what has already been said.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister state definitely how can the percentage of income given to the Raja remain the same when it is based on the gross assessment?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already answered that in reply to the question of my hon. friend Mr. Mookerjee.

Mr. FAKHRUDDIN ALI AHMED: Can the Hon'ble Minister deny that it is based on contractual agreement?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have nothing to add to what I have said.

Mr. FAKHRUDDIN ALI AHMED: What is that, Sir?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: In reply to that I can only read the statement which is laid on the table. It runs thus:—

“Proceedings of the Deputy Commissioner of Goalpara, Revenue Side, dated Camp Bijni, the 26th January 1885.

Present—Lieutenant-Colonel T. B. Michell, Deputy Commissioner. The Government of India has ordered that the cultivated and circum-jacent land in Duar Sidli shall be settled for a period of ten years with Babu Bishnu Narain Deb, Zemindar of Siddli, at a *Jama* of 80 per cent. of the rental, so long as the Estate is managed, as at present, by Government the said Zemindar will continue to receive his present percentage.”

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister please tell me whether the area under cultivation has increased or decreased during the last three years?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I want notice of that question.

Mr. FAKHRUDDIN ALI AHMED: This is how we are put to difficulty. This comes under the question whether the income has varied and the Hon'ble Minister should have come prepared with the information

for what reason it has varied. I think he denies us the privilege of getting ourselves acquainted with the actual state of affairs.

The Hon'ble the SPEAKER: I cannot compel him to regulate the extent of his preparation for the answers to questions.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister be prepared to give a reply if I give a short notice question during this session?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If the hon. member will put a substantive question, I will try to give the answer.

Mr. BAIDYANATH MOOKERJEE: I have put a substantive question, Sir.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If proper notice is given and if the question is admitted by the Hon'ble Speaker, I shall certainly reply.

Mr. BAIDYANATH MOOKERJEE: As regards 156(d), it is replied 'under a misunderstanding', may I know what was the misunderstanding?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I cannot say precisely what the misunderstanding was about; but whatever it was, it appears to have been corrected later on by the Government of India.

Mr. FAKHRUDDIN ALI AHMED: Then, Sir, with regard to 156(g) if the gross assessment has not increased due to increase in agricultural area or decrease due to decrease in agricultural area, is it a fact that Government has no power to reduce the income of the Raja?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: This is a legal question and I have my own opinion about it, but I do not like to disclose that opinion without consulting our legal advisers.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that the Hon'ble Minister, a short time ago, said that the income may vary or the percentage of commission may vary?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Percentage cannot vary.

Mr. FAKHRUDDIN ALI AHMED: But he said so.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I never said that the percentage varied.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The percentage will remain the same, but the total commission to be obtained by the Raja will vary.

Mr. BAIDYANATH MOOKERJEE: With regard to 156(e), who granted the temporary reduction, whether the Deputy Commissioner or the Government? Was it mentioned in the same order for reduction that *malikana* should also be reduced according to the remission granted to tenants?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Government gave no such permission. Let me make the position clear. Most probably hon. members want to know whether the income of the Raja has been affected on account of the remission of revenue granted by the Government. According to my personal opinion (subject to correction by the Legal Adviser) the income of the Raja should not be affected on account of the remission granted. If income has been actually reduced and the matter is brought to our notice, Government will look into the matter.

Mr. BAIDYANATH MOOKERJEE: Who is the proper person to say whether the income has been affected or not?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If the *malikana* has been affected and the person aggrieved cares to make a complaint, Government will look into it.

Srijut RUPNATH BRAHMA: May I know how the settlement of the land and the collection of rent are done?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: This is an entirely new question. I want notice.

Statement showing income and expenditure for the years 1935-37
in Sylhet and Cachar

Mr. BAIDYANATH MOOKERJEE asked:

*157. Will Government be pleased to lay on the table a statement showing the income and expenditure for the last three years in Sylhet and Cachar under the following heads (a) Court-fees, (b) Folio, (c) Maps, (d) Comparing Clerks' remuneration, (e) Copyists' remuneration, (f) Typists' remuneration, (g) Mappers' remuneration?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

157.—A statement is laid on the table.

Statement referred to in reply to starred question No.157 by Mr. Baidyanath Mookerjee

Year	(a) Court fees		(b) Folio		(c) Maps		(d) Comparing clerks' remuneration		(e) & (f) Copyists' and Typists' remuneration		(g) Mappers' remuneration		Remarks
	Sylhet	Cachar	Sylhet	Cachar	Sylhet	Cachar	Sylhet	Cachar	Sylhet	Cachar	Sylhet	Cachar	
1935	*5,73,705	1,38,688	45,795	6,284	†	†	10,342	547	22,945	3,142	†	†	
1936	*5,41,676	1,53,251	46,728	6,036	†	†	13,358	571	23,449	3,018	†	†	
1937	*5,64,909	1,53,315	46,015	5,728	†	†	10,625	446	23,139	2,864	†	†	

*Figures for financial years 1934-35 to 1936-37 given.

†Not available.

Mr. BAIDYANATH MOOKERJEE: May I know whether Government received any representation from typists and copyists from any place of the province to improve their lot?

The Hon'ble the SPEAKER: I think that question does not arise.

Post of Assistant Jailor

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*158. (a) Will Government be pleased to state who got the post of Assistant Jailor recently advertised by the Assam Public Service Commission?

(b) Is it a fact that in the notice calling for applications for the aforesaid job, the Assam Public Service Commission announced that Assamese Muhamadans will have preference in the matter of the above appointment?

(c) If so, will Government be pleased to state whether the above was acted upon?

(d) If not, why not?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied:

158. (a)—Mr. Louis Addison, a Khasi candidate who belongs to the tribal community.

(b)—In the advertisement, it was stated that preference would be given to Muslims, Assamese Hindus and tribal people provided qualified candidates were available.

(c)—Yes.

(d)—Does not arise.

Khan Bahadur Maulavi SAYIDUR RAHMAN: May I know how many Muhammadan candidates applied for this post and what are their names and qualifications?

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

Mr. BAIDYANATH MOOKERJEE: May I know what should be the qualification of candidates for this post?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I may read the advertisement.

"Applications are invited from candidates who are natives of or domiciled in Assam for the post of an Assistant Jailor in Assam. Pay Rs.60—3—90—(Bar)—4—130 per mensem. Selected candidates may be required to interview the Public Service Commission in their office at Shillong. No expenses will be paid for this. None need apply who is not at least 5'-6" in height and 32" in chest measurement and has not passed at least I. A. or I. Sc. Examination. Preference will be given to Muslims, Assamese Hindus and Tribal people provided qualified candidates are available."

Mr. FAKHRUDDIN ALI AHMED: May I know in this connection who was given the first preference by the Public Service Commission?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mr. Louis Addison.

Mr. FAKHRUDDIN ALI AHMED: May I know, how the Public Service Commission condoned ** a definite rule of Government?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The Public Service Commission did not condone; it was condoned by the Government.

** For further questions on this subject see starred question No. 111 appearing in the proceedings of the 7th September, 1938.

Mr. FAKHRUDDIN ALI AHMED: How can the first preference be given to this candidate by the Public Service Commission when he was not entitled according to rules?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: After his height was condoned, the nomination was given to him.

Mr. FAKHRUDDIN ALI AHMED: What is the reason for condoning the height of this candidate?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: That answer was given yesterday, I suppose.

Maulavi ABDUR RAHMAN: When it was notified that preference would be given to Muhammadans, whether there was any dearth of suitable Muhammadan candidates?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The appointment was made on the recommendation of the Public Service Commission and the candidate was given the first nomination.

Maulavi ABDUR RAHMAN: Why was it notified that preference would be given to Muhammadan candidates?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The Public Service Commission had to make their selection from amongst under represented communities.

Mr. BAIDYANATH MOOKERJEE: Shall I be wrong, Sir, if I say, that just to give preference to this particular candidate, Government condoned the height of this candidate?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The hon. member is quite entitled to draw his own conclusion, but I should say that is not the correct position.

Mr. BAIDYANATH MOOKERJEE: May we know what is the correct position, Sir?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: This particular candidate applied to Government for condoning his height. Government found it a fit case and so condoned his height.

Mr. BAIDYANATH MOOKERJEE: Sir, shall I be wrong if I say, that Government interfere with the work of the Public Service Commission? By condoning the height, they gave direct hint to the Public Service Commission for giving him the preference.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The hon. member is quite at liberty to draw his own inference.

The Hon'ble the SPEAKER: It is a question of opinion. The hon. member cannot attack any Member of the Government without ascertaining if this is a fact or not.

Babu KAMINI KUMAR SEN: In the advertisement it was definitely laid down that none need apply who is of lesser height. As such may we know how the Public Service Commission entertained application from a candidate of lesser height?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: When the application was sent to the Public Service Commission, they had to receive it.

Babu KAMINI KUMAR SEN: In the advertisement it was clearly laid down that none need apply who is of lesser height.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: His application was considered by the Public Service Commission because his height was condoned.

Babu KAMINI KUMAR SEN: Sir, my point is this that the application was sent to the Government afterwards. But Public Service Commission had no right before condonation to entertain a petition from a candidate who was of lesser height, in the face of the advertisement.

The Hon'ble the SPEAKER: I think, the Hon'ble Minister said that the condonation of the height of the candidate by Government was made known to the Public Service Commission. Was this not the answer?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir. The candidate applied to Government for condoning the height and Government condoned his height and this fact was communicated to the Public Service Commission.

Babu KAMINI KUMAR SEN: Was this condonation made after the advertisement or before the advertisement?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It was done after the advertisement.

Babu KAMINI KUMAR SEN: May I know the reason why that was done?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: What is the question, Sir?

Babu KAMINI KUMAR SEN: May we know when the candidate applied to Government for condonation of his height?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I cannot give the date when the candidate applied for condonation of his height.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact, Sir, that the candidates, who are found eligible for the appointment, are asked to appear before the Public Service Commission for an interview?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir. That is the position, I think.

Mr. FAKHRUDDIN ALI AHMED: Can the Hon'ble Minister deny, in view of the notification in the Gezette that the candidate who has since been appointed did not even possess the requisite qualification? Under whose instruction was this candidate sent for an interview before the Public Service Commission?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: When Government condoned his height his disqualification was removed.

Mr. NABA KUMAR DUTTA: On what principle it was done by Government?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: As I said yesterday, the Khasi people are generally short-statured.

Mr. NABA KUMAR DUTTA: What was the height of the particular candidate?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: The height of this candidate was 5 feet 3 inches.

Mr. FAKHRUDDIN ALI AHMED: On what basis did Government come to the conclusion that this particular candidate was the most meritorious and deserving?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: He applied on various grounds for condoning his height. Government considered and condoned the height.

Mr. FAKHRUDDIN ALI AHMED: Am I to take it Sir, that it is the accepted policy of this Government that on application from candidates such things as age and height can be condoned?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Only in deserving cases it is given.

Mr. FAKHRUDDIN ALI AHMED: May we know what are those deserving cases?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: There are numerous instances, Sir.

Mr. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister give a specific instance?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Condonation was done in case of Mr. Louis Addison.

Mr. FAKHRUDDIN ALI AHMED: May we know what was the special qualification of this candidate which called for condonation?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I have repeated the answer many times.

The Hon'ble the SPEAKER: I think, this question was put and answered. I have given sufficient time to the hon. members to put supplementary questions.

Srijut BELIRAM DAS: Sir, shall I be correct if I say that it was pre-arranged to give the appointment to this particular candidate?

The Hon'ble the SPEAKER: This question should not be allowed because it contains insinuation.

Babu RABINDRA NATH ADITYA: Will the Hon'ble Minister please say whether in the advertisement it was said that the Khasi candidate should be of such and such height?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: There is no rule for putting in the advertisement that it should be such.

Dibrugarh George Institution

Khan Bahadur Maulavi SAYIDUR RAHMAN asked:

*159. (a) Is it a fact that the Director of Public Instruction, Assam, in his Inspection Note dated the 22nd January 1936 directed the Managing Committee of the Dibrugarh George Institution to construct an iron roofed building with *turja* walls in place of the dilapidated *Kutch* building?

(b) Is it a fact that on 6th July 1936 the Managing Committee considered an estimate for the new building and observed that the estimated cost could not be met from the school fund and decided to move Government for a grant of Rs.3,000?

(c) Is it a fact that the application for the grant was recommended by the Inspector of Schools but no grant has been forthcoming till now?

(d) Is it a fact that the Inspector of Schools in his memorandum No.214-T., dated the 2nd April 1936, directed the Head Master to complete the building even if no Government grant was received and that the building was accordingly completed without a Government grant?

(e) Is it a fact that the Inspector of Schools in his Inspection Note dated the 7th May 1937 held that without a Government grant of at least Rs.1,700 the school cannot pay off its debt to the contractor?

*160. (a) Is it a fact that the contractor's bill has not been paid off yet for want of necessary funds in the school fund?

(b) Are Government aware of the impasse, the Managing Committee of the school have been forced to, by the directions of the Inspecting staff to construct the building as per the approved estimate on the one hand, and the refusal of the Government grant on the other?

(c) Do Government propose to implement the implied assurances held out by the Director of Public Instruction and the Inspector of Schools to help the construction of the building with a Government grant?

(d) Do Government propose to consider the advisability of helping the committee out of its present difficulty by making an adequate grant immediately?

The Hon'ble Maulavi MUNAWWAR ALI replied:

159. (a)—Yes.
(b)—Yes.

(c)—Yes.

(d)—Yes.

(e)—Yes.

160. (a)—Yes.

(b)—The School Committee was not promised the amount, but was instructed to meet the cost from the school fund.

(c)—The question does not arise as no assurance of the kind alleged—expressed or implied—was held out by the Director of Public Instruction.

(d)—Government will consider the case if and when funds are available.

The Hon'ble the SPEAKER: Unstarred questions of the 5th will be taken up now.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Nominated members of the Dhubri Local Board

KUMAR AJIT NARAYAN DEV asked :

1. Will Government be pleased to state—
 - (a) The number of nominated members in the Dhubri Local Board this year ?
 - (b) How many of them are from the unrepresented and the under-represented communities ?
 - (c) Whether all the minorities are well represented by the nomination in the Local Board according to their population ?

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

1. (a)—Four.
- (b)—One and two respectively.
- (c)—Yes.

Appointments to the Subordinate Judicial Service

Maulavi NAZIRUDDIN AHMED asked :

2. Will the Hon'ble Minister in charge be pleased to state—
 - (a) If he has advised His Excellency the Governor under section 255 of the Government of India Act, 1935, for making appointments to the Subordinate Judicial Service henceforward as defined in the said section and section 254 of the Act ?
 - (b) If so, will the Hon'ble Minister in charge be pleased to state the rules framed under the aforesaid section in consultation with the Provincial Public Service Commission and with the Hon'ble High Court, defining the standard of qualifications to

be attained by persons desirous of entering the Subordinate Civil Judicial Service of the Province ?

- (c) If not, when does the Hon'ble Minister propose to take steps for framing the rules under the said section ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

2. (a)—In the absence of a separate Subordinate Judicial Service for Assam, appointments of officers required for this Province have hitherto been made by the Bengal Government and officers are posted according to necessity by the High Court under section 255 of the Government of India Act, 1935. A temporary post of Assistant Sessions Judge was created last year for the Assam Valley Districts and the appointment to this post was made by the Governor under section 254 of the Act.

(b)—No rules have been framed by this Government for the Subordinate Judicial Service for the reason stated in (a) above.

(c)—Government intend to take up the matter when the recommendations of the Retrenchment Committee are examined.

Notice calling for tenders for Gauhati-Shillong Motor Service

Srijut DEBESWAR SARMAH asked :

3. Will Government be pleased to state—
 - (a) The source from which the traffic figures published in the *Assam Gazette* of the 8th June, 1938, in connection with the notice calling for tenders for Gauhati-Shillong Motor Service, were obtained ?
 - (b) Whether any steps were taken to ascertain the correctness of those figures ?
 - (c) Whether those figures were meant to serve as guides in basing the tenders called for ?
 - (d) Whether it is a fact that traffic on the Gauhati-Shillong Road has been dwindling every year since 1934.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

3. (a)—From the present contractors.
- (b)—No. Government have no statistics by which to check them.
- (c)—The figures were furnished in order that tenderers might be in possession of information which may guide them in making their offers.
- (d)—Yes, so far as passenger traffic is concerned. For goods traffic there were other permit-holders, whose traffic figures could not be given for comparison as they were not complete.

Water-supply scheme of Maulvi Bazar Municipal Board

Babu DAKSHINARANJAN GUPTA CHAUDHURI asked :

4. Will Government be pleased to state—
 - (a) Whether the Municipal Board of Maulvi Bazar has submitted to Government any scheme for water-supply ?
 - (b) If so, what step, if any, has Government taken to give effect to the said scheme ?
 - (c) Do Government propose to give a non-recurring grant of Rs.50,000 to the said Municipality for water-supply ?

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

4. (a)—No scheme in accordance with the rules framed on the subject has yet been submitted to Government.
 (b)—Does not arise.
 (c)—Hon'ble member's attention is invited to the similar question asked by him in the last year's August session. [Question No.57(c)].

Dewan Manickchand Estate

Mr. BAIDYANATH MOOKERJEE asked :

5. Will Government be pleased to state—
 (a) If the proprietor of the Dewan Manickchand Estate in Sylhet has submitted a petition to the Local Government for taking over the Estate under the Court of Wards?
 (b) If so, what is the date of the said petition?
 6. Will Government be pleased to state how long the consideration of the said petition is likely to take?
 7. Do Government propose to take into consideration in this connection the valuable services rendered by the family of Dewan Manickchand to the people generally and particularly of Surma Valley?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

5. (a)—Yes.
 (b)—26th July 1937.
 6.—Mr. Roy has been asked to submit revised statements of his liabilities. Until his reply is received it is not possible to state when final orders will be passed.
 7.—Yes
Babu KAMINI KUMAR SEN: May we know, Sir, whether any definite order has been passed?
The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, Sir. Government has decided to take charge.
Babu KAMINI KUMAR SEN: May we know whether any order has been passed?
The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, Sir.

Candidates for the sericultural scholarship

Mr. BAIDYANATH MOOKERJEE asked :

8. Will Government be pleased to lay on the table the list of candidates for the Sericultural scholarship, together with their educational qualifications and home districts?
 9. Will Government be pleased to state who got the said scholarship?
 10. Is it a fact that it was advertised for B.Sc. graduates only?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

- 8.—A list is laid on the table.

List of candidates for stipend for training in Sericulture in Mysore, 1938

Serial No.	Names of applicants	Community to which belongs	Home district, place of birth, etc.	Qualification	Age		Remarks
					Y.	m.	
1	Mr. Rup Singh ..	Sikh (Assamese)	Nowgong	B.Sc.	..	..	No domicile certificate furnished.
2	Babu Bhabani Charan Faul	Hindu Assam Valley.	Goalpara	Ditto	20	3	With distinction.
3	Srijut Surendra Nath Hazarika.	Ditto ..	Sibsagar	B.A.	..	..
4	Maulvi Md. Fazal Haque.	Muhammadan, Assam Valley.	Goalpara	Ditto	21	2	
5	Srijut Iswar Das.. Bhuyan.	Hindu, Assam Valley.	Nowgong	B.Sc.	20	5	2nd class Honours in Physics.
6	Maulvi Abdul Mannan.	Muhammadan, Assam Valley.	Sibsagar	Ditto	23	1	
7	Srijut Cirindra Nath Barpujari.	Hindu, Assam Valley.	Kamrup ..	Ditto	23	0	2nd class Honours in Chemistry.
8	Srijut Hem Kanta Bordoloi.	Ditto ..	Sibsagar	Ditto	28	2	
9	Babu Shyama Kanta De.	Hindu, Surma Valley.	Sylhet ..	Ditto	24	0	2nd class Honours in Chemistry.
10	Maulvi Ahmed Hussain.	Muhammadan, Assam Valley.	Sibsagar	Ditto*	22	0	* With distinction.
11	Maulvi Arju Mia	Muhammadan, Surma Valley.	Cachar ..	Ditto*	22	0	Ditto.
12	Srijut Upendra Mohan Goswami.	Hindu, Assam Valley.	Kamrup..	Ditto	24	0	
13	Srijut Nilim Chandra Borah.	Hindu (Nath) ..	Ditto ..	Ditto	25	4	
14	Srijut Prasanna Chandra Chowdhury.	Hindu ..	Ditto ..	Ditto*	25	0	* With distinction.
15	Srijut Jogindra Nath Barua.	Ditto ..	Sibsagar	Ditto	23	3	
16	Srijut Bhairab Prosad Kakati.	Ditto ..	Golaghat	I.Sc.	..	..	Not qualified.
17	Srijut Bharat Chandra Gogoi.	Ditto (Ahom) ..	Sibsagar	B.Sc.	27	0	

Serial No.	Names of applicants	Community to which belongs	Home district, place of birth, etc.	Qualification	Age		Remarks
					Y.	m.	
18	Srijut Krishna Benoy Chakravarty.	Hindu	Goalpara	I.A.	..	..	Serving temporarily as A. S. S., Titabar.
19	Srijut Rabindra Nath Barua.	Ditto (Ahom)	Sibsagar	B.Sc.*	22	2	* With distinction.
20	Babu Srishranjan Chakravarti.	Hindu, Surma Valley.	Sylhet	Ditto*	24	1	Ditto.
21	Srijut Bhupendra Ch. Nath.	Hindu, Assam Valley.	Kamrup..	B.A.	22	3	
22	Srijut Upendra Nath Bhuyan.	Ditto	Darrang ..	B.Sc.	25	1	
23	Babu Satyendra Nath Datta.	Hindu, Surma Valley.	Sylhet	B.Sc.*	26	2	* With distinction.
24	Maulvi Nazir Mia.	Muhammadan, Surma Valley.	Ditto ..	Ditto*	22	7	Ditto.
25	Babu Rajani Kanta Das.	Scheduled caste..	Ditto	Ditto*	23	10	Ditto.
26	Srijut Chandramal Kakati.	Hindu, Assam Valley.	Kamrup..	B.Sc.	25	4	
27	Srijut Hazarika, Faridas	Scheduled caste	Ditto ..	I.A.	23	0	Not qualified.

9.—Maulavi Md. Fazal Haque, B.A.

10.—Yes.

Mr. FAKHRUDDIN ALI AHMED: When there was a Muhammadan candidate having the B.Sc. qualification available, what was the reason that the scholarship was given to a B.A. candidate?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, the candidate to whom this scholarship was given had a very brilliant academic career. He passed B.A. with Honours in Economics and moreover he got competitive scholarships in all the examinations up to B.A. and for the purpose for which this scholarship was given, it was considered that a candidate of this qualification should not be debarred, on the ground that he has not got B.Sc. degree.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact, Sir, that for such scholarships only those candidates who have some training and knowledge of Science should be given preference?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, this student has been sent to Mysore for training in Sericulture. There is no regular Institute there, but the students received training in mulberry cultivation, reeling, seed work, etc. in Government farms. B.Sc. qualification is not indispensable for this.

Mr. FAKHRUDDIN ALI AHMED: Sir, will not the knowledge of Science be more helpful than that of Arts in enabling the candidate to get training in Sericulture?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, for the purpose for which the student has been sent, such a high qualification was not indispensable.

Mr. FAKHRUDDIN ALI AHMED: Sir, is second class Honours degree in Science an inferior qualification than a second class Honours in Economics when it was specifically advertised that the stipend would be given to B.Sc.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Not necessarily, Sir

Mr. FAKHRUDDIN ALI AHMED: Sir, when it was definitely stated that the scholarship will be given to a B.Sc. candidate why was it given to a candidate who was a B.A., and not more meritorious than the B.Sc. candidate who had applied for the stipend.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, as I said this particular candidate had a brilliant academic career.

Mr. FAKHRUDDIN ALI AHMED: Sir, when Government was of opinion that the candidate, who has been given the said scholarship was so brilliant, could not the Government give him a scholarship more suitable to his course of studies?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: He did not apply for any other training.

Maulavi SYED ABDUR ROUF: Sir, is it not a fact that the Muhammadans of Goalpara are much under-represented in Government service?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Yes, Sir. It was pressed upon Government that the Muhammadans of Goalpara were backward in respect of Government service and so this scholarship was given to the Goalpara candidate.

(Here the clock struck 12 noon).

Adjournment motion for placing restrictions on the activities of the public by service of a notice on Srijut Kedar Nath Goswami, President, Dibrugarh Congress Committee and others by the Superintendent of Police, Lakhimpur (motion-for leave of the House)

Srijut SARVESWAR BARUA: Sir, I beg leave of the House to move the following adjournment motion:—

“This Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, placing serious restrictions on the legitimate activities of the public restraining the right of speech and freedom of association by the service of a notice under section 30 of the Police Act by the Superintendent of Police, Lakhimpur, on Srijut Kedar Nath Goswami, President, Dibrugarh Congress Committee, and others.”

Sir, we have received information from the *Times of Assam*, dated the 3rd September that notices have been served on Srijut Kedar Nath Goswami and two others.

The Hon'ble the SPEAKER: Is it on two others only?

Srijut SARVESWAR BARUA: So far as my information goes at present, notices have been served on 3 persons. There might be others; I am not aware of it.

Now, Sir, notices have been served by the Superintendent of Police calling upon these people to take a licence before they take out any procession or before they call any meeting in and near about Margherita or in the area between Margherita and Dibrugarh.

Sir, in the notice there is nothing to show that there are circumstances justifying such a notice. Only it is stated that there was a procession on the 20th August from Kalamati near Digboi to Dehing Tea Estate near Margherita and that there was an assembly held at Khawang and Dehing and that these three persons promoted and directed these demonstrations. It is not stated, Sir, what circumstances led the Deputy Commissioner to come to the conclusion that there was a likelihood of breach of peace. Simply taking out a procession or holding a meeting does not always lead to a breach of peace. Now that has been stated to be the only ground for the issue of these notices. This sort of notices curbing the right of the public to hold meetings and to take out processions seriously hamper the activities of public men. Therefore I think, Sir, this is a matter of urgent public importance. It has taken place very recently; the notice was issued on the 31st August; it was served on 1st or 2nd September, and a statement to this effect has been issued by Srijut Kedar Nath Goswami in the *Times of Assam*, dated the 3rd September. This issue of the paper reached me here only yesterday; as such this is a matter of recent occurrence. Therefore I think, Sir, my motion is in order.

Maulavi ABDUR RAHMAN: May I know, Sir, under what section of the Criminal Procedure Code the notice was served?

Srijut SARVESWAR BARUA: Under section 30 of the Police Act.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:

Sir, I have absolutely no information as regards the subject-matter of this adjournment motion officially. I have heard just now from the hon. member that a notice under a particular section of the Police Act has been issued. That clearly shows that the district authorities there had reasons to believe that the operation of a particular Statute was called for.

The second point to consider is that we find from the same hon. member that the notice was dated 31st August, issued on the 1st September, and that it was published in the newspaper dated 3rd September, of which the gentleman mentioned in the motion is the editor. Under these circumstances I beg to submit, Sir, that my hon. friend ought to have come with this motion at the earliest possible moment, *i. e.*, on the 5th September, because it takes only a day and half for mails from Dibrugarh to Shillong. The notice has not been supplied to us; we only know that restrictions have been put on processions under section 30 of the Police Act. I have not got a copy of the Police Act here, nor did I get notice of this adjournment motion earlier. But if I remember aright, I think under section 30 of the Police Act, processionists can be asked to take licences for regulating the route and the manner in which processionists can conduct themselves. It is within the purview of the Police Act and the District Authorities thought it fit, under the local conditions and circumstances, to issue such a notice. I think, Sir, it will be rather difficult for the administration to be carried on smoothly and efficiently if an adjournment motion is to be moved on such routine matters, as this one is.

Srijut SARVESWAR BARUA: Sir, as regards the point that my motion has not been tabled in time, I beg to point out that the *Times of Assam*, which was dated 3rd September, could not be posted on that day. It was posted on the next day and naturally it reached us here late. I got it only yesterday, and as such I do not think I could take an earlier opportunity to move this motion.

As regards the second point that the notice only requires licences to be taken for processions and as such it does not interfere with the legitimate public activities, I beg to submit that this is not so. The notice has been served not only for taking out licences for processions, but also for holding meetings. If licences are taken out to hold meetings from the Superintendent of Police at Dibrugarh, I think it would interfere with the legitimate rights of the people there to hold meetings, because no one knows when the permission will be received, similarly as regards processions one would have to fix a date some fifteen days in advance. And that naturally interferes with the legitimate rights of speech, movement and association of the people. My private information from my hon. friends coming from Dibrugarh here is this that this action has been taken at the instance of the Deputy Commissioner and the Police Superintendent with a view to thwart the Congress activities there as many people have been recently enrolled as Congress members in that locality. So this action might have been taken by the district authorities at Dibrugarh to prevent all meetings. But it may be that the motive behind this notice is to hamper the enrolment of Congress members. That is what I am afraid of.

The Hon'ble the SPEAKER: I have heard the hon. member who has asked for leave to move the adjournment motion and the Hon'ble Chief Minister objecting to the motion as being not in order.

This adjournment motion is directed at a certain administrative act of the district executive authorities of Lakhimpur under section 30 of the Police Act. The hon. member who has tabled this motion makes a statement that it has placed serious restrictions upon the legitimate rights of the people of speech and of holding meetings, and he has also attempted to make out that that has been done with a certain motive. This is only the individual opinion of the hon. member; but even if such a grievance is of public nature and has been given rise to on account of an administrative act of district authorities there is a remedy for that. The first remedy would be to represent matters to higher administrative authorities. To adjourn the business of the House for such remedy is really against the principles underlying the provisions relating to adjournment motions. It has not been shown that with that action Government had anything to do. Certainly if it gives rise to a serious situation and Government fail to take due steps to prevent that situation, an adjournment motion may be moved, but it has not been shown that such a situation has yet arisen. There is no material before the House to show that this administrative act was directed by Government. So in this view, I do not hold that this is a matter of urgent public importance. The occurrence may be recent and from what has been said by the hon. mover who has asked for leave to move the adjournment motion, I cannot hold that the occurrence is not recent, but as I have held that it is not a matter of urgent public importance, I hold that the motion is not in order.

THE ASSAM LOCAL SELF-GOVERNMENT (AMENDMENT) BILL,
1937, BY SRIJUT LAKSHESVAR BOROOAH—(Discussion continued
from the 7th September, 1938)

The Hon'ble the SPEAKER: The next item of business is Srijut Lakshesvar Borooah's motion for referring the Assam Local Self-Government (Amendment) Bill, 1937, to Select Committee.

Khan Bahadur Maulavi SAIYIDUR RAHMAN: Mr. Speaker, Sir, I shall be failing in my duty if I do not submit my views on the merits of this Bill before this House. I welcome this Bill, as in my opinion there is

a sound principle underlying the provisions of this Bill, and I also think that there are materials for going to the Select Committee for consideration. Those critics of this Bill who think that this Bill has been the outcome of a particular animus against the European Planting community, or that this Bill has no principle underlying it, or that it is a challenge—and an unfair challenge to the Planting community—I am afraid, are labouring under a grave misapprehension—(Hear, hear,). Our grievance against the European Planting community is a real one. I want to make it plain to those members of the Planting community that I for myself do not see eye to eye with my hon. friend Mr. Aditya when he says that he did not derive any benefit from the Planting community, or that this province has not derived any benefit. On the other hand I fully endorse the remarks that have fallen from the lips of the hon. member over there who made a very beautiful maiden speech yesterday when he said that the Tea Industry has been rendering a yeoman service to this province in making it what it is. But I also want to make it plain that wherever this Planting community is holding a key position, wherever they have been in a position to control the election of the executive, they have always tried to guide and influence the policy of the Boards. Those Boards and the executive who with their help and co-operation get into the power, have naturally to look into the interests of the Planting community and keep that foremost in their minds.

Mr. NABA KUMAR DUTTA: Naturally.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Our difficulty is this. The interests of the Planting community are not exactly identical with those of the rural population (Hear, hear,). The Planting community think in terms of their own community and care for communication for their own comfort and in the interests of their own industry (Hear, hear). Our people, the rural population do not attach much importance to communication; because communication also is limited to improvement of communications of the tea gardens (Hear, hear). It does not refer to rural communication at all. Our people cry for sanitation, medical help and primary education. Unfortunately the Planting community do not pay so much attention to these.

Now the Dibrugarh Local Board is a case in point. I think it is common knowledge that this Dibrugarh Local Board is spending the highest amount on communications, in fact the percentage is the highest in the province and you will be surprised to hear that they are spending the lowest amount on education and the percentage is the lowest in the province. My hon. friend Mr. Beliram Das yesterday pointed out that in those Boards, namely; Dhubri and Goalpara where there is no representation of the Planting community, the percentage of expenditure on education is the highest. What does it show? It clearly points to the fact that wherever this Planting community forms an effective group they spend more for communications than for the real needs of the rural population.

So, I submit that the basis on which the Planting community is being represented on the Boards now is very pertinently challenged in this Bill. What is the basis? The basis is the contribution of local rates, population and area. Now as regards contribution of local rates, the Hon'ble Minister gave some figures yesterday. I am yet to know from him where from these figures were obtained. (Hear, hear.)

The Hon'ble Rev. J. J. M. NICHOLS-ROY: What figures, Sir?

Khan Bahadur Maulavi SAYIDUR RAHMAN: The figures that the European Planting community were contributing half and half to the Dibrugarh Local Board.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I did not say "Europeans", but I said the Planting community. We get our figures from the records of the local rates paid from the Revenue Department.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Who compiled these figures? Do we get them in any Government reports or were they compiled to serve their purpose (laughter).

The Hon'ble Rev. J. J. M. NICHOLS-ROY: These reports are found in the Revenue Department in every district and they are sent up to the Government.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Do they find a place in any printed report or are they called from the Revenue office now?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: They are always ready in the district offices and may be called for at any time required. When we need them we call for them.

Khan Bahadur Maulavi SAYIDUR RAHMAN: As for myself, I have great doubts about the authenticity of these figures. However, I shall assume for the moment that the figures are correct. Then, what about the population? Can anyone by any stretch of imagination say that the Planting community includes the labourers? The labourers had no representation till recently. They were not enfranchised and the fact can be gathered from this fact that in the Government of India Act, 1935, separate constituencies have been created for Labour (Hear, hear) and the Planting community has also been given separate constituencies. This very fact shows that the labour population was not included in the Planting community.

Now as regards area, area of course by itself, is not of much importance. The tea planting area is included in the general constituency. These are matters which can be pertinently considered in the Select Committee.

Of course the Hon'ble Minister for Local Self-Government has thrown out a very reasonable suggestion in this connection. When the Bill of my hon. friend Srijut Siddhi Nath Sarma was negatived, he held out the hope that the Government was bringing in its own Bill. The Hon'ble Minister also, I think, is holding out the same hope in this case that he will bring his own Bill, which will be a comprehensive Bill embodying all these provisions.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is so.

Khan Bahadur Maulavi SAYIDUR RAHMAN: So, I think, to save time and money, it would be meet and proper for this House to consider all these amendments together once for all. In that view of the matter, I would request the hon. mover to withdraw the motion (Hear, hear and applause).

Mr. H. F. CLARK: Mr. Speaker, Sir, I rise to oppose the motion, firstly because the Bill is so badly constructed as to be unworthy of the consideration of the House and secondly because its provisions are manifestly discriminatory and unfair. I am surprised, Sir, that with the imposing array of talent at the disposal of my hon. friend the mover, he was not better advised in the wording and construction of this Bill.

My hon. friend, Mr. Blennerhassett, in addressing the House yesterday gave the hon. members figures to prove that, under the provisions of this Bill if the population of the European Planting community and the local rates paid by them as individuals are to be basis of representation, then Planting interests would be deprived of their entire representation on the Local Boards of Assam.

Well, Sir, the wording of the Bill notwithstanding, I will be charitable and suggest that such an obviously unfair discrimination was not the intention of the hon. member in charge of the Bill. I am led to this conclusion by the reference in the Bill to the provision for the representation of the

Indian Planting community in the Local Boards. Well, Sir, the claim of the Indian planting interests for separate representation is a perfectly reasonable one, the justice of which is admitted by this group, providing always that the basis of that representation is roughly computed on the ratio of rates and population. I say roughly, because it is conceivable that in some districts where the proportion of Indian-owned gardens is very small a purely mathematical basis would not provide for the representation of Indian Planting interests. We are satisfied that in cases where there are say, nine or ten Planting members the claim of the Indian Planting interests to one or two seats is reasonable even if the rates paid by those interests fall short of the ratio.

The acceptance of this principle, Sir, ensures for my Indian Planting friends a larger share in representation than the unfair, illogical and arbitrary figure of 25 per cent. suggested by the mover of this Bill. To take one instance there are I believe, Sir, in the district under the control of the Silchar Local Board about a dozen or so Indian owned gardens. If the provisions of this Bill are applied and the numbers of the Indian Planting community and the rates paid by them as individuals are to be the basis of their claim for representation, they would have no more chance of obtaining seats than the dozen or so Chinamen in Silchar whose contribution to the local rates as individuals is equally negligible.

The hon. mover in the course of his speech referred to his own unfortunate experience on one Local Board where he suggested that European Planting members were more interested in roads than in primary education. Well, Sir, I speak as one with some experience of a Local Board and with some knowledge of the working of other Local Boards, and I can say with confidence, Sir, that it is within the knowledge of most of the hon. members of this House that that is an unfair reflection on the work of the European Planters in the Local Boards of Assam. I will not deny, Sir, that the European Planting community has taken a very great interest in communications, but I submit, Sir, that that interest has been of the greatest value to the province and to the administrations of the Local Boards.

The arguments of my hon. friend the mover appeared to be based on a false premise and that is that the European Planting members on the Local Boards are there exclusively to protect their own interests. That, Sir, is patently untrue. Those hon. members with experience of Local Board affairs know perfectly well that the work of the Boards cover a much wider field. It is in the wider sphere of public affairs that the Planting members have, I submit, contributed a great deal of valuable and disinterested service to the Local Board administration. The hon. member preceding me, made a statement that, where the European Planting members held a key position in Local Boards, they used that key position to guide and influence the policy of the Local Boards. What is wrong in that, Sir? We are always trying to use our influence for the good administration of the Local Boards.

He also stated that we are not interested in primary education, sanitation and medical relief. I submit, Sir, that those hon. members who have experience of Local Board work will confirm that it is not true. We are as interested in all those welfare works as my friends the Indian members are and we do a great deal of work in that direction. Ninety-five per cent. of the Local Board affairs have to deal with subjects entirely outside the planting interest, subjects in which the planting members nevertheless take a great interest and by their interest they contribute substantially to the administration of the Boards.

Sir, the Hon'ble Minister stated that the Government is going to introduce a Bill to overhaul the whole subject of Local Self-Government. As he has already shown, and as I also contend, there is nothing either in the scope or in the framework of the present Bill to justify its going to a Select Committee. This House, I am sure, cannot agree to the appointment of a Select Committee on this Bill when the Government have promised to introduce another Bill which will cover the whole subject. The Hon'ble Minister has admitted that there are many details in the Local Self-Government Act which require re-examination, and I submit, Sir, that the time to examine these particular details will be when the Government introduce their Bill and not at this moment in connection with the ill-framed, illogical and unfair Bill proposed by the hon. mover. (Applause.)

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, after the hon. Khan Bahadur Sayidur Rahman had spoken in support of the principles of this Bill and dealt with the matter so adequately, I had no intention of taking part in the discussion of this motion. But, Sir, towards the end of his speech he requested our group to wait and withdraw this motion till the Bill proposed by the Hon'ble Minister was introduced in this House. It is true that one of the arguments advanced by the Hon'ble Minister in opposing this measure was that the Government was going to introduce a Bill very shortly covering all these matters. While, we on this side of the House, who have a clear vision as to how matters of this nature are manipulated and put off by the Hon'ble Minister and his colleagues, have not been misled by this assertion, we feel, Sir, that the statement has misled a certain section of this House and Khan Bahadur Sayidur Rahman is also labouring under the same mis-conception. I should like to remind him and the other members of the House to consider the subsequent statement made by the Hon'ble Minister in charge of the Local Self-Government. He said "This is not the only objection. Our objection is that we do not agree with the principle of this Bill." If that is the case, what purpose will be served by putting off the measure embodied in this Bill and what assurance is there that the Hon'ble Minister in charge of Local Self-Government will bring forward a Bill which will cover all these matters? Sir, the attitude of the Hon'ble Minister in charge of Local Self-Government in this connection is not only painful but is one which excites our pity. It excites pity because his attitude is nothing less than a surrender of the legitimate rights of our people in order to please a certain section of this House led by my hon. friend Mr. Hockenull.

Sir, the Bill has been described both by the Government and hon. Mr. Hockenull's group as ill-conceived and having no principle. I can say at once that this is not the correct reading of the Bill. It is based on the democratic principle and seeks to provide that a handful of people should not be given overwhelming representation. We have been told that the planting industry has tremendous interest in the administration of the Local Boards. We have also been told in the same breath that the Planting community has done a good deal for the uplift of the masses in matters of education, communication, sanitation, etc. Sir, if such is the case, if they have really bestowed such benefits over those poor masses, who are living in villages, why do they fear of contesting seats in general constituency and why do they want protection and representation for their industry. The reason is not far to seek. What they claim is not the real state of affairs. Sir, the experience of the past few years in the administration of Local Boards goes clearly to show that these benefactors have gone there for their own interest, and not for the improvement of the lot of the poor people. Why are their own brethren, the Indian planters, crying for separation from the European Planting community? The reason is not far to seek. The reason is that, whatever these gentlemen have done, they

have done for their own interest and not for the benefit of our people. They have done it for the improvement of their own business and for their own sake. Sir, I have been told by hon. Mr. Hockenhull that whatever they have been able to get either from this House or from the administration of the Local Boards they can do so with the help of our own people. That state of affairs is admitted and it is a pity that we among ourselves are so divided. But it is a greater pity that these gentlemen are taking advantage of this division. Our grievance against them is not that they have been voting against us, but our grievance against these gentlemen is that they do not take into consideration the correct public opinion outside and lend their support to the most conservative element and the minority to serve their own end. The experience of the last few months in this House proves that clearly. Sir, though at present we are divided, but there are reasons to believe that such state of affairs will not last long and these gentlemen will have to look to us for support.

My hon. friend the hon. Khan Bahadur Sayidur Rahman has so elaborately placed the arguments in support of this Bill that it is unnecessary for me to go further into this matter. But I should like to say this to the hon. members of the Planting group that if they want to identify themselves with the people, if they want to do good to the people, they should not stand in the way of their progress, and the measures which seek to give them relief.

We have been told that there is no principle in this Bill. Certain figures have been cited both by the Hon'ble Minister in charge of Local Self-Government and the hon. Mr. Hockenhull. Certain figures have also been cited by my hon. friend the sponsor of this Bill. The figures which my hon. friend Mr. Lakshesvar Borooah has cited have been taken out from the Gazette of 1937 and Government cannot deny that the road cess which the planting community contributes is assessed at 5 annas per acre and the local rates which they pay is assessed at 3 annas per acre. If that is so, and as my hon. friend has shown by reading from these figures, the contribution made by the Planting community in Dibrugarh from road cess amounts to Rs.35,000. It actually follows that contribution made by them in Dibrugarh on account of local rates will be much less than Rs. 35,000.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Does he mean to say that the figure which I gave includes road cess?

Mr. FAKHRUDDIN ALI AHMED: No, Sir. As the Hon'ble Minister has had the experience of this portfolio for so many years, he should have understood what I was driving at. What I mean to say is this: that if from the road cess the contribution made by the Planting community in Dibrugarh amounts to Rs. 35,000 when it is assessed at 5 annas per acre, then the amount realised on account of the local rate would be less because the assessment is made at the rate of 3 annas per acre. Do you understand it now?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is not convincing. (laughter)

Mr. F. W. HOCKENHULL: May I inform the hon. member that the figure of Rs.35,000 is not correct. The contribution of road cess amounts in the two valleys to something more nearly a lakh and a half.

Mr. FAKH UDDIN ALI AHMED: I have quoted the figures of Lakhimpur district and not of the two valleys. The hon. member should consult the Gazette referred to and he will find that I am not giving inaccurate figures. The figures prepared and submitted by the Hon'ble Minister in charge of Local Self-Government have been described by hon. Khan Bahadur Sayidur Rahman as not accurate, but those prepared only for the purpose of this debate.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is for the purpose of the future Bill that will be laid before this House.

Mr. FAKHRUDDIN ALI AHMED: I should like the Hon'ble Minister to settle this issue with his own supporter.

Sir, it has been said by the Hon'ble Minister that the population should also be taken into consideration in providing representation to the tea industry in the Local Boards. We are willing to take that question into consideration. If the Hon'ble Minister wants to be so democratic and take the labour population into consideration, he should also see that labourers are also given franchise. Why in the past years the poor labourers have been neglected? Mr. Hockenhull's group want representation on the strength of the labour, but have they in the past set up any one from among the labourers to represent in the Local Board? Sir, if representation is to be given to them only on the strength of the amount of local rates contributed by them then there are instances of Zemindars and many of our people who pay local rates amounting to one thousand or twelve hundred rupees but are they on this account entitled to more than one vote or are they treated as more than one unit? Sir, it is a matter of common knowledge that in their own country—England, they are entitled to such a representation, but they cannot show one instance where so overwhelming representation is given to them. I should like them to go and ask the labourers of their gardens whether they would like to be represented by these gentlemen or by some one from among the employees. If the Hon'ble Minister has no objection against the principles of the Bill, I see no difficulty in the way of this Bill being referred to the Select Committee even though a Bill is going to be sponsored by the Hon'ble Minister for Local Self-Government at a latter date. The Government should not stand in the way of this Bill being referred to a Select Committee, and I, therefore support this motion.

Colonel A. B. BEDDOW: Mr. Speaker, Sir, like the hon. member who has just spoken, I was not going to say anything on this matter. But there is one point I would like to put very clearly to the House. The tea industry pays approximately 20 per cent. of the local rates of Assam. It is now proposed by this Bill to remove entirely any representation for that 20 per cent. of the local rates. This, Sir, is nothing short of an act of expropriation. We believe this to be the policy of the party who are putting forward this Bill. We do not think however that the majority of the hon. members of this House will support any such policy. I beg to oppose the Bill.

Maulavi JAHANUDDIN AHMED: Sir, I do not like to say many things about the Bill, but I would like to point out a few things before the House to clear a point that has been raised by Mr. Fakhruddin Ali Ahmed. He has compared the tea garden local rate with the local rate paid by the Zemindars, who pay much more than the tea garden areas. Sir, if we consider the point, we find that whatever local rates these Zeminders pay, they realise these from the tenants and tenants have got a right over the local rates which they are paying to the Zeminders. These Zeminders are taking these from the tenants and paying to the Government. So it is the tenants who are really paying these local rates. But in case of tea gardens the tea garden coolies do not pay local rates, and there lies the difference between the Zemindars and tea garden areas.

The Hon'ble the SPEAKER: The hon. member will avoid using the term 'coolie'.

Maulavi JAHANUDDIN AHMED: Very well, Sir, I replace the words "tea garden coolies" with "tea garden labourers".

Srijut RAJENDRA NATH BARUA: Mr. Speaker, Sir, I beg to support the motion moved by my friend Srijut Lakshesvar Borooah yesterday. In doing so, I have to make a few remarks with regard to the speeches made by

Mr. Blennerhassett and Mr. Hockenhull. Mr. Blennerhassett said that the tea planting community has brought in wealth and prosperity to this country and that they have cleared vast areas of jungles; that has been a boon to this province. I beg to submit that they have done that for their own benefit. They have not been looking to the benefits of the rural population, because I find that these tea planters have curtailed the rights of way of our villagers. I refer to a suit which has been instituted by Mr. Chandra Kamal Bejbarua of Jorhat, which is, I believe, known to the hon. members. There have been a good many petitions from villagers that their right of way has been stopped by these tea planters. Although the right of way existed from time immemorial, the rights have been trampled upon by these European tea planters. I refer to a recent case of the Patiapathar road, which, I believe, is well-known to my friend, Mr. Blennerhassett, as he comes from that area.

As regards the other point that they have contributed great benefits to the Local Boards as being fiduciary agents, I cite some instances. I refer to two roads named Borkathane Ali and Khumtai Ali under Golaghat Local Board. Both the planters were perhaps members of the Local Board. What have they done? They have made the roads *pucca* up to their factory and the rest of the road has been left to the sweet mercy of nature. That is the work done by fiduciary agents and they are claiming for the existing representation in Local Boards. Their claims, I think, fall to the ground on this issue also.

Lastly, Mr. Hockenhull said yesterday that in the matter of giving 25 per cent. representation to the Indian planting community they should have been consulted before putting in this Bill. I submit that if this Bill goes to the Select Committee, there will be enough time for Mr. Hockenhull to consult his colleagues and come to a certain solution.

With these few remarks, I beg to support the Bill of my friend Mr. Lakshesvar Borooah.

Srijut MAHI CHANDRA BORA: Mr. Speaker, Sir, I rise to support the motion moved by my hon. friend Srijut Lakshesvar Borooah. Sir, if I am not mistaken the rules under the Local Self-Government Act were framed and the notification was issued during the year 1920 regarding allotment of seats and representation to different sections and communities in the Local Boards of Assam. Much water has flown down the Brahmaputra since then, but the rules and notifications have remained as they were. It is certainly an anachronism in these days of progressive realisation of Self-Government. It is certainly negation of the principle of democracy when the wheels of the constitutional machine is moving and moving very fast. Sir, the aim of the mover of this Bill is to secure fair and equitable representation to the different sections and communities in the Local Boards of Assam. The Leader of the European party Mr. Hockenhull sees in it an attempt to diminish the number of representatives of the planting community.

The Hon'ble the SPEAKER: Order, order. The hon. member will be able to continue his speech after 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 MAHI CHANDRA BORA: Sir, it is an admitted fact that the representation in the Boards which the Planting Community has been enjoying so long is at the cost of different sections and communities, and I am glad that Mr. Hockenhull has the goodness not to deny this fact.

Mr. F. W. HOCKENHULL: I do deny the fact (*laughter*.)

Srijut MAHI CHANDRA BORA: He now denies it and my compliment seems to be misplaced (*laughter*). Sir, I think the factors that determined the representation of the Planting community are as follows.

Firstly, the number of the Planting community; secondly, the amount of local rate paid by tea estates; thirdly, the population of the tea estates and fourthly, the area owned and occupied by the tea estates. Now, Sir, let us examine these factors in the light of present day circumstances.

Sir, the Government of India Act has laid down the principle of representation on the basis of population to different sections and communities, due regard being had to the rights of the minority communities. The mover of this Bill has realised this fact and he has provided due weightage for the Planting community because that community is a minority community. Not only this, Sir, he has also taken into consideration the amount of local rates paid by the Planting community. The Planting community certainly cannot profess to represent the working population of the tea estates. This community has a separate electorate of its own and the population of the tea estates is never represented in the Local Boards by their employers. Moreover, Sir, separate representation has been recognised for the labour population by the Government of India Act and it is desirable that we should do something for them so that their representatives may come up to the Local Boards to have their grievances redressed. The other factor of determining representation of the Planting community—I mean the area owned and occupied by the Planting community—does not stand a moment's scrutiny. Sir, the same factor was never considered in determining the representation of other sections and communities. It is high time that such obnoxious principle in representation should be put an end to. It is also desirable that different standards of representation for different sections and communities should be minimised as far as possible. The hon. Mr. Hockenhull has quoted and quoted extensively the opinion he has received from Mr. Cantlie, the Commissioner of the Assam Valley Division, because it suits him. But the House cannot forget the fact that scant courtesy was shown by his party and by him to the opinions of the Commissioners of both the Valleys expressed in favour of the Bill sponsored by my friend Srijut Siddhi Nath Sarma.

Sir, in the bantering and inspired maiden speech of the hon. Mr. Blennerhassett, he wanted to remind the House of the capital vested, the services rendered and the contributions made by the Planting community and my hon. friend Mr. Aditya has also narrated a catalogue of contributions made in other directions by that community. Certainly, Sir, we are not oblivious of some philanthropic contributions made by some large-hearted members of the Planting community. But we are also painfully conscious of the Planter's Raj or Planter's rule in Assam and all what it conveyed and what it conveys.

Sir, the Hon'ble Minister for Local Self-Government who pretends to stand for all that is just, equitable and fair, wants the mover of the Bill to withdraw the Bill, as he has in contemplation to introduce a comprehensive Bill in this matter. I fail to realise the logic of his argument. If he supports the principle underlying this Bill, it will certainly strengthen him in the cause of righteousness. But I forget that the professions and action of the Hon'ble Minister for Local Self-Government—the political reverend of the Assam Cabinet—(*laughter*) hardly go together and if they ever go they go in diametrically opposite directions (*Cheers from Congress Benches*.)

With these few words, Sir, I beg to support the motion for reference to Select Committee.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I rise on a point of personal explanation.

The Hon'ble the SPEAKER: The hon. member should not deliver a speech.

Mr. F. W. BLENNERHASSETT: My hon. friend Mr. Rajendra Nath Barua named two roads in the Golaghat subdivision, which he said, had been made *pucca* by Europeans to their own advantage, as far as their factories. That statement Sir,.....

The Hon'ble the SPEAKER: It is not personal explanation. It is a speech to meet certain points raised by one hon. member

Mr. F. W. BLENNERHASSETT: He mentioned my name, Sir.

The Hon'ble the SPEAKER: He might have mentioned the name of the hon. member, but that does not matter. If he misunderstood any portion of the speech delivered by the hon. member, he can clear that misunderstanding by speaking on a point of personal explanation. But in this case, the hon. member is trying to meet some of the arguments advanced by other hon. member, and so it is a speech.

Khan Bahadur Maulavi MAHMUD ALI: Mr. Speaker, Sir, I will be failing in my duty if I do not speak on this subject. As a member and Chairman, I have an experience of 10 to 12 years of the working of the Karimganj Local Boards. Sir, from the beginning of my public life in 1921, I find at least in the Karimganj Local Board the Europeans as members of the Local Board have been doing yeoman service to the Local Board, and the Karimganj subdivision will be ungrateful if they say that the Planting Community have not done anything towards its welfare, and I hope my hon. colleague Mr. Kamini Kumar Sen will bear me out when I say that during the time he was Chairman he was also helped by them. The executive duties of Mr. Dawson and of some others will be commemorated by the Karimganj Subdivision. Again, Sir, the Karimganj Subdivision has been very much obliged to Mr. Dawson and other Planting members for their services as members of the Local Board for its welfare. One thing I may say, and that is, that they are a bit indifferent for the education of the people, but that is perhaps due to the fact that the present system of education is not suitable and they think that this sort of education will not help the people more. There must be some sort of education which will be better for the masses. This literary education is of no benefit to them. For this reason the planting members of the Karimganj Local Board at least do not take so much care for this as other members of other communities do. As for other subjects, they take more care than we do, not only for communications, but also for sanitation, water-supply and medical and in these matters they take as much care as they should do. So I say that the statement that has been levelled against them that they are not useful for the people is not true and I do not agree that they do not do anything for the rural people. There is the same case I may point out, that the big people who are enjoying big salaries and are holding big portfolios in the Government—who sometimes live in the capital—live in the towns—do not know what things are going on in the villages. So in the same way the planters may not know what is going on in the villages. But I say one thing, that this Bill wants that there should be legislation taking away 25 per cent. of their representation. I say there should be a Bill which will define the rights and privileges, whatever they may be, of every community, represented or unrepresented, there must be some rule or regulation according to the increased and enhanced population now-a-days. The present Act is too old and we are still going on with that, and as the Act is old, amendments are coming in at almost every session, and thereby these Bills are taking away our time. So, I say that a complete and comprehensive Bill must be brought (*Hear, hear*) by any party or any hon. member, but it will be better if it comes from the Government and in that case it will be better for us to discuss it and pass it. The other day a Bill was brought and it was lost, and again a Bill is here, and again

a Bill will come in the next session as in the case of Local Boards so in the case of Municipalities, and every session we see that there is a Bill in the name of this or that member. So I say that there should be a comprehensive Bill which will give all rights and privileges by rule or regulation. For these reasons I would ask the hon. member who has brought this Bill to withdraw the same as the Hon'ble Minister for Local Self-Government has promised that he will bring a Bill in the next session. If however the Hon'ble Minister fails to do so, it will be for us to bring a comprehensive Bill without bringing this piecemeal legislation now.

The Hon'ble the SPEAKER: I think the question has been sufficiently discussed and the hon. mover may reply.

Srijut LAKSHESVAR BOROOAH: Sir, before I proceed to reply, I would ask the hon. Minister for Local Self-Government through you, whether he has got replies to the questions, the notice of which I sent on the 31st of July.....

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am very sorry. The questions have not reached me yet. I have not got them and I do not know what has happened to them.

A voice They will never reach you.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: They must have been sent to the office, but they have not reached me yet. What were the questions?

Srijut LAKSHESVAR BOROOAH: I will read the questions, Sir. "Will the Government be pleased to state the amount of local rates paid under the Local Rates Regulation in each of the subdivisions of the province of Assam for 1934-35, 1935-36 and 1936-37 by (a) the Tea Planting community, (b) Indian Planting Community and (c) the non-Muhammadan community."

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I will give a reply to that. I am informed by office that these questions have been sent to the Revenue Department. Some figures from the Surma Valley have not been received.

The Hon'ble the SPEAKER: These questions have been referred to the Revenue Department and they are dealing with them.

Srijut LAKSHESVAR BOROOAH: Anyway, Sir, I expect a reply from the Hon'ble Minister for Local Self-Government.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have got the figures of the local rates which we have collected from the district offices for the purposes of our Bill. These I have got with me and I can supply them to the hon. member in a day or two, but as regards the others they did not come to me. I suppose they will be supplied in due course. Probably they have not got some of the figures from Sunamganj.

Babu KAMINI KUMAR SEN: May we know what is that due time?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: As quickly as possible.

Srijut LAKSHESVAR BOROOAH: I think, Sir, these answers are necessary for discussions on this Bill.

The Hon'ble the SPEAKER: The figures are not available and the hon. member has got to adjust as best without it.

Srijut LAKSHESVAR BOROOAH: As I submitted yesterday, Sir, this Bill was introduced about two years ago at the first session of this Assembly. And in the natural course of things we can expect that the Hon'ble Minister for Local Self-Government should have furnished himself with all these information. But even now, as the figures are not forthcoming, I am bound to rely on the statement already given by the Hon'ble Premier in reply to questions put forward by the hon. member Srijut Sarveswar Barua.

I heard yesterday with attention the replies given by the Hon'ble Minister for Local Self-Government to my motion before this House. What surprises me, Sir, is that although I reminded him that the Government of Assam clearly admitted that this system of giving representation to labour by employers is unsatisfactory, although I reminded him that the Government of Assam recommended to the Parliamentary Committee that the system should be changed, although the Parliamentary Committee accepted that principle that labour should have separate representation still the Hon'ble Minister for Local Self-Government who is a politician of very long standing, and who is limb of this constitution, should support and favour a constitutional anachronism, namely that the labour should be represented by the employer. It has been stated both by the Hon'ble Minister for Local Self-Government and also by my hon. friend Mr. Hockenull that the Joint Parliamentary Committee did not consider the different circumstances prevailing in Assam and that the circumstances in the Assembly and in the Local Boards are different and as such their views do not apply. I entirely differ from such a view. What I beg to submit is that this Parliamentary Committee did enunciate the principle generally that representation of labour by employer is unsatisfactory and it should be changed. This principle applies in all force to all representative institutions.

Sir, we have been asked by Mr. Hockenull to accept the fact that the labour is very satisfactorily represented in Local Boards by employers. That is to say the employers have fraternised the labour and they have no grudge about them. But from the Government reports that we have, we must say that they belie that assertion. Two other hon. members of the planting group unfortunately I do not remember their names.....

The Hon'ble the SPEAKER: The hon. member ought to remember.

Srijut LAKSHESVAR BOROOAH: I am very sorry, Sir. They are new members and I know them, but unfortunately I do not remember their names. I beg your pardon for that. As I said two other hon. members of the planting group also said that they do a great deal for expansion of primary education and development of rural communications, etc. But from the Blue Book of the Government, we find that the assertions are belied. Let us take the tea garden schools. From the Quinquennial Report of the Progress of Education during 1932-37, I find that Mr. Small the Director of Public Instruction observes: "There are no Tea Garden schools in the districts of Kamrup and Nowgong though there are tea gardens in these districts. Considering the facilities offered by Government for opening schools on tea gardens it is disappointing that so few gardens have their own schools. A number of coolie children of course attend Local Board schools in their neighbourhood, but there are many gardens where the children have no possible chance of education". Mr. Small is an officer of Assam Government of a very long standing and varied experience. Should we rely on this officer or vague statements of my hon. friends of the planting group?

I beg to submit that if the Parliamentary Committee were apprised of the fact that the lowest living wages as we find from Government report are Rs.6-13-6 per month for men, Rs.5-10-4 for women, and Rs.4-0-6 for children in the Assam Valley; and Rs.5-11-0 per month for men, Rs.4-1-0 for women and Rs.2-13-7 for children in Surma Valley, if the Parliamentary Committee were aware of the fact of the high death-rate of the children of the tea garden population, is 9,500 in the Assam Valley and 11,887 in the Surma Valley of a total population of children of 321,000 in the Assam

Valley and 149,000 in the Surma Valley. Again if the Parliamentary Committee were aware of the fact of the long list of strikes, that we had occasion to read that the poor labourers went on in order to obtain a morsel of food, I cannot by any stretch of imagination say that that hon. body would complacently place the lot of poor labourers of the tea gardens with their employers.

Sir, much has been said by the hon. members of the planting group that they have been doing much for the education and medical aid. But from the Government reports of the Local Board administration their assertions are belied. This aspect has been fitly dealt with by my hon. friend Khan Bahadur Maulavi Sayidur Rahman and Srijut Beliram Das, therefore, I do not propose to repeat them. But I would like to refer the hon. members to the Blue Books of Government. It has been suggested to me, Sir, by the Hon'ble Minister for Local Self-Government that he is very soon going to bring in a Bill to amend the present Act, but he does not say whether he would incorporate in the proposed Bill the same provisions as I have made in my Bill. The hon. member Mr. Hockenull came forward with a similar request to withdraw my Bill. I for my part, Sir, approach the Hon'ble Minister and also Mr. Hockenull with a gesture of peace and request them to let the House agree to refer my Bill to a Select Committee. If the Government brings in a Bill shortly and if I find that the principles of that Bill substantially tally with those of my Bill, I give my word of honour that I shall withdraw my Bill. I hope with this assurance the Hon'ble House will agree to refer my Bill to the Select Committee. With these words, Sir, I press my motion for the acceptance of the House.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, many hon. members of this House have spoken many things and made many remarks regarding me and also regarding the planting community. Some of the speeches have been made in a very spirited manner. I refer especially to my hon. friend sitting opposite the hon. Mr. Fakhruddin Ali Ahmed.

In his speech he showed that there was a great deal of disappointment. He has great grievance against the planting community because this group did not lend their support to the majority party, meaning the party which he represents.

Sir, we are here dealing not with any individual feeling of any member. That feeling may be temporary only on account of certain incidental happenings. We are here dealing with a legislation which will be for the whole country for many years to come and which will be in the hands of the executive, whether they be of our party or any other party. Therefore this kind of feeling which has been expressed against a certain group of people who seem to have got some privileges should not have any weight or should not cloud our minds in the consideration of a legislation before the House. We must deal with it in a cool and calm manner, thinking of the effect that it will have upon the country and upon the administration as a whole, and we must also consider the question of justice due to all communities.

Sir, as I have already said, from the very beginning, Government are bringing their own Bill and in that Bill we shall provide seats for Indian Planting. That is what the hon. mover of the Bill wants and we shall also consider the basis for representation. This will be laid before the House and we shall probably have a schedule attached to the Bill which will show how many seats each community will get. Then the whole House and every community and section will be able to see their own position, and then, when the Bill will be referred to a Select Committee and the basis of representation will be discussed, all these points which have been raised can be discussed.

As regards this Bill, Sir, I have said from the beginning that it is very clear from the speech of my hon. friend the mover of the Bill that when this Bill was drafted he had not the facts before him. If he had, probably he would not have brought forward this Bill. This is what he said in the last August-September session of the Assembly—"Further, Sir, speaking of the local rates, the planting community contributes only one-third or a little over that of what the non-Muhammadans....."

Srijut SARVESWAR BARUA: That is a mere repetition of what the Hon'ble Minister said yesterday, Sir.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Then, Sir, in his previous speech he spoke about the mean ratio that should be taken. I must confess that, though I have read mathematics in my B. A. class, I do not understand what he means. I asked my office and they could not find out. So I tried to find out what it means. I speak of it simply to show that there was a mis-conception in drafting the Bill. His explanation about 'mean' is this. "Suppose, Sir, the ratio of population between the tea-planting and the general community is 10:2 and that the contribution of local rates paid by the two communities stand at 10:6 the mean or average of the two, *i. e.*, 6 and 2 should be worked out in order to arrive at the figure." I wish he could explain what it means. I could not understand. (*A voice:* You have forgotten mathematics.) What I understand is this. The planting community, according to the local rates, are entitled to get 10 seats and according to population they are entitled to get 2 seats. Then we add the two together and divide it by 2. Then we get 6, that is to say the planting community will get 6. In the same way it would be in regard to the other communities. That is what I understand by the 'mean' that he proposes. If that is not his idea, I have not understood it.

Srijut LAKSHESVAR BOROOAH: That is not my idea. My idea refers only to the planting community.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I was also speaking about the planting community. That appears to be so, from the Bill so far I understand it. The Dibrugarh Local Board area has a population of 571,958. If we fix 30 seats for the Dibrugarh Local Board, we divide the population by 30 and we get about 19,065 for each representative and thus we calculate how many seats according to population a certain community should get. Now supposing we take, for the sake of argument, the whole population of the tea planting area and calculate the population of the planting area almost as half of the whole population then the planting community will get 15 seats out of 30. Again they will get on the basis of the local rates contributed by them 14 out of 30 seats. Then we add this 14 and 15 and dividing by two we get 14½ members for the planting community on the basis of population and local rates. If that is the meaning of the Bill as I understand it, then we are working on the same line. But it is not. I don't think any hon. member has understood it and I shall be glad if the hon. mover will explain it.

Mr. BAIDYANATH MOOKERJEE: Why don't you consult a mathematician?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Then, Sir, as I have said, in regard to this planting community we shall have to take certain basis and what that basis will be—it will be left to the Legislature. So, Sir, this Bill which limits the population only to the officers of the tea gardens is not reasonable from our standpoint. What is the justice for this? What is the reason that we should limit the population only to the officers of the gardens? We are dealing with the planting industry—we are

not dealing with the servants of that industry. These officers are the servants of the industry. It is the industry that pays the local rates. It is not a representation on the basis of population, it is a kind of interest.

Mr. BAIDYANATH MOOKERJEE: What about Zemindars?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I will come to that. Zemindars are different as they are landowners and their tenants have also the right to vote for the Local Board election. It is a wrong basis to say that this industrial interest should have representations on the basis of the number of its officers. That is not the basis taken for fixing the representation of the industrial interests in the Legislative Assembly. Then what should be the basis? We shall discuss all these points and consider what should be the appropriate basis to give representation to this planting industry. If we give representation to the labour population then the representation for the planting industry will have a separate basis altogether. Sir, all these points will be considered in a Select Committee when our Bill will be brought forward. This Bill as it limits the population only to the officers of the industry is not reasonable.

Then, Sir, there is another point. I have said that the arbitrary fixing of the percentage at 25 is not conducive either to the interest of the Indian planters or European planters. It is not conducive to the interest of the Indian planters themselves for whom the hon. mover is fighting. Now let us see what will be the consequence if we take what the hon. member has proposed as the basis for the tea garden area that the population should be some of the officers only, I suppose in the Dibrugarh Local Board area there may be 800 officers in the tea gardens. I take at most 1000.....

Mr. F. W. HOCKENHULL: Eight hundred Europeans.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Whatever the number may be I have taken it at 1,000. We have 1,000 planting officers in the Dibrugarh Local Board area. On population basis each member will represent over 19,000 people, or say 20,000 will be represented by one member in the Local Board. This planting community having only one thousand officers will get nothing on that basis while the rest of the communities, as stated in the Bill with a population of over 2½ lakhs, will get about 15. On population basis therefore the general population will get 15 and the planting community will get nil. On local rate basis the planting community will get about 14 and the other communities will get about 16. If we take the "mean" of the Local rate and population that will be $13+0=13, \div 2$, the planting community will get $6\frac{1}{2}$ and the other communities will get $14 \text{ plus } 16=30, \div 2=15$ members. Then what will be the condition of the Indian planting community? The Indian Planting community will get only 1.6. In the Dibrugarh Local Board there are now three Indian Planting members. According to the Bill of my hon. friend they will only get 1.6 members. That will not benefit the Indian Planting community itself. Then comes the problem of the labour population, with which section will they be grouped? If they get a separate representation on population basis they will get a good number of seats. What will be the appropriate basis for them? That is why one very well-known Indian tea planter has given his opinion that if "any basis is taken for one community, the same basis may be applied to other communities, and this 25 per cent. basis is not to the interest of the Indian planting community itself".

Sir, it has been said by some of the hon. members that the planting community wherever they have a key position have exercised the right in a way that might not be beneficial to the people of the Province. I may point out a few facts here. I find that in Silchar there are 9 Europeans in the Board according to the report of the Working of Local Boards in Assam for 1936-37. In that Board the expenditure on education was 22 per cent.

In the Hailakandi Local Board, there are 4 Europeans, but the expenditure there on education is 30 per cent. In the South Sylhet Local Board there are 6 Europeans and the expenditure there on education is 31 per cent. and in the Karimganj Local Board there are five Europeans and the expenditure on education was 25 per cent. (*A voice*—What about North Sylhet?) There are 5 Europeans and the expenditure was 38 per cent.

Mr. BAIDYANATH MOOKEJEE: No Indian planter?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: In the new Act, Indian planters may be there. We have heard from Khan Bahadur Mahmud Ali what contribution these European planters have made to the Karimganj Local Board and the Boards in different places. It is a fact that the Planting community, whether the Board is run by one party or the other, have been a great asset to those who are in authority. Even in a place where a Congressman is the Chairman of the Board the European planters have been of great help to him in running the administration. As far as that is concerned, it is only right and proper that we should recognise the good contribution which the planting community has made to the good administration of the local bodies. I am glad that several members have spoken on this point.

Then there is another side of the question. It has been said that in Dibrugarh only 16 per cent. of the income of the Board has been spent for education because the planters predominate there. It is true, but this 16 per cent. does not go to the tea garden areas; it goes to the areas outside the tea gardens. It goes to half of the population. Primary education in tea garden areas is carried on by the tea gardens themselves.

Srijut KRISHNA NATH SARMAH: What is the percentage of literacy?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have not got that.

Then there is another thing that no money from the Local Boards is spent for medicinal relief or sanitation inside the tea garden areas because that comes from the gardens themselves. In education also they spend some money. I do not know how much they actually spend. There are facilities, I understand, given by tea gardens for primary education to all children who attend the schools. There are difficulties on this line also and many of our people who are anxious for advancement of education in the rural areas have not considered them. Very few in rural areas realise the need of primary education; even parents some time do not want to send their children to schools. I think that is also the case in the tea gardens. If you want to have primary education, the only thing that should be done is compulsory primary education, but that will depend on funds that is available. It is to the great credit of the planting community in the Local Board that they have not in any way drawn any money from the general funds for the sake of medical or sanitation; on the contrary they have contributed for these purposes in their areas and have thus been of great help to the Local Boards. Supposing now, these areas did not have these necessary things in the gardens and supposing the members of the Local Boards representing these areas asked for money for medical or sanitation purposes and sanctioned the amount then the Local Board's money would be diverted for the purpose to these areas, and thus the general population outside of the tea garden areas would not have got what they are getting now. So the planters by their presence in the Local Boards have helped the country in general by diverting Local Board money for medical and sanitation purposes for the general population.

Now, as regards communication, I think it is true that in certain Local Boards they have spent quite a good amount in communication where there are European planters. In Dibrugarh it is about 52 per cent. Sir, it is a fact

that there is a great need for communication specially in industrial centres. Industry thrives where there is good communication. In the old Legislative Council the planting group were the strong advocates for good roads and on their initiative the Road Board Programme was started in Assam. I remember Colonel Smiles, who was a member of the old Council, always used to fight for the improvement of roads in Assam. Who can say that the work of the members of the Legislature from the planting community especially in this respect has not been a great blessing to Assam? Now we can go from Shillong to Dibrugarh in one day if we want. So every one through the whole province should be grateful to the planting community for what they have done in improving communications. If there are no communication there will be no means of improving the country. So communication directly contributes to the increase of trade and industry and to the progress of the country. Some want education, others want good roads—both classes do contribute to the general uplift of the whole population.

Sir, there is no use of ventilating any feeling of disappointment which my hon. friends may have on account of certain instances here and there in certain Local Boards. If we go by these things our judgment will be cloudy, we shall not know what proper action we should take. Therefore, Sir, I say that this Bill should not be referred to the Select Committee now. On behalf of Government I oppose this Bill.

The Hon'ble the SPEAKER: Order, order. The question is 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 Bipin Bihari 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 in-charge of Local Self-Government and (11) the mover.

(Five members to form a quorum.)

The motion was then pressed to a division and the House divided with the following result:—

Ayes—37

- | | |
|---|---------------------------------------|
| 1. Kumar Ajit Narayan Dev. | 19. Babu Karuna Sindhu Roy. |
| 2. Mr. Baidyanath Mookerjee. | 20. Srijut Krishna Nath Sarmah. |
| 3. Srijut Beliram Das. | 21. Babu Rabindra Nath Aditya. |
| 4. Srijut Bepin Chandra Medhi. | 22. Srijut Lakshesvar Borooah. |
| 5. Srijut Bhuban Chandra Gogoi. | 23. Srijut Mahadev Sarma. |
| 6. Srijut Bishnu Ram Medhi. | 24. Srijut Mahi Chandra Bora. |
| 7. Babu Dakshinaranjan Gupta Chaudhuri. | 25. Srijut Omeo Kumar Das. |
| 8. Srijut Debeswar Sarmah. | 26. Srijut Paramananda Das. |
| 9. Srijut Ghanashyam Das. | 27. Rai Bahadur Promode Chandra Dutt. |
| 10. Srijut Gaurikanta Talukdar. | 28. Srijut Purna Chandra Sarma. |
| 11. Srijut Gopinath Bardoloi. | 29. Srijut Rajani Kanta Barooah. |
| 12. Srijut Haladhar Bhuyan. | 30. Srijut Rajendra Nath Barua. |
| 13. Babu Harendra Narayan Chaudhuri. | 31. Srijut Ram Nath Das. |
| 14. Srijut Jadav Prasad Chaliha. | 32. Srijut Sankar Chandra Barua. |
| 15. Srijut Jogendra Chandra Nath. | 33. Srijut Sarveswar Barua. |
| | 34. Babu Shibendra Chandra Biswas. |
| | 35. Maulavi Muhammad Amjad Ali. |
| | 36. Mr. Fakhruddin Ali Akmed. |
| | 37. Srijut Bideshi Pan Tanti. |

Nocs—50.

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Maulavi Munawwar Ali.
3. The Hon'ble Rev. J. J. M. Nichols-Roy.
4. The Hon'ble Srijut Rohini Kumar Chaudhuri.
5. The Hon'ble Maulavi Abdul Matin Chaudhuri.
6. The Hon'ble Babu Akshay Kumar Das.
7. Babu Balaram Sircar.
8. Srijut Jogendra Narayan Mandal.
9. Mr. Kedarmal Brahmin.
10. Dr. Mahendra Nath Saikia.
11. Srijut Purandar Sarma.
12. Srijut Santosh Kumar Barua.
13. Maulavi Abdul Aziz.
14. Maulavi Abdul Bari Chaudhuri.
15. Maulana Abdul Hamid Khan.
16. Khan Bahadur Hazi Abdul Majid Chaudhuri.
17. Maulavi Abdur Rahman.
18. Maulavi Syed Abdur Rouf.
19. Maulavi Dewan Muhammad Ahabab Chaudhuri.
20. Maulavi Badaruddin Ahmed.
21. Maulavi Ghyasuddin Ahmed.
22. Maulavi Jahanuddin Ahmed.
23. Khan Bahadur Maulavi Keramat Ali.
24. Maulavi Muhammad Maqbul Hussain Chaudhuri.
25. Maulavi Matior Rahman Mia.
26. Khan Bahadur Maulavi Mufizur Rahman.
27. Maulavi Muzarrof Ali Laskar.
28. Maulavi Namwar Ali Barbhuiya.
29. Maulavi Naziruddin Ahmed.
30. Maulavi Sheikh Osman Ali Sadagar.
31. Khan Bahadur Maulavi Sayidur Rahman.
32. Col. A. B. Beddow.
33. Mr. A. F. Bendall.
34. Mr. F. W. Blennerhassett.
35. Mr. H. F. Clark.
36. Mr. J. R. Clayton.
37. Mr. W. R. Faull.
38. Mr. F. W. Hockenhuil.
39. Mr. D. B. H. Moore.
40. Mr. R. A. Palmer.
41. Mr. Benjamin Ch. Momin.
42. Srijut Bhairab Chandra Das.
43. Srijut Binode Kumar J. Sarwan.
44. Rev. L. Gatphoh.
45. Mr. C. Goldsmith.
46. Mr. Jobang D. Marak.
47. Srijut Karka Dalay Miri.
48. Srijut Khorsing Terang.
49. Mr. P. Parida.
50. Srijut Rupnath Brahma.

The Ayes being 37 and the Nocs 50, the motion was lost.

The Goalpara Tenancy (Amendment) Bill, 1938 by Srijut Jogendra Chandra Nath.

Srijut JOGENDRA CHANDRA NATH: Sir, I beg to move for leave to introduce the Goalpara Tenancy (Amendment) Bill, 1938.

The Hon'ble the SPEAKER: The motion made is that leave be granted to introduce the Goalpara Tenancy (Amendment) Bill, 1938.

(After a pause)
The question is that leave be granted to introduce the Goalpara Tenancy (Amendment) Bill, 1938.

The motion was adopted.

(The Secretary then read out the title of the Bill.)

Srijut JOGENDRA CHANDRA NATH: Sir, I beg to move that the Goalpara Tenancy (Amendment) Bill, 1938, be referred to a Select Committee consisting of the following members:—

- (1) The Hon'ble Minister in charge of Revenue Department,
- (2) Mr. F. W. Hockenhuil,

- (3) Maulavi Muhammad Amjad Ali,
- (4) Maulavi Ghyasuddin Ahmed,
- (5) Maulavi Jahanuddin Ahmed,
- (6) Srijut Paramananda Das,
- (7) Srijut Rupnath Brahma,
- (8) Srijut Santosh Kumar Barua,
- (9) Maulana Abdul Hamid Khan,
- (10) Mr. Kedarmal Brahmin, and
- (11) the mover.

(Five members to form a quorum.)

Sir, the object of bringing this Bill has been clearly stated in the Statement of Objects and Reasons. The Goalpara Tenancy Act of 1929 was passed in the old Assam Council in the teeth of vehement opposition by the popular representatives and that opposition was led by our revered leader the late Nabin Chandra Bardoloi.

Sir, this Act has taken away the rights and privileges of the *raiya*s, which they were enjoying from time immemorial. This Act, Sir, has brought untold miseries to the people in its wake and the very existence of the land-owning peasantry class is at stake. Since the time the Act has been operating vast numbers of land-owning peasants, who are the actual tillers of the soil have been reduced to serfs, their lands having passed into the hands of the middle class people almost all of whom are land speculators.

In order to grant substantial relief to the *raiya*s amendments to those sections of the Act that are operating very harshly have been proposed in my Bill in the light of the demands made by the *raiya*s themselves. The Landlords' transfer fee has been totally abolished in Bengal by the recent amendment to the Bengal Tenancy Act, as also the certificate procedure of realising rents. The Goalpara Tenancy Act was modelled after the Bengal Tenancy Act. So we have also proposed for the total abolition of landlord's transfer fee and repeal of the chapter in the Act which provides for the certificate procedure. The interest on arrears of rent and realisation of damages are the provisions in the Act which require to be greatly modified or abolished to save the peasants from utter ruin. The long continuing economic depression and the low prices of agricultural products make it impossible for the *raiya*s to pay their rents in time—when a certificate case or rent suit is instituted by the landlord to realise arrears of rent, the charge of wilful negligence to pay rent is levelled on the tenants to realise damages overlooking the above-mentioned factors. So justice has been sought to be done to the *raiya*s by proposing substantial relief in those respects.

Sir, the actual tillers of the soil are mostly non-occupancy *raiya*s or under-*raiya*s. To protect their interests, amendments to sections 38 and 41 of the Goalpara Tenancy Act have been proposed to fix the maximum rate of rents to be realised from them by their superior landlords. It is also necessary, Sir, to make some provision to make the rate of rents fair and just on newly-settled lands in case of occupancy tenants, so that different rates of rent may not be prevalent in the same locality. This has been provided for in my Bill.

Then, there is the question of easementary rights—customary easements—which the tenants of the Goalpara district, especially those of the Bijni and Mechpara estates, enjoyed from time immemorial, but there being no mention of these rights in the Goalpara Tenancy Act, the tenants and the zemindars are often involved in ruinous litigation. As everybody knows the case between the Garo tenants of Bijni and the Bijni estate is already pending in the High Court. Sir, I have made provision in my Bill for these customary easements, and I hope to be able to convince the Select Committee by producing valuable documents. It is proved that these customary easements were granted by the proprietors themselves.

With these words I beg to move my motion for referring the Bill to the select committee.

The Hon'ble the SPEAKER: The motion moved is that the Goalpara Tenancy (Amendment) Bill, 1937 be referred to a select committee composed of the following members:—

- (1) The Hon'ble Minister in charge of Revenue,
- (2) Mr. F. W. Hockenull,
- (3) Maulavi Muhammad Amjad Ali,
- (4) Maulavi Ghyasuddin Ahmed,
- (5) Maulavi Jahanuddin Ahmad,
- (6) Srijut Paramananda Das,
- (7) Srijut Rupnath Brahma,
- (8) Srijut Santosh Kumar Barua,
- (9) Maulana Abdul Hamid Khan,
- (10) Mr. Kedarmal Brahmin, and
- (11) the Mover.

(Five members to form a quorum)

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I rise to support the introduction of the Goalpara Tenancy (Amendment) Bill which has been moved by my hon. friend Srijut Jogendra Chandra Nath, for, a similar Bill stands in my name.

The Bill which has been introduced by the Hon'ble Minister for Revenue is a half-hearted measure. Most of the evils from which the *raiya*t of the Goalpara district have been suffering for years past and for the redress of which there has been a cry made by the people have been left untouched in this precious piece of legislation. Even a cursory glance at the proposed Government Bill will convince anyone that the Government is not disposed to tackle the agrarian problem of Goalpara seriously; that it is afraid to disturb the vested interests, that it lacks imagination and sympathy in providing a legislative measure for the amelioration of the condition of the Goalpara tenantry. May I know, if before drafting this Bill, the Hon'ble Revenue Minister even took the trouble of meeting the local *Krishak* leaders or to go through the proceedings of numerous *Krishak* meetings and numerous signed petitions by *raiya*t from different parts of the district? I very much regret to say, Sir, that the Bill bespeaks of woeful ignorance of the Hon'ble Minister about the needs and requirements of the Goalpara *raiya*t in the matter of their rights and privileges.

The Government has never been weary of proclaiming from house-tops their solicitude for the poor *raiya*t, but when time for action came we have been presented with a piece of legislation which for its many shortcomings deserves nothing but shabby treatment at the hands of the hon. members of this House. The landholders' transfer is there, the under-*raiya*t have been thrown to the tender mercies of their landlords in the matter of their rents, damage for arrears of rents still blackens the Bill; high premium for excess land has also received the blessing of our popular Ministers. No provision has been made for partial relinquishment of holdings; the right to *Sal* and *Sisu* trees is hedged round by many limitations, and certificate procedure remains sacrosanct with all its glory in the Statute. Provisions putting difficulties in the way of a tenant contesting a rent suit or revising an *ex-parte* decree remain untouched. Last but not the least, the proposed Bill by Government is significantly silent about the customary easementary rights of the tenants for the preservation of which the Goalpara tenants have been waging a relentless fight with the powerful landlords for several decades.

Sir, I do not stand as a carping critic of the Government. I sincerely say that it gives me no pleasure to find fault with the Government Bill unless it is a compelling sense of duty towards my constituency. So, Sir, we are not to rest content by simply castigating the Government. We are ready with a Bill ourselves. I ask the Government to accept the Bill moved by my

hon. friend Srijut Jogendra Chandra Nath, which is similar to mine. I am not vain enough to claim perfection for our Bill. There is room for improvement here and there, but I wish to have it taken up along with the Government Bill by the same Select Committee, and the provisions of this Bill be taken into consideration and incorporated into the Government Bill if passed by a majority.

With these few words, I support the motion of my hon. friend Srijut Jogendra Chandra Nath.

Maulavi GHYASUDDIN AHMED: Sir, one who knows the tenant's rising in the district of Goalpara, will surely admit that the time has come when the tenants should be given more privileges. Before 1929 when the present Act came into force the burning topic of the day was the enhancement of rent and that enhancement had reached such a level that the backbone of the tenantry broke down. So far as I remember, in 1923 there was a huge rising and we the tenants of Goalpara still remember the trouble arising from that. Several tenants lost their lives and several big families were ruined in the fight for getting their just demands met by the landlords. Ultimately there was a rent suit and it took several years. These were the facts before 1929. Before the passing of this Act, we the tenants of the Goalpara district did not know what the damages were, what the interests were, and how the landlords prevented the tenants from using our inherent rights of collecting fuels and collecting fishes from ponds and *Beels*. With this Act having been passed, these valuable rights have been taken away. Long term grievances through their representatives. But in the last Council, in the Council of old, they could not do anything. After the elections under the new constitution, as many as 8 members gave notice of eight Bills for amending the present Goalpara Tenancy Act. Unfortunately for the people of the Goalpara district and unfortunately for us, His Excellency the Governor did not accord sanction to their introduction in the last Assembly session. On our representation, His Excellency assured us that Government would bring a Bill of their own for amending that Act.

Now on the 5th September, we found that the Hon'ble Minister introduced a Bill and empanelled a Select Committee to examine the provisions. I must say, Sir, that the Bill has fallen short of our expectations. Though we want more privileges, if that Bill be taken *in toto* and passed into an Act, our tenants will not get that advantage which we have been asking for them.

My hon. friend's present Bill which we are now discussing does to some extent, I would not say fully, meet the grievances of the tenants and if these provisions are taken *in toto* the tenantry would be benefited.

With these few words, I support the motion of my hon. friend Srijut Jogendra Chandra Nath.

Maulavi JAHANUDDIN AHMED: I rise to support the Bill that has been sponsored by my hon. friend Srijut Jogendra Chandra Nath. As has been told by my hon. friend Mr. Ghyasuddin Ahmed, the Goalpara Tenancy Act of 1929 which was enacted after much deliberation gave no right to the tenants of the district. Rather it has given greater opportunities for the zemindars to impose upon the tenants various sorts of taxes which were described by hon. friend Mr. Amjad Ali; Section 95 of the present Act, has given the zemindars power to impose such taxes and it has taken away the customary rights of the tenants which they had been enjoying for many long years.

Sir, at the beginning of this Assembly, we the Goalpara members, all of us, wanted that the grievances of the tenants should be substantially relieved. But to our great disappointment, His Excellency the Governor, did not give

his consent to the introduction of the Bills. I do not know what our popular Minister's advice was. But we the four members went on a deputation to His Excellency to put forward our grievances. But His Excellency said that these are matters of legislation for which we should not be hasty and he suggested that the Government would bring a Bill. Sir, after a long period of 17 or 18 months, what do we find in the Bill that has been introduced by the Hon'ble Minister for Revenue? It gives us nothing. The Bill that has been introduced by the Hon'ble Minister from the Government side, is disappointing, and at least, we, who are supporting the Government whole heartedly, hoped that he would bring a Bill just like the Bengal Tenancy Bill to give the tenant a bit of relief. Sir, to our great disappointment (*Hear, hear*), nothing is given under the Bill that has been introduced by the Minister.

Sir, as the Hon'ble Minister has given us some assurance that we will be able to introduce some new provisions in the Bill even if they do go against the principle of the Bill, I like to mention in details as to the following sections particularly.

Sir, I want to know from the Hon'ble Minister in charge whether we can at least introduce some section, *viz.*, section 95 and section 198, which are not included in the Bill. In the Bill introduced by the Hon'ble Minister in charge, in clause 9, the Hon'ble Minister has introduced a new section for the old section 76 relating to division of tenancy. I will read out the section, Sir.

"76(1) Save as provided elsewhere in this section, a division of a tenure or holding or a distribution of the rent payable in respect thereof shall not be valid unless such division or distribution has been expressly consented to in writing by both (a) the landlord or the entire body of landlords or their agents duly authorised in that behalf..."

So, Sir, in division of tenancy the entire power is given to the landlord. Nothing is left to the wish of the tenants or the brothers of the family who want to divide the tenancy among themselves and have their names mutated in the Raj Serista. If the landlords give their consent, then only they will be able to divide their tenancy otherwise not. Here also our Hon'ble Minister wants to take away what we had as regards division of tenancy and many other things.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: May I know what clause?

Maulavi JAHANUDDIN AHMED: "Division of tenancy," clause 9. The Hon'ble Minister has given us an assurance that we will be able to introduce some new provisions in the Select Committee. He has stated in the Statement of Objects and Reasons that "the rights and position of occupancy tenants who constitute by far the most important class of tenants have been further enlarged and improved". But nothing has been made here, Sir. So we wish that the Hon'ble Minister will allow us in Select Committee to introduce those sections and amendments as passed by a majority. With these few words, I support the motion moved by my hon. friend Srijut Jogendra Chandra Nath.

Maulana ABDUL HAMID KHAN: মাননীয় স্পিকার, আমার বন্ধু মাননীয়, যোগেন্দ্র নাথ যে গোপালপাড়া প্রজা স্বত্ব সংশোধন বিল উত্থাপন করিয়াছেন তাহার আবশ্যকতা সম্বন্ধে আমি বলিতে চাই, যে যুগে সমস্ত জগতের মানুষ স্বাধীনতা কামনা করিতেছে সেই যুগে জমিদারেরা লক্ষ লক্ষ প্রজাকে দাসত্ব শৃঙ্খলে এমন ভাবে আবদ্ধ করিয়া রাখিয়াছে যে তাহারা মানুষ নামের যোগ্য বলিয়া পরিচয় দিতে পারিতেছে না।

ভূমির প্রকৃত মালিক কে? এই ভূমি জঙ্গল, আবর্জনা হইতে মুক্ত করিয়াছে কে? কৃষক—প্রজা। অতএব ভূমির অধিকারী হইল কৃষক ও প্রজা। জমিদার ছিল পূর্বে তহশীলদার। চিরস্থায়ী বন্দোবস্তের ফলে, লক্ষ লক্ষ প্রজার উপর প্রভুত্ব স্থাপন করিয়া আজ জমির মালিক হইয়াছে। প্রজার জমির উপর হাট, বাজার স্থাপন করিবার কোন অধিকার নাই। যদি প্রজার জমির উপর বাজার, বন্দর হয় বা প্রজা যদি জমির উন্নতি করে তবে উন্নতিকল্পে যে বৃদ্ধি খাজনা হইবে তাহা ভোগ করিবার অধিকার প্রজার নাই। তাহা পাইবে জমিদার। একজন প্রজা অথবা একজন প্রজার নিকট জমি বিক্রয় করিলে তার বাবদ নজরান পাইবে জমিদার। প্রজা জমির মালিক। সে অতি কষ্টে ও পরিশ্রমে জমির উন্নতি বিধান করিয়াছে, কিন্তু বিক্রয় করিবার সময় নজরানা দিতে হইবে জমিদারকে। কি হস্তান্তর ব্যবস্থা (*laughter*)। গভর্ণমেন্টের নিকট হইতে জমিদার ১২শত শালে চিরস্থায়ী বন্দোবস্ত নিষাচ্ছে। তারপর আজ পর্যন্ত জমির উর্বরা শক্তি বৃদ্ধি করিবার জন্ত জমিদার একটু কড়িও ব্যয় করে নাই। প্রজার অবস্থার উন্নতির জন্তও তাহারা কিছুই ব্যয় করে নাই কিন্তু খাজনা ও নজরানা আদায় করিয়া আসিতেছে।

Mr. BAIDYANATH MOOKERJEE: Question.

Maulana ABDUL HAMID KHAN: হ্যাঁ, বর্তমান জমিদারের পূর্বপুরুষেরা প্রজার মঙ্গলের চিন্তা করিতেন। তাহারা প্রজার উন্নতির জন্ত অনেক কিছু করিয়াছেন, কিন্তু বর্তমান জমিদারেরা তাহাদের পূর্বপুরুষদের মনন নহেন। পূর্বের জমিদারেরা প্রজাদের দেবোত্তর, ব্রহ্মোত্তর, নিষ্কর ল্যারোজ জমি দিয়াছিলেন। টোল, মোক্তাব, মাদ্রাসা, মসজিদ, মন্দিরের জন্ত জমি দান করিয়াছিলে—ধর্ম কার্যে প্রজাদের উৎসাহ দিয়াছিলেন। প্রজার উন্নতি করিবার জন্ত তাহারা যথেষ্ট চেষ্টা করিতেন—দুর্ভিক্ষ হইলে প্রজার জন্ত জমিদার ধানের গোলা খুলিয়া দিতেন, কিন্তু আজকাল জমিদারেরা প্রজাদের মঙ্গলের জন্ত কিছুই করেন না। এই বৎসর আমাদের গোয়ালপাড়া জেলার শালমারা থানার বতাপীড়িত স্থানে ১০৭৪ জন লোক কলেরায় মারা গিয়াছে। জমিদারেরা রাতি ও পুরী হাওয়া খাচ্ছেন কিন্তু এদিকে তাহাদের মাটেই দৃষ্টি নাই (*laughter*)। জমিদার স্বাস্থ্যের উন্নতির জন্য হাওয়া খাইতে মজবুত, কিন্তু প্রজার জন্য মাটেই চিন্তা করেন না। তাই বলিচ্ছি প্রজাকে সম্পূর্ণ স্বাধীনতা দিতে হইবে। প্রজা হাড় ভাঙ্গা খাটুনি খাটিয়া জমির উন্নতি করিয়াছে। প্রজাই প্রকৃত মালিক জমির উপর তাহাদের সম্পূর্ণ অধিকার থাকা উচিত। জমিদার কেবল তহশীলদার হিসাবে তাহার প্রাপ্য পাইবার অধিকারী। জমিদার লক্ষ লক্ষ টাকা খরচ করিয়া তাহার জমিদারী কিনে নাই। বিনামূল্যে গভর্ণমেন্টের নিকট হইতে চিরস্থায়ী বন্দোবস্ত নিষাচ্ছেন। খাজনা আদায়ের সুবিধার জন্য এবং এই সর্ব্বে তাহাদিগকে জমিদারী দিয়াছিল—জমিদার প্রজার উন্নতি করিবে, প্রজার ভিতর শান্তি স্থাপনের ব্যবস্থা করিবে, জমিদারও এই প্রতিশ্রুতি দিয়াছিল। কিন্তু তাহারা সেই সমস্ত প্রতিশ্রুতি ভঙ্গ করিয়াছে। সেই জন্য জমিদারের আজ জমির উপর

কোন অধিকা থাকিতে পারে না। যদিও কোন অধিকার থাকে তবে জমিদার হিসাবে নয়—তহশীলদার হিসাবে। (laughter)। প্রজা খাজনা দিতে প্রস্তুত আছে। প্রজা কখনও খাজনা বন্ধ করিতে চাহেনা। জমিদারের সন্যাস অত্যাচার, অবিচার প্রজা সহ্য করিবে না। আজ গোয়ালপাড়ার বিজনী ষ্টেট গভর্নমেন্টকে মাত্র ২২,০০০ টাকা খাজনা দিয়া ৮ লক্ষ টাকা প্রজারানকট হইতে খাজনা আদায় করিতেছেন—আমি চেষ্টা করিতেছি যে এককালের মধ্যে বিজনী ষ্টেটের জমিদার প্রকার জনস্বার্থে পরিণত হইবে? পূর্বে অনিরাঙ্কিত যে জমিদার পাগল হইলে বা শিশু হইলে বা স্ত্রী লোক হইলে জমিদারী কোর্ট অব অর্গানাইজেশন, কিন্তু এখন দেখিতেছি স্থলান্তরিত, সক্ষম এবং উপযুক্ত জমিদারের ষ্টেট কোর্ট অব অর্গানাইজেশন হয় (laughter)। বর্তমানে বড়ই ভয়ের কথা হইতেছে যে মাননীয় Revenue Minister বর্তমান বিলে নজরানা rate এক বৎসরের খাজনা নির্ধারণ করিয়া দিয়াছেন।

বাংলাদেশে পূর্বে শতকরা ২০ টাকা নজরানা রেজিষ্টারী আকিণে জমা দিতে হইত আজ সেখানে নজরানা সম্পূর্ণ উঠিয়া গিয়াছে। কিন্তু আমাদের গোয়ালপাড়া জেলায় জমিদারদের নজরানা আদায় করিবার অধিকার থাকিবে ইহা অসম্ভব অজ্ঞান। গোয়ালপাড়া জেলা আজ শাসনে পরিণত হইয়াছে। মাননীয় রেভিনিউ মিনিস্টার ৮ লক্ষ প্রকার বিষয় চিন্তা না করিয়া ১৯ জন জমিদারের প্রতি হঠাৎ এমন করিয়া প্রেমিক হইয়া পড়িলেন তাহা আমি বুঝিতে পারি না (loud laughter)। বাহা হউক আমি আশা করি যে বাংলাদেশের মতন এখানের নজরানা সম্পূর্ণ উঠাইয়া দেওয়া হইবে আর জমির উপর প্রজাকে সম্পূর্ণ মালিকানা স্বত্ব দেওয়া হইবে। তারপর খাজনা সহজে ৩৩ ধারায় যে ব্যবস্থা করা হইয়াছে তাহা মোটেই সম্ভব জনক নহে। আমাদের অস্ত্র জায়গায় খাদ্য শস্তের মূল্য হ্রাস হইয়াছে, কিন্তু জমির উর্বরা শক্তি নষ্ট হয় নাই। কিন্তু গোয়ালপাড়া জেলায় প্রবল ভূমিকম্পে জমিতে বালি পড়িয়া জমির উর্বরা শক্তি অত্যধিক কমে নষ্ট হইয়া গিয়াছে। পাট গোয়ালপাড়ার কৃষকদের প্রধান উপর উপসল। এই পাটের বাজার অত্যন্তরূপে কম হওয়ায় গোয়ালপাড়ার কৃষকদের অনেক ক্ষতি হইয়াছে। আমাদের অস্ত্র জায়গায় গভর্নমেন্ট টাকায় ১/১০ আনা খাজনা কমান হইয়াছেন কিন্তু গোয়ালপাড়ার জমিদারেরা পূর্কের স্থায় খাজনা আদায় করিতেছে। ইহাতে বুঝা যায় আমাদের প্রতি গভর্নমেন্টের কোনই দৃষ্টি নাই। কিন্তু আমি বলিতেছি গোয়ালপাড়ার কৃষকদের কেবল গোয়ালপাড়ার কেন—জগতের কৃষকদের মুক্তি হইবেই হইবে। জমিদার ও গভর্নমেন্টের সহায়ত্ব থাকুক আর নাই থাকুক কৃষকদের সন্যাস দাবী লঙ্ঘন করিবার কাহারও ক্ষমতা নাই, থাকিবেও না। তাহাদের দাবী আদায় হইবেই হইবে (applause)। আমাদের অস্ত্র জায়গায় টাকায় যে ১/১০ আনা খাজনা কমান হইয়াছে আমি আশা করি গোয়ালপাড়া জেলার দরিদ্র, মরণাপন্ন প্রজাদের জ্ঞান সেই ব্যবস্থা এই বিলে করা হইবে। অনেকে বলিতে পারেন যে বাংলার খাজনা হ্রাস করিবার ব্যবস্থা হয় নাই, কিন্তু সেখানে একটি কমিশন নিযুক্ত হইয়াছে। সেখানের গভর্নমেন্ট খাজনা হ্রাস করিতে হইবে

বলিয়া স্বীকার করিয়াছেন এবং খাজনা হ্রাস করিবেন বলিয়া প্রতিশ্রুতি ও দিয়াছেন। কিন্তু আমাদের গভর্নমেন্ট আজ পর্যন্ত এই বিষয়ে কিছুই করেন নাই এবং তাহাদের ইচ্ছা কি তাহাও আমি বুঝিতে পারিতেছি না। দরিদ্র কৃষকদের প্রতি আমাদের চর্চমান ধনবাদী সাম্রাজ্যবাদী গভর্নমেন্টের কোনই লক্ষ্য নাই (applause)। এখনও জমিদারের হাতে সার্টিফিকেটের ক্ষমতা রাখা হইয়াছে। সার্টিফিকেট দেওয়া মানে মেসিন গান্ দণ্ড খাজনা আদায় করা। জমিদার ও প্রকার মধ্যে যদি প্রেমের ভাব না থাকে তাহা হইলে কি মেসিন গানের দ্বারা খাজনা আদায় হইতে পারে? গভর্নমেন্টকে আজ এই সার্টিফিকেটের পাওয়ার সম্পূর্ণ লোপ করিয়া দিতে হইবে। তারপর নদী শিকণ্ড জমির কথা। প্রজার জমি যখন নদাতে পরিণত হয় তখন জমিদার সেই নদীর উপর ফিসারী রাইট পায়—প্রজার কোনই অধিকার থাকে না। প্রজার জমী নদীর নীচে যাইবে প্রজা খাজনা দিবে আর জমিদার ফিসারী রাইট ভাগ করিবে। ইহা সম্পূর্ণ অজ্ঞান। প্রজার জমি নদী শিকণ্ড হইলে তাহাতে ফিসারী রাইট প্রজার হওয়া একান্ত দরকার। এবং প্রজার জমিতে যে কোন গাছই হউক তাহা কর্তন করিবার সম্পূর্ণ রাইট প্রজার থাকা উচিত। নদী শিকণ্ড জমির উপর ফিসারী রাইট প্রজার সম্পূর্ণ থাকিবে এবং যখন জল নামিয়া যাইবে তখন জমীর উপর প্রজা অধিকার পাইবে এই ব্যবস্থা বিলে করা উচিত। রেণ্ট স্ট্রেট বর্তমানে আইনে ব্যবস্থা করা হইয়াছে যে প্রজা নামে এক তরফা খাজনার ডিক্রী হইলে সমস্ত দাবীর টাকা জমা দিয়া ছানী মোকদ্দমা দাখিল করিতে হইবে। জমিদার, কোতদার চক্রান্তমূলে এই তরফা ডিক্রী করিয়া প্রজাকে সর্বস্ব করিয়া দেওয়ার পর যখন প্রজা জানিতে পারে যে তাহার উপর নালিশ করা হইয়াছে এবং এক তরফা ডিক্রী হইয়া গিয়াছে তখন সে উকিলের কাছে যায়। তখন তাহাকে বলা হয় যে যত টাকার ডিক্রী হইয়াছে সমুদয় টাকা জমা দাও তারপর ছানী দাখিল করা যাইবে। অধিকাংশ সময়ে প্রজার উপর রিতিমত নোটিশ জারী করা হয় না। পেয়াদা প্রজার বাড়ীতে না গিয়াই নোটিশ জারীর মিথ্যা রিটার্ন দেয়। প্রজা জানিতে ও পারেনা যে তাহার উপর রেণ্ট স্ট্রেট হইয়াছে। এই সব অনায় আইন হইতে প্রজাকে সম্পূর্ণ রেহাই দিবার ব্যবস্থা এই বিলে থাকা উচিত। তারপর শাল ও শিশু গাছ। প্রজার জমিতে প্রজা পরিশ্রম করিয়া গাছ লাগাইয়া তাহাতে জল দিবে, রক্ষণাবেক্ষণ করিবে, কিন্তু গাছ বড় হইলে তাহার মালিক প্রজা নয়—মালিক হইবে জমিদার। প্রজার গাছে কোন অধিকার নাই। ইহা সম্পূর্ণ অনায় ব্যবস্থা। গভর্নমেন্ট শুধু দখলিস্বত্ব প্রজার স্থখ হবিদায় জন্য কিছু ব্যবস্থা করিয়াছেন কিন্তু গোয়ালপাড়া জেলায় যে সব প্রজা ১০১১ বৎসর হইল বাস করিয়া আসিতেছে তাদের সুবিধার জন্যও গভর্নমেন্ট কিছুই করেন নাই। অতএব আমি বলি যে যে কোন স্বত্বের প্রজা হউক অর্থাৎ দখলিস্বত্ব, দখলিস্বত্ব শূণ্য কোর্টা ইত্যাদি প্রজা সকলের প্রতিই গভর্নমেন্টের সমান সহায়ত্ব প্রদর্শন করা উচিত। যদি গভর্নমেন্টের বাস্তবিকই প্রজাদের কিছু সুবিধা দিবার ইচ্ছা থাকে তাহা হইলে সকল শ্রেণীর প্রজা—বহু জমির মালিকানা স্বত্ব ও অন্যান্য সমুদয় অধিকার সমান ভাবে দেওয়া উচিত। আমি

আশা করি যে শাল ও শিশু পাছ কাটিবার দখলিষত্ব, দখলিষত্ব শূণ্য, ও কোর্স প্রজা দিগকে অধিকার দেওয়া হউক। তার পর কিস্তি খেলাকী খরিদের সুদের ব্যবস্থার শতকরা ১২ টাকা দিতে হয় এবং ক্ষতিপূরণ বান্দে ২৫ টাকা দিতে হয়। এটা কোন মগের মূল্যবোধ ব্যবস্থা তাহা আমি বুঝিনা (*applause and loud laughter*)। বর্তমানে প্রজার কি দুরবস্থা তাহা সকলেই জানেন। প্রজা কেবল অখাদ্য কুখাদ্য খাইয়া বাঁচিয়া আছে, শত শত প্রজা উপবাস করিয়া দিন কাটাইতেছে। আজ যদি আপনারা গোয়ালপাড়ার প্রজার অবস্থা নিজের চোখে দেখেন তাহা হইলে তাহা উপলব্ধি করিতে পারিবেন। তাহাদের আজ কি ভীষণ দুরবস্থা। অন্নহারা, গৃহহারা, বস্ত্রহারা সর্বস্বহারা হইয়া আজ তাহারা দিবা রাত্রি মৃত্যু কামনা করিতেছে। এর উপর যদি ব্যবস্থা হয় যে বাজানার টাকার সুদ এবং ক্ষতি পূরণ দিতে হইবে তাহা হইলে প্রজার বাঁচিবার কোন উপায় থাকিবে না। আর একটা কথা আমি বলিতেছিলাম। যখন জমিদারের বেলায় এই কোর্ট অব্ ওয়ার্ডমেন ব্যবস্থা করা হইয়াছে তখন প্রজার বেলায় ঠিক সেইরূপ ব্যবস্থা কেন করা হইল না। যদি প্রজার সম্পত্তি কোর্ট অব্ ওয়ার্ডমেনে দেওয়া হয় তবে প্রজার যে কি অবস্থা তাহা গভর্নমেন্ট সম্পূর্ণ বুঝিতে পারিবেন। প্রজা কষ্ট করিতে, হাড় ভাঙ্গা খাটুনি খাটিতে প্রস্তুত আছে। প্রজা গভর্নমেন্টকে তাহাদের সমস্ত গায় দিতে রাজী আছে। প্রজা আর কিছুই চাহেনা চাহে কেবল পেটের ভাত ও পরণের কাপড়। গভর্নমেন্ট কেবল ইহাই দিলে প্রজা সন্তুষ্ট থাকিবে। এই যে গোয়ালপাড়াতে ১০৭৪ জন লোক মারা গেল বোধ হয় গভর্নমেন্টের ডাক্তারেরা ও রিপোর্ট দিয়াছেন যে লোক অখাদ্য, কুখাদ্য খাইয়া মরিয়াছে। ইহা সত্য কিন্তু কচু খাইয়া বাহাদের বাঁচিতে হয় তাহাদের আর উপায় কি? আমাদের বর্তমান মাননীয় রেভিনিউ মিনিষ্টারের অন্তঃকরণ হঠাৎ কেন যে প্রজা প্রতি এত খারাপ হইয়া গেল তাহা আমি বুঝতে পারিতেছি না (*laughter*)। তিনি সারা জীবন প্রজার দুঃখ দৈন্য দূর করিবার জন্য এই হাউসে বহু দাবী করিয়াছিলেন, কিন্তু আজ তাহার হঠাৎ কেন এইরূপ পরিবর্তন হইল তাহা আমি বুঝিতে পারি না (*laughter*)। আমি আশা করি তিনি সমস্ত বিষয় ভাবিয়া চিন্তিয়া প্রজার মঙ্গলের জন্য একটা কিছু ব্যবস্থা করিবেন। তাহা পর মেছপাড়া ষ্টেটের অভ্যাচারের কথা। মেছপাড়া জমিদারের কোন প্রজা জমির ছন না কাটিলে ও প্রজাকে ছন কর দিতে হইবে। ইহা কি সম্পূর্ণ অন্যায় ব্যবস্থা নহে?

The Hon'ble the SPEAKER: আপনার বক্তৃতা আরো কতক্ষণ হবে?

Maulana ABDUL HAMID KHAN: আমি আরো কিছু বলতে চাই।

The Hon'ble the SPEAKER: আমি দেখছি আপনার অনেক কথা পুনর্কৃত্তি হচ্ছে, এবং আজকের সময় ও শেষ হয়ে এসেছে।

Maulana ABDUL HAMID KHAN: Sir, আমি আগামী কাণ আরো কিছু বলবো।

The Hon'ble the SPEAKER: The House stands adjourned to 2 p.m. on Friday the 9th September, 1938.

Adjournment

The Assembly was then adjourned till 2 p.m. on Friday, the 9th September, 1938.

Shillong:

The 2nd November 1938.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.