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

The Assembly met in the Assembly Chamber, Shillong at 11 a.m., on
Tuesday, the 12th November, 1940

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten
Hon'ble Ministers and 90 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Recommendation of the Retrenchment and Resources Committee

Mr. BAIDYANATH MOOKERJEE asked :

*48. Will Government be pleased to state—

- (a) Which of the recommendations of the Retrenchment and Resources Committee have been given effect to? (Information to be given separately for each Department).
- (b) What is the saving effected under each Department?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

48. (a)—Orders have not been finally passed on all the recommendations.

(b)—The saving resulting from the recommendations which are accepted will be worked out as soon as orders are finally passed on all the recommendations.

Mr. BAIDYANATH MOOKERJEE: When may we expect that, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In reply to another question, which will be placed before the House during this session, I have calculated that there are about 180 recommendations, of which a third have already been disposed of by the Ministry. The rest we have not been able to take up on account of preoccupations. We hope to take them up after the session.

Mr. BAIDYANATH MOOKERJEE: Is there any chance of this being completed before the next Budget Session?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We shall try our best.

Srijut SARVESWAR BARUA: How long have they been under the consideration of Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Since we assumed charge, that is November last, but it was for 13 months with our predecessors.

Mr. BAIDYANATH MOOKERJEE: If it has taken so long for going through only one-third of the recommendations, how much longer time will it take for going through the remainder ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There are very lengthy discussions and if they are to be dealt with properly, it takes a long time. As a matter of fact, in order to expedite the work we are sitting together whenever the Hon'ble Ministers are at headquarters.

Mr. BAIDYANATH MOOKERJEE: May I request the Hon'ble Premier to publish it part by part as soon as each part is finished ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I doubt whether it will serve any useful purpose. I shall, however, consider that suggestion. As a matter of fact no estimates have been worked out on the savings. Only orders of the Cabinet have been passed on the recommendations.

Remission in Agricultural Income-tax leviable for the first year

Mr. BAIDYANATH MOOKERJEE asked :

*49. Will Government be pleased to state what promise, if any, was given by the last Government, in respect of the percentage of remission in Agricultural Income-tax leviable for the first year ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

49.—A remission to the extent of 50 per cent. in respect of the tax payable for the year 1939-40 was promised by the last Government and has been given by the present Government.

Mr. BAIDYANATH MOOKERJEE: Is it not a fact that 50 per cent. remission was promised on the assessable amount and not on the tax ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is on the assessable amount and therefore on the tax.

Mr. BAIDYANATH MOOKERJEE: Is that so, Sir ? 50 per cent. remission on the assessable amount and on the tax are not the same. There is a great deal of difference between the two. May I request the Hon'ble Minister to take note of my question ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already taken note, Sir. My friend's contention is, if the remission is granted on the assessable income, a lower rate of tax will be applicable. But this Government has taken a flat 50 per cent. reduction on the tax.

Mr. BAIDYANATH MOOKERJEE : Then it is not according to the promise of the previous Government and as usual another promise broken.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The hon. member may have his own opinion.

Amount of Amusement Tax realised by Government for the first year

Mr. BAIDYANATH MOOKERJEE asked :

*50. Will Government be pleased to state the amount of Amusement Tax realised by Government for the first year ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

50.—Rs. 40,167 was realised during first year, viz., 1939-40.

Mr. BAIDYANATH MOOKERJEE : Was all the tax due for that year collected ?

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

Amount of tax realised on petrol and lubricating oil for the first year

Mr. BAIDYANATH MOOKERJEE asked :

*51. Will Government be pleased to state the amount of tax realised on petrol and lubricating oil separately for the first year ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

51.—Rs. 1,87,807 on petrol.

Rs. 5,367 on lubricating oil.

Mr. BAIDYANATH MOOKERJEE : Was the whole amount due for that year collected ?

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

Mr. FAKHRUDDIN ALI AHMED : Does that include the amount collected from the Commercial Carrying Company ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes. The portion which they sell to the public is taxable, but the portion which they themselves use is not taxable.

Mr. FAKHRUDDIN ALI AHMED : Has the Hon'ble Prime Minister given consideration to that portion on which tax is evaded by the Company and come to a decision of getting over this difficulty by bringing suitable amendments ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are considering the matter. We have already consulted our legal experts as to any device within the four corners of the present Act or by any amending Act by which, without imposing a sales tax on all commodities, we can tax private users of petrol and lubricants.

Contribution of a lakh of rupees by Government to the War Fund

Mr. BAIDYANATH MOOKERJEE asked :

*52. Will Government be pleased to state—

(a) If there has been any opposition from any quarter whatsoever, to the grant of a lakh of rupees by this Government to the War Fund ?

(b) If so, what steps have been taken by Government to meet such opposition ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

52. (a)—No representation has reached Government.

(b)—Does not arise.

Babu RABINDRA NATH ADITYA: What was the urgency in giving away the fund without consulting the Assembly ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am coming before the House with a supplementary demand on the 14th and then I will explain the matter.

Mr. BAIDYANATH MOOKERJEE: Is it a fact that the Comptroller raised some objection ?

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

Post of the Sheristadar in the office of the Deputy Commissioner, Sylhet

Maulavi MABARAK ALI asked :

53. (a) Is it a fact that the post of Sheristadar in the office of the Deputy Commissioner, Sylhet, is a transferable one ?

(b) If so, why the present Sheristadar has never been transferred elsewhere ?

*54. Is it a fact that in Bengal, the Sheristadars are transferred after a stay of three to five years in one station ?

*55. Will Government be pleased to state—

(a) For how long, the present Revenue Sheristadar of Sylhet is holding the post ?

(b) Whether Government propose to transfer him now elsewhere ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

53. (a)—Rules 270 and 271 at page 98 of the Assam Executive Manual may be seen.

Not ordinarily transferable.

(b)—Transfers and postings are made in the interest of public service.

54.—Government have no recent information.

55. (a)—Since 1st July 1936.

(b)—Government have received no such proposal.

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: Sir, is it a fact that no Muslim was ever appointed as Sheristadar in the court of the Deputy Commissioner at Sylhet ?

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

Maulavi MABARAK ALI: Did the Hon'ble Premier receive any complaint against the Sheristadar during his tour at Sylhet ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, verbal complaint reached me but no formal or official complaint has been made to me from any quarter.

Dismissal of one Masad Raja, Potdar of the Patherkandi Tahsil in the Karimganj Subdivision

Maulavi MABARAK ALI asked :

*56. Will Government be pleased to state—

(a) Whether it is a fact that one Masad Raja, Potdar of the Patherkandi Tahsil in the Karimganj Subdivision was dismissed from service in the year 1939 ?

(b) If so what were the charges against him and what were the findings of the officer dismissing him ?

(c) Who is the officer who dismissed him ?

(d) Who was the Head Mohorir of the said Patherkandi Tahsil at the time and was he in any way related to the Subdivisional Officer ?

*57. Is it a fact that after the dismissal of the said Potdar, one Rabindra Nath Das, a relation of the Nazir, and Treasurer of the Subdivisional Officer's office, Karimganj, was sent from Karimganj, to Patherkandi to act temporarily as a Potdar there ?

*58. (a) Is it a fact that the vacancy created at the dismissal of the said Masad Raja was later advertised by the Subdivisional Officer, Karimganj, and one Faizur Raja, a matriculate and a man of the Patherkandi Tahsil was appointed by the Subdivisional Officer as Potdar ?

(b) If so, who was the Subdivisional Officer who made the appointment ?

(c) Is the Subdivisional Officer, the appointing authority in the case of the post of Potdar ?

(d) Was Faizur Raja recommended by the Sub-Deputy Collector, Patherkandi ?

(e) If so, what were his recommendations ?

*59. (a) Is it a fact that one Rabindra Das mentioned in question No.57 above appealed to the Deputy Commissioner, Sylhet and the latter summarily dismissed Faizur Raja and appointed Rabindra Das in his vacancy ?

(b) If so, under what rule or Government order the Deputy Commissioner entertained the said appeal and dismissed Faizur Raja and appointed Rabindra Das in the vacancy ?

(c) What were the grounds of dismissal of the said Faizur Raja ?

(d) What were the qualifications of the said Rabindra Das ?

(e) Did he file any testimonial showing previous temporary works done by him any where ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

56. (a)—The Potdar was removed from service in 1939.

(b)—The charges against him were—

1. Gross carelessness and dereliction of duties.
2. Connivance in the fraud perpetrated by the *ex-Nazir*.
3. Tampering of evidence in the interest of the *ex-Nazir*.
4. Attempt to defame a Sub-Deputy Collector.

The findings of the officer who removed him were that the Potdar knew that the fraud was being perpetrated but kept his mouth and eyes shut as to the real state of affairs and not only did he acquiesce in the irregular practices which made the fraud possible knowing them to be irregular, but also tried to influence a witness against his accused relation, the *ex-Nazir*.

(c)—The Deputy Commissioner, Sylhet.

(d)—Babu Kshitish Chandra Biswas was the Head Mohorir at the time of the removal of the *ex-Potdar*. He is not related to the then Sub-divisional Officer.

57.—Yes.

58. (a)—Yes.

(b)—The present Subdivisional Officer, Karimganj.

(c)—The Subdivisional Officers in Sylhet ordinarily make such appointments in consultation with the Tahsil Officers under the general control of the Deputy Commissioner.

(d)—Sub-Deputy Collector, Patherkandi, submitted two lists of candidates and Faizur Raja was one of the nominees.

(e)—Government are not prepared to publish the recommendations of subordinate authorities.

59. (a)—The reply to the first part of the question is in the affirmative. The said Faizur Raja was not dismissed but discharged as his claim to the appointment was not considered superior to those of Rabindra Das who had represented and was acting temporarily at the post and reported to be doing good work,

- (b)—Under Rule 323(I)(i) of the Assam Executive Manual.
 (c)—Attention is drawn to the reply given to question 59(a).
 (d)—Government do not propose to discuss the individual merits of Government servants on the floor of the Assembly.
 (e)—Yes.

Formation of the District War Committee of Sylhet

Maulavi MABARAK ALI asked :

*60. Will Government be pleased to state who formed the District War Committee of Sylhet ?

*61. Will Government be pleased to lay on the table—

- (a) The names of those persons who were invited in the meeting called for the formation of the said War Committee ?
 (b) Whether all the Legislative Assembly Members of the district were invited to that meeting ?
 (c) If not, why not ?
 (d) The names of members of the said Committee ?
 (e) At whose instance or suggestion, members from Subdivisions to that Committee were taken ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

60.—The Deputy Commissioner, who in consultation with the Sub-divisional officers summoned to a meeting, those who had been invited and were willing to attend. Other members were subsequently proposed by the committee and co-opted.

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

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION No.61(a) ASKED BY MAULAVI MABARAK ALI

1. District Judge, Sylhet.
2. Additional District Magistrate, Sylhet.
3. Superintendent of Police, Sylhet.
4. Civil Surgeon, Sylhet.
5. D. C. Murray, Esq., I.C.S., Assistant Commissioner, Sylhet.
6. Principal, Murarichand College, Sylhet.
7. Inspector of Schools, Surma Valley and Hill Districts, Sylhet.
8. Subdivisional Officer, Karimganj.
9. Subdivisional Officer, South Sylhet.
10. Subdivisional Officer, Habiganj.
11. Subdivisional Officer, Sunamganj.
12. Babu Brajendra Narayan Choudhury, M.L.A. (Central).
13. Maulavi Abdul Hamid, Ex-Minister.
14. Khan Bahadur Mufizur Rahman, M.L.A.

15. Mr. Baidya Nath Mookerjee, M.L.A.
16. Babu Banwari Lal Das.
17. Khan Bahadur Gousuddin Ahmed Choudhury, M.L.C.
18. Professor Abul Lais Saaduddin Muhammad, M.B.E., Honorary 2nd Lieutenant.
19. Khan Bahadur Dewan Eklimur Roza Choudhury, M.L.A.
20. Rai Bahadur Romesh Chandra Bhattacharjee.
21. Rai Bahadur Girija Prasanna Datta.
22. Khan Bahadur Abdur Rahim.
23. Rai Bahadur Satish Chandra Datta.
24. G. A. Khan, Esq., C.I.E., O.B.E., I.C.S. (Retired).
25. Maulavi Asaduddin Choudhuri.
26. Rai Sahib Anukul Chandra Sen.
27. Khan Bahadur Haji Abdul Majid Choudhury, M.L.A.
28. Babu Ritendra Mohan Das.
29. Maulavi Abul Mayeed Chaudhuri, M.L.C.
30. Maulavi Naziruddin Ahmed, M.L.A.
31. Babu Jatindra Mohan Deb.
32. Hon'ble Maulavi Ali Asghar Khan, Member, Council of State.
33. Babu Girindra Nath Ghose.
34. Babu Dwijadas Choudhury.
35. Khan Bahadur Dewan Osman Roza.
36. Babu Bepin Behari Das, M.L.A.
37. Khan Bahadur Azizur Rahman.
38. Maulavi Abdul Bari Choudhuri, M.L.A.
39. Babu Mohini Mohan Choudhuri.
40. Maulavi Abdul Hannan Choudhuri.
41. Khan Bahadur Golam Mustafa Choudhuri, M.L.C.
42. Rai Sahib Pabitra Nath Purkayastha.

(b) & (c)—No, because in the first place it was expected that many would prefer to sit on subdivisioal committees, and secondly the Deputy Commissioner had an eye to the composition of the Provincial Committee.

(d)—A statement is laid on the table.

STATEMENT REFERRED TO IN REPLY TO STARRED QUESTION
No. 61(d) ASKED BY MAULAVI MABARAK ALI

- (1) Deputy Commissioner, Sylhet, President.
- (2) District Judge, Sylhet, Vice-President.
- (3) Hon'ble Maulavi Ali Asghar Khan, Member, Council of State, Vice-President.

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- (4) D. C. Murray, Esq., I.C.S., Assistant Commissioner, Honorary Secretary and Treasurer.
- (5) Additional District Magistrate in charge of Sylhet Municipality.
- (6) Executive Engineer, Sylhet Division.
- (7) Principal, Murarichand College, Sylhet.
- (8) Inspector of Schools, Surma Valley and Hill Districts, Sylhet.
- (9) Mr. Baidyanath Mookerjee, M.L.A.
- (10) Babu Banwari Lal Das.
- (11) Professor Abul Lais Saaduddin Muhamud, M.B.E., Honorary 2nd Lieutenant.
- (12) Khan Bahadur Mufizur Rahman, M.L.A.
- (13) Khan Bahadur Dewan Eklmur Roza Choudhury, M.L.A.
- (14) G. A. Khan, Esq., C.I.E., O.B.E., I.C.S. (Retired).
- (15) Khan Bahadur Gousuddin Ahmed Choudhuri, M.L.C.
- (16) Rai Bahadur Satish Chandra Datta.
- (17) Rai Bahadur Romesh Chandra Bhattacharjee.
- (18) Rai Bahadur Girija Prasanna Datta.
- (19) Khan Bahadur Abdur Rahim.
- (20) Subdivisional Officer, Karimganj.
- (21) Rai Sahib Anukul Chandra Sen.
- (22) Babu Ritendra Mohan Das.
- (23) Khan Bahadur Haji Abdul Mojid Choudhury, M.L.A.
- (24) Maulavi Asadduddin Choudhury.
- (25) Maulavi Abdul Mayeed Choudhury, M.L.C.
- (26) Babu Bhupendra Mohan Deb.
- (27) Subdivisional Officer, South Sylhet.
- (28) Babu Jatindra Mohan Deb.
- (29) Babu Girindra Nath Ghose.
- (30) Maulavi Naziruddin Ahmed, M.L.A.
- (31) Subdivisional Officer, Habiganj.
- (32) Khan Bahadur Dewan Osman Roza.
- (33) Khan Bahadur Azizur Rahman.
- (34) Babu Dwijadas Choudhury.
- (35) Babu Bepin Behari Das, M.L.A.
- (36) Babu Gopendra Lal Das Choudhury.
- (37) Subdivisional Officer, Sunamganj.
- (38) Maulavi Abdul Hannan Choudhury.
- (39) Khan Bahadur Golam Mustafa Choudhury, M.L.C.
- (40) Babu Mohini Mohan Choudhuri.
- (41) Rai Sahib Pobitra Nath Purkayastha.
- (42) Mr. M. A. Saqui, District Operating Superintendent, Badarpur.
- (43) Maulavi Mabarak Ali, M.L.A.
- (44) Superintendent of Police, Sylhet.

(e)—The Deputy Commissioner in consultation with the Sub-divisional officers.

Government's contribution to each Local Board of Sylhet district for Communication Works

Maulavi ABDUR RAHMAN asked :

*62. Will Government be pleased to state—

- (a) The amount contributed by Government to each of the Local Boards of the Sylhet district for communication works ?
- (b) Whether Government is aware that the communication system in the Habiganj Subdivision is very bad ?
- (c) Whether Government is aware that the Government grant to Habiganj Local Board for communication work is not sufficient for the up-keep of the existing roads ?
- (d) Whether Government propose to form an advisory communication and transport board for the purpose of industrial development in the province ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

62. (a)—The communication grant for the year 1940-41 was distributed to the Local Boards in the Sylhet district as below :—

Name of Local Board	Amount
	Rs.
North Sylhet	14,300
Karimganj	13,000
South Sylhet	13,000
Habiganj	13,000
Sunamganj	13,213

(b)—Government is aware that road communications in the low lying parts of Habiganj are defective.

(c)—Government grant to any board is not meant to cover the whole expenditure incurred by the Board in communications.

(d)—No.

Maulavi ABDUR RAHMAN: Do the Government realise in consideration of the big area in the Habiganj subdivision, that the communication grant is very small ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The reply to question No. 62 (c) is that Government

grant to any board is not meant to cover the whole expenditure incurred by the Board in communications. The Board is expected to spend a portion of their free income towards communications.

(Starred question No. 63 standing in the name of Maulavi Muhammad Amjad Ali was not put and answered as the questioner was absent.)

Further Supplementary questions on starred question No. 47.

The Hon'ble the SPEAKER: The hon. Srijut Beliram Das wanted to put a supplementary question yesterday in connection with starred question No. 47* but as the time passed away he was not allowed to do so. I do not know whether the Hon'ble Minister has got a list of yesterday's questions and answers.

†**Srijut BELIRAM DAS:** In reply to a question put by my hon. friend Mr. Naba Kumar Dutt, the Hon'ble Minister replied that the candidate appointed as stenographer to the Director of Veterinary Department was proficient in stenography. May I know from the Hon'ble Minister as to how he could judge that the candidate was proficient in stenography?

†**The Hon'ble Maulavi MUNAWWAR ALI:** He was examined and found that he was proficient in that art.

†**Srijut BELIRAM DAS:** Does the Hon'ble Minister know that he is only a Matriculate and he could only write 120 words per minute? Does the Hon'ble Minister also know that in order to be proficient in stenography he must be able to write 210 words per minute?

†**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The hon. member is giving us information.

†**The Hon'ble the SPEAKER:** Yes the hon. member is himself giving the information.

†**The Hon'ble Maulavi MUNAWWAR ALI:** I am thankful to the hon. member for giving me the information. This fact was not known to me. I shall search for it.

Appointment of a Stenographer in the office of the Director of Veterinary Department, Assam

Srijut RABI CHANDRA KACHARI asked:

*47. Will Government be pleased to state—

- (a) If it is a fact that the present Director of the Veterinary Department, Assam, was permitted by the Cabinet to appoint his son in his own Department as his Stenographer?
- (b) If it is a fact that this son of the said Director of the Veterinary Department is a mere matriculate and once dismissed from the same office?
- (c) Why he was appointed in preference to *bona fide* Assamese candidates with higher qualifications?
- (d) Whether it is a fact that the domiciled Bengali community to which the present Director of the Veterinary Department belongs, is already over-represented in the Veterinary Department?
- (e) Do Government propose to set aside this appointment now?

The Hon'ble Maulavi MUNAWWAR ALI replied:

47. (a) to (e)—The hon. member's attention is drawn to the replies given to unstarred questions Nos. 43-46, put by Mr. Naba Kumar Dutta, M.L.A., at this session of the Assembly and also to the Press Note, dated the 31st July, 1940 a copy of which is placed on the Library Table.

†Speech not corrected by the hon'ble member or Minister concerned.

†**Srijut BELIRAM DAS**: Sir, in reply to the question the Hon'ble Minister said that this post was given in consideration of the meritorious services of his father. May I know from the Hon'ble Minister whether it has been decided by the Government to give all appointments to the sons of all Government officers?

†**The Hon'ble Maulavi MUNAWWAR ALI**: That is not the policy of the Government as I stated it quite clearly.

†**Srijut BELIRAM DAS**: Then how is it that it was made an exceptional case?

†**The Hon'ble Maulavi MUNAWWAR ALI**: I replied this question yesterday.

†**Mr. NABA KUMAR DUTTA**: May I inquire what was the necessity of advertising this post when it was the intention of Government to appoint the son of the Rai Sahib?

†**The Hon'ble Maulavi MUNAWWAR ALI**: That was not the intention of Government at the time of advertising the post.

†**Mr. NABA KUMAR DUTTA**: When did Government come to that decision?

†**The Hon'ble Maulavi MUNAWWAR ALI**: Government came to that decision after they received a representation from Rai Sahib Ghose proposing to retire prematurely after he had rendered most valuable services to Government.

†**Mr. NABA KUMAR DUTTA**: Is it a fact that the Rai Sahib has completed 32 years of service and was due to retire in November in the usual course?

†**The Hon'ble Maulavi MUNAWWAR ALI**: No.

†**Mr. NABA KUMAR DUTTA**: Is it not a fact that he has completed 32 years of service?

†**The Hon'ble Maulavi MUNAWWAR ALI**: That I cannot say off hand.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Abolition of Line System in Assam

Maulana ABDUL HAMID KHAN asked:

1. Will the Hon'ble Minister-in-charge of the Revenue Department be pleased to state—

- (a) Whether the Advocate General of Assam has declared the Line System in Assam as illegal?
- (b) Whether Government propose to abolish the Line System in Assam forthwith?
- (c) Whether Government propose to discontinue the practice of placing restriction on those who purchase lands within the line?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

1. (a), (b) & (c)—The hon. member's attention is drawn to the proceedings of the Line System Conference held on 31st May 1940, of which he has received a copy; pages 4 and 5, 8 and 9, and paragraph 7 of the subsequent Government Resolution in which he will find answers to all these questions.

Number of labourers employed in the South Salmara Cotton Mills

Maulana ABDUL HAMID KHAN asked :

2. Will the Hon'ble Minister-in-charge of Labour be pleased to state—
(a) How many labourers are employed in the South Salmara Cotton Mills ?

(b) Of these, how many are Assamese and how many are non-Assamese ?

(c) How many hours per day, the labourers are required to be employed in the Mills under the Rules ?

3. Are Government aware that no rule is observed in this Mill and the workers are made to work for long hours per day ?

4. Is it a fact that the authorities of the said Mills do not look after the health of the labourers and the sanitary condition in the said Mill area ?

5. Do Government propose to take steps for the amelioration of the condition of the labourers in the said Mill area ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

2. (a)—The latest returns show a daily average of 169 men and 87 women.

(b)—Government have not the information and have no power to obtain it.

(c)—The hours now worked are reported to be for the seasonal branch of the factory, 10 daily and a total of 60 in the week, and for the non-seasonal branch 9 daily with a total of 60 in the week. Such hours are permissible under the law.

3.—Government have had no reason to think that the suggestion contains any truth, and inspections have found the operation of the factory satisfactory in this respect.

Mr. FAKHRUDDIN ALI AHMED : With regard to question 3, I should like to draw your attention, Sir, to the reply given by the Government importing that the allegation made by the hon. member is false. I want your ruling whether it is proper for the Government to give answers in a way which would throw undesirable reflection on the hon. members.

The Hon'ble the SPEAKER : What is the objection of the hon. member ?

Mr. FAKHRUDDIN ALI AHMED : May I know whether the same reply could not have been given in another form ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : No motive is ascribed by this reply.

Mr. FAKHRUDDIN ALI AHMED : Government could have in that case simply contradicted that this is not a fact, but here it is said "that Government have had no reason to think that the suggestion contains any truth".

The Hon'ble the SPEAKER : Of course the language has been a bit unhappy no doubt, but the hon. member should realise that Government has to reply to so many questions.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : The language casts no reflection on the hon. member.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied.

4.—The reports on the factory from the health point of view have been satisfactory. Some difficulty has been met with in complying with the provision of the Act on the subject of conservancy, and the matter is under correspondence for the fixation of site and approval of designs. These difficulties cannot be ascribed to the management alone, as they were partly determined by the nature of the ground, partly by the availability of scavengers and partly by the habits of the workmen.

5.—The matter is in the hands of the Factory Department, which is already giving this and other factories all possible attention in accordance with the law.

Establishment of a Debt Conciliation Board in the Karimganj Sub-division

Maulana ABDUL HAMID KHAN asked :

6. Will the Hon'ble Minister-in-charge of the Revenue Department be pleased to state—

- (a) Whether he is aware of the fact that there is a demand for the establishment of a Debt Conciliation Board in the Karimganj Subdivision ?
- (b) If so, do Government propose to consider the desirability of establishing a Debt Conciliation Board in the Karimganj Sub-division immediately ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

6.—A Debt Conciliation Board has already been established at Karimganj from the 1st July 1940.

Prohibitive demand of price of food stuff by the merchants and rural shop keepers of the Province

Maulana ABDUL HAMID KHAN asked :

7. Will Government be pleased to state—

- (a) Whether they are aware of the fact that merchants and rural shop keepers in the interior of the province, are demanding prohibitive price from the purchasers of food stuff on the plea of the war ?
- (b) If so, whether they propose to take any action in the matter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

7. (a)—Government have received no complaints in the recent past and so far as they are aware prices are generally steady after a marked tendency to fall earlier in the year.

(b)—The District Magistrates keep a close watch on the markets and any complaint of undue prices being charged may be made to them. The Control of Prices Order will be put in force if and when it is shown to be necessary.

Transfer of the Manager of the Mechpara Ward's Estate

Maulana ABDUL HAMID KHAN asked :

8. (a) Have Government received any resolution and representation from the Muslim tenants of the Mechpara Ward's Estate for the transfer of the Manager of the Estate and to appoint a Muslim Manager in his place ?

(b) Are Government aware that unless the present Manager is transferred from that place soon, the Muslim tenants of that Estate will stop payment of rent ?

(c) Do Government propose to transfer the said Manager immediately ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

8. (a), (b) & (c)—If the hon. member's question refers to Srijut Rajendra Lal Uzir, Sub-Deputy Collector, he has already been transferred, and the Assistant Manager of the Estate, Maulavi Badiuzzaman has been appointed in his place.

Amendment of Jail Manual

Babu KARUNA SINDHU ROY asked :

9. (a) Did Government examine the question of amending the Jail Manual as promised in reply to my question No.133 asked in the December Session of the Assembly, 1937 ?

(b) If not, do Government propose to do that now ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

9. (a)—Yes. The rules in the Assam Jail Manual designed to prevent misuse or misappropriation of Government property issued to jail officers, are very comprehensive and appear to leave no loophole for corrupt dealing. No instances of corruption have hitherto been brought to Government's notice. Government therefore, do not consider that any amendment to the present rules can usefully be made.

(b)—Does not arise.

Babu KARUNA SINDHU ROY : Do Government remember that I pointed out in the last Budget Session in a cut motion that there are some defects in the Manual ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : We have considered every aspect of this question and have come to the conclusion that there is no loophole for amendment. If the hon. member point out any particular clause or rule and let me know how it should be amended, then we shall consider the matter again. In the meantime, our decision is that no amendment is necessary.

Complaint against the landlords of Sunamganj for dispossessing tenants of cultivatable lands for the purpose of making fishery mahals

Babu KARUNA SINDHU ROY asked :

10. Will Government be pleased to state—

- (a) If any complaint has been received by Government against the land lords of Sunamganj for dispossessing tenants of cultivable lands for the purpose of making fishery mahals ?
- (b) If so, will Government be pleased to state the names of the complainants and the landlords against whom such complaints have been made ?
- (c) Do Government propose to take any steps against those landlords of Sunamganj subdivision ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

10.(a) & (b)—Government have received general representations containing such an allegation purporting to be on behalf of the tenants of Bhatipara against the Zamindars of Bhatipara estate. They have not details regarding the individuals concerned on either side of the disputes.

(c)—The disputes are being agitated in the courts and therefore Government propose to take no action unless moved by either party to take action, *e.g.*, a record-of-rights under their statutory powers.

Enquiry as to whether Police officials take action on anonymous petitions

Babu KARUNA SINDHU ROY asked :

11.(a) Is it a fact that Police officials take action on anonymous petitions ?

(b) If so, will Government be pleased to state if such procedure is approved by Government ?

12. Will Government be pleased to state—

- (a) If any enquiry was made by Police officials on receipt of anonymous letters in the year 1939-40 in the district of Sylhet ?
- (b) If so, will Government be pleased to state whether any of the complaints made in these anonymous letters was found *bona fide* ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

11.(a)—No.

(b)—Does not arise.

12.(a)—No.

(b)—Does not arise.

Compilation of statistics about the damages caused to the crops by floods

Babu KARUNA SINDHU ROY asked :

13. (a) Did Government enquire about the practicability of keeping statistics about the damages caused to the crops by floods, as promised in reply to my supplementary question to unstarred question No. 151, asked by Babu Dakshinaranjan Gupta Choudhury in the August-September Session of the Assembly, 1937 ?

(b) If so, will Government be pleased to state if such statistics were kept during the last two years ?

(c) If the reply to question No. 13(b) above is in the affirmative, will Government be pleased to lay on the table the aforesaid statistics ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

13.(a)—Yes.

(b)—It has been found impracticable to comply with the suggestion.

(c)—Does not arise.

Babu KARUNA SINDHU ROY : Why it is impracticable ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : An enquiry was made and the Commissioner replied that the maintenance of these statistics would entail retention of a special staff larger than the existing Land Records staff. And even if an attempt is made, it will not be worthwhile in the absence of any record-of-right.

Revision of electoral rolls of the General and Muhammadan constituencies for Assam Legislative Assembly Election

Babu KARUNA SINDHU ROY asked :

14. Do Government propose to revise the electoral rolls of the General and Muhammadan constituencies for Assam Legislative Assembly election, which were not completely compiled during the last election ?

15. Do Government propose to constitute local subdivisional committees for including in the electoral rolls, all qualified lady voters, student voters and co-sharer voters ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

14.—Yes.

15.—Government do not think it necessary to constitute committees for this purpose.

Representation in the Sunamganj Debt Conciliation Board

Babu KARUNA SINDHU ROY asked :

16. Will Government be pleased to state why the tenantry have no representation in the Sunamganj Debt Conciliation Board and why only persons from the "Chaudhury-Zemindar" class have been nominated to control the Board ?

17. Is it a fact that Debt Conciliation Boards have been formed to give relief specially to agriculturist debtors ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

16.—The nomination of members of Debt Conciliation Boards is made in the general interest of all concerned and not with a view to provide representation of particular classes or communities. In response to public representation, however, Government considered it desirable to appoint an official instead of a non-official Chairman, but are not prepared to make other changes.

Babu KARUNA SINDHU ROY : If it is held by Government that for the general interest of all concerned the members have been appointed, will Government please state why all Chaudhury-Zemindars have been appointed in the Sunamganj Debt Conciliation Board ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : The reply is there, Sir.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

17.—The hon. member is referred to the preamble of the Assam Debt Conciliation Act, 1936.

Establishment of Dispensaries at Tahirpur Police Station

Babu KARUNA SINDHU ROY asked :

18. Will Government be pleased to state the reason why there are no Local Board and Government Medical Department dispensaries in any place under the Police Station of Tahirpur in the Sunamganj Subdivision ?

19. Are Government aware that from the Gouripur Estate dispensaries at Sunamganj, public other than raiyats of the aforesaid estate do not get any relief regarding use of medicines ?

20. Are Government aware that the poorest raiyats of the aforesaid estate are to pay for the use of medicines by them from those estate dispensaries ?

21. Do Government propose to establish at least two dispensaries under the police station of Tahirpur one subsidised and one non-subsidised ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

18.—Presumably because there were not enough funds to start dispensaries everywhere and the needs of other areas were considered greater than those of Tahirpur.

19 & 20.—Government have no information but are prepared to accept the hon. member's statement.

21.—In so far as the Local Board is concerned, the matter should be agitated in the Board locally. The responsibility for medical relief rests primarily on the Local Board who can—if funds are available—start a non-subsidised dispensary or see if they can avail themselves of regulation 17 of the regulations framed for subsidised medical practitioners and start a subsidised dispensary when the latter scheme is expanded.

Number of out-door patients in the Nalbari Dispensary during last three years

Srijut RABI CHANDRA KACHARI asked :

22. Will Government be pleased to state—

(a) The number of out-door patients treated in the Nalbari dispensary during the last three years ? (*Kala-azar*, Leprosy and Anti-rabic patients to be shown separately).

(b) The number of injury cases sent by the police and operation cases coming to the said dispensary, and also the number of in-door patients entertained therein during the last three years ?

(c) The number of Government officers and their family members treated free of cost in the said dispensary, during the said period ?

23. Are Government aware that a number of serious injury patients in the area surrounding Nalbari and also of many interior places in the north bank of Kamrup District cannot be taken to the far away Sadar hospital at Gauhati and many succumb for want of treatment and some expire on transit ?

24. Is it a fact that the Civil Surgeon, Kamrup, in his inspection remarks of 22nd April, 1940, the Commissioner of Divisions in his inspection remarks of the 17th January, 1940, and the Hon'ble Minister in-charge of Medical Department in his inspection remarks of the 1st February, 1938 last, expressed the desirability of starting an "In-door" hospital at Nalbari ?

25. (a) Have Government received any petition from the Secretary of the Nalbari dispensary requesting to sanction a special grant for the maintenance of a ten-seated in-door hospital and also a letter from the Chairman, Gauhati Local Board, to that effect ?

(b) If so, do Government propose to consider the necessity of starting a small in-door hospital at Nalbari immediately ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY
replied :

22. (a)—Total number of out-door patients treated during the year :—

	1937	1938	1939
	13,401	11,353	12,731
Kala-azar	34	39	29
Leprosy	33	28	26
Anti-rabic	Nil	13	18
(b)—Police in—jury cases	110	77	104
Operation cases	154	157	206
Number of patients treated in emergency shed	27	13	19

(c)—On average 110 per year.

23.—Government have no information.

24.—Yes.

25. (a)—The reply to the first part is in the affirmative. Government do not appear to have received the letter from the Chairman, Gauhati Local Board, as alleged.

(b)—This scheme will be taken up as soon as funds are in sight for the purpose.

Srijut GAURI KANTA TALUKDAR: May I know from Government whether they realise the necessity of such a hospital at Nalbari?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This is not the only place where a dispensary is necessary. There are many other places where dispensaries are necessary, but it depends on the finances of the province to meet those demands.

Srijut GAURI KANTA TALUKDAR: My question is, do the Government recognise the necessity of such a hospital at Nalbari?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I have replied to that question.

Srijut GAURI KANTA TALUKDAR: Have not the funds been in sight for such an important institution in such an important centre?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I have already stated that no fund is available for the purpose at the present moment.

Srijut GAURI KANTA TALUKDAR: Will Government consider this case when funds are available?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Certainly this case will be considered along with other such cases.

Names of villages included in the Jamalganj Rural Development area in the Sunamganj subdivision

Babu KARUNA SINDHU ROY asked :

26. Will Government be pleased to state the names of the villages which are included in the Jamalganj Rural Development area in the Sunamganj subdivision?

27. Will Government be pleased to state—

(a) If any committee has been appointed for facility of works in the aforesaid area?

(b) If so, what are the names of the members of the said Committee?

28. Will Government be pleased to state—

(a) The number of days the Hon'ble Minister for Agriculture remained at Sunamganj town during his last March-April tour?

(b) The number of days he spent in mufassil villages of Sunamganj?

(c) The purpose for which he remained in Sunamganj town and for what purpose he went to mufassil villages?

The Hon'ble Maulavi MUNAWWAR ALI replied :

26.—The following villages are included in the Jamalganj Rural Reconstruction Area in the Sunamganj subdivision—

1. Kamlabaj (W. Bank).

2. Noahalat.

3. Telia.

4. Shahapur.

5. Mamidpur.

6. Chandpur.

7. Ghagtia.

8. Sachna.

9. { Falak.
Kamalabaj.
10. Lambabak.
11. Rahimapur.
12. Rampur.
13. Alipur.
14. Sharifpur.
15. Aktapara.
16. Hariharpur.
17. Falak.
18. Sachnabazar.
19. Jamalaganj Bazar.

27.(a)—Yes.

(b)—Names of the members of the Jamalganj Rural Reconstruction Committee—

1. Islamuddin.
2. Abdul Rajaque.
3. Ramanchandra Das.
4. Asrab Hazi.
5. Nabi Hussain Talukdar.
6. Kalicharan Kar.
7. Md. Sonahar.
8. Judhisthir Namasudra.
9. Suresh Chandra Choudhury.
10. Kumud Bondhu Choudhury, Joint Secretary.
11. Iswar Chandra Das Talukdar.
12. Md. Sadar Ali.
13. Suresh Chandra Roy.
14. Upendra Bijoy Sankyatirtha.
15. Md. Rashid.
16. Mohini Chandra Paul Talukdar.
17. Amanullah Talukdar.
18. Md. Golam Sarwar Choudhury.
19. Maulavi Nafizul Haque Choudhury.
20. Babu Gunasindhu Roy.
21. Nalini Kanta Choudhury.
22. Chairman, Local Board, Sunamganj.
23. Subdivisional Officer, Sunamganj, President.
24. Khan Bahadur Golam Mostafa Choudhury.
25. *Ex-officio*—

Agricultural Inspector, Sunamganj,
Sub-Inspector of Schools, Joint Secretary,
Local Board Doctor,
Kiron Sasi Das, Veterinary Assistant Surgeon,
Assistant Surgeon, Sunamganj, and
Weaving Demonstrator.

28.(a)—Nine days.

(b)—Four days.

(c)—Private and in connection with Model Village Scheme.

Raising of the Standard of Teaching in the Surma Valley Technical School, Sylhet, to a higher level

Babu KARUNA SINDHU ROY asked :

29. Do Government propose to raise the standard of teaching in the Surma Valley Technical School, Sylhet, to a higher level so that Diplomas may be issued to students instead of Certificates ?

30. Will Government be pleased to state if Government has considered the question, for opening a class for teaching electricity in the Surma Valley Technical School, as promised in reply to my question No.201(d) asked in the February-March Session of the Assembly, 1940 ?

31.(a) Is it a fact that the Assistant Fitter in the Surma Valley Technical School is performing the duties of the Motor Mechanic Instructor in the said School at present ?

(b) If so, do Government propose to appoint a separate Motor Mechanic Instructor in the aforesaid school ?

32.(a) Is it a fact that at present 17 students of the aforesaid School are getting daily bonus of annas five each, for working in the Mechanic Section and in the Wood Working Section of the said School ?

(b) If so, do Government propose to raise the number of students to 40 and the rate of bonus to annas six in the aforesaid sections of the aforesaid School ?

33. Do Government propose to provide a common room for the students and to recognise the School Union of the aforesaid School ?

34. Do Government propose to make provision for a course of practical training for the passed students of the Surma Valley Technical School in the Railway Departments, Cotton Mills and in other big manufacturing concerns ?

35. Is it a fact that the students of the aforesaid School have applied to Government for removing the grievances mentioned in questions Nos. 29, 32(a), 33 and 34 above ?

The Hon'ble Miss MAVIS DUNN replied :

29.—No.

30.—The matter is under consideration.

31.(a)—Yes.

(b)—The section was started only last year on an experimental basis and if the present arrangement is found to be inadequate and inefficient after working sometime, the question of the appointment of a separate Motor Mechanic Instructor may be considered.

32.(a)—Yes.

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

33.—As regards first part no proposal has been received by Government. The matter will be looked into in due course. As regards the latter part no special recognition is necessary as Government have always been willing to consider any grievances brought to their notice by the students.

34.—Arrangements for the practical training of a few passed students of the Surma Valley Technical School, Sylhet, have been made in the workshops of the Dibru-Sadiya Railway and Assam Oil Company Limited, as far as seats could be secured. There are no cotton mills or other big manufacturing concerns in the province.

35.—Yes, except 32(a), 33 and 34.

Payment of travelling expenses to the Veterinary Field Assistant

Babu KARUNA SINDHU ROY asked :

36. Is it a fact that Veterinary Field Assistants have to travel in villages very often for discharging their duties ?

37.(a) Is it a fact that they do not get any travelling allowance for the purpose ?

(b) If so, do Government propose to make arrangements for paying travelling expenses to them for the same ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

36 and 37.(a)—The reply is in the affirmative.

37.(b)—As their appointments do not initially carry with them the incidence of travelling allowance, the question does not arise.

Conviction of one Abdur Rahim Choudhury of Shelboresh for arson and murder and of Babu Nabin Chandra Hur in connection with the Sylhet Treasury defalcation case

Babu KARUNA SINDHU ROY asked :

38. Will Government be pleased to state—

(a) If it is a fact that one Abdur Rahim Choudhury of Shelboresh, under the Police Station Dharampassa, who was convicted for arson and murder in the Sessions Court, Sylhet, for 7 years has been released, after only two years' imprisonment ?

(b) If so, why ?

(c) Whether the persons convicted with the aforesaid prisoner have also been released ?

(d) If not, why not ?

39. (a) Is it a fact that Babu Nabin Chandra Hur is at present undergoing imprisonment in the Nowgong Jail, having been convicted in the Sylhet Treasury defalcation case ?

(b) If so, do Government propose to release him ?

40. Is it a fact that his jail conduct is reported to be very good and that he is getting special remission of his sentence ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

38. (a)—Government are unable to identify the convict named by the hon. member.

(b) to (d)—Do not arise.

39. (a)—Yes.

(b)—Not at present.

40.—Yes : he has received one special remission of 15 days.

Meeting of the Agricultural section of the Development Board held at Gauhati

Mr. NABA KUMAR DUTTA asked :

41. Are Government aware—

(a) That a meeting of the Agriculture section of the Development Board was held at Gauhati on the 4th and the 5th of June 1940 ?

(b) That the notice of this meeting was issued only on the 29th of May 1940 from Shillong ?

(c) That it takes two days for a letter to reach Dibrugarh from Shillong ?

(d) That it causes great inconvenience to a member from Dibrugarh to come to Gauhati at such a short notice ?

42. Will Government be pleased to state the reason for issuing such a short notice ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

41. (a)—(c)—Yes.

41. (d) and 42.—Various factors were involved—to remove inconvenience, if any, it has been decided to give two weeks' notice in future.

Mr. NABA KUMAR DUTTA : What factors were involved for issuing such short notice ?

The Hon'ble Maulavi MUNAWWAR ALI : Government had to take decision on the point whether they should hold two meetings or one. That was the first thing which took some time and as it was found ultimately that the members of the Board were keen on having two meetings, Government had to decide upon the first meeting at a short notice.

Appointment of a Stenographer in the office of the Director of Veterinary Department, Assam

Mr. NABA KUMAR DUTTA asked :

43. Will Government be pleased to state—

(a) Whether it is a fact that one Babu Anath Bandhu Ghosh has been appointed as a stenographer in the Veterinary Department ?

(b) The qualifications required for candidature to this post ?

(c) Who fixed these qualifications ?

(d) The qualifications of Babu Anath Bandhu Ghosh and whether he knows stenography ?

(e) If the answer to the latter part of the preceding question is in the affirmative, who tested his knowledge of stenography ?

(f) The names of other candidates with their respective qualifications ?

(g) The grounds for which Babu Anath Bandhu Ghosh was appointed ?

(h) Whether it is a fact that the appointment was made by the Director of the Veterinary Department, who is the father of the said Babu Anath Bandhu Ghosh ?

44. Is it a fact that the present Director of the Veterinary Department hails from Dacca and his community is already over-represented in the Department ?

45. Will Government be pleased to state why preference was not given to a candidate of the province for the post ?

46. Do Government propose to set aside the appointment and entrust a different authority to make the appointment ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

43. (a)—Yes.

(b)—Matriculation with the knowledge of short-hand and type-writing.

(c)—Government.

(d)—Read upto I.A. and he is proficient in stenography.

(e)—Mr. P. G. Pande, M. SC., M. R. C. V. S., the then Veterinary Investigation Officer of Assam.

(f)—

Name of candidate	General qualification	Past and present appointment, if any	Speed in Stenography
1	2	3	4
<i>Muslim</i>			
1. Maulavi Md. Shamsul Hussain.	Read upto I. A.	Steno-typist in the office of the Deputy Director of Agriculture, Livestock.	150 words.
2. „ Syed Md. Wazir.	„ B. A.	Clerk in the office of the Chief Inspector of Factories.	120-130 words.
3. Maulavi Giasuddin Ahmed.	Matriculate	„ Clerk, Co-operative Town Bank, Nowgong.	
4. „ Syed Bazlul Karim.	I. A.	„ „	40 words in typing.
5. „ Mostaque Ahmed.	Read upto I. A.	Typist in the office of the Director of Industries, Assam.	150-60 words.
6. „ Azizur Rahman	Passed B. A.	„ „	140 words.
7. „ Nooruddin Ahmed Choudhury.	Matriculate	„ „	Not stated.
<i>Assamese Hindus</i>			
8. Srijut Umananda Baruah.	I. A. in Commerce	„ „	Undergoing training in the short-hand course.
9. „ Sudhir Ranjan Upadhya.	Read upto I. A.	Officiated in the office of the Director of Land Records, Assam.	Speed not stated.
10. „ Dimbeswar Bhuyan.	I. A. „	„ Temporary clerk in the office of the Executive Engineer, Lower Assam Division.	Ditto.
11. „ Kshirod Prosad Gogoi.	B. A. „	„ Officiated in the Governor's Secretariat.	Ditto.

Name of candidate	General qualification	Past or present appointment, if any.	Speed in Stenography
1	2	3	4

Assamese Hindus—concl'd

12. Srijut Powal Chandra Bora.	Read upto I. A.	...	Speed not stated.
13. „ Amulya Chandra Sarma Bardoloi.	Matriculate ..	Officiated as temporary typist in the Secretariat.	Ditto.
14. „ Gopal Chandra Sarma.	Ditto	Clerk, Deputy Commissioner's Office, Tezpur.	120 words.

Surma Valley Hindus

15. Babu Ananga Kumar Dhar.	Read upto B. A.	....	Speed not stated.
16. „ Ajit Mohan Gupta.	Matriculate ..	Clerk, Office of the Executive Engineer, Cachar Division.	Ditto.
17. „ Saraj Ranjan Dey.	B.A. with distinction.	Typist, Office of the Public Service Commission, Assam.	180 words.
18. „ Sailendra Chandra Dutta.	B. A.	....	150 words.
19. Babu Sukhlal Das ..	Matriculate ..	Tour clerk of the Inspector of Schools, Surma Valley and Hill Division.	120 words.
20. „ Kshitish Ch. Paul	Read upto I.A...	....	Speed not stated.
21. „ Dwijendra Kr. Bhattacharjee.	B. A.	....	80 words.
22. „ Umananda Dey	Read upto I.A...	....	100 words.
23. „ Anath Bandhu Ghose.	Read upto I.A...	Served as a Stenographer of the Veterinary Investigation Officer, Assam.	140-160 words.

Tribal

24. U Delipson Pyngrope	Not mentioned..	Working in the office of the Forest Working Plan Officer.	160 words.
25. U D. Nowelson ..	Not mentioned..	Clerk in the office of the Public Works Department Subdivisional Officer, Shillong.	Not stated.
26. U Elkington ..	Read upto I.Sc.	Typist, Office of the Assam Public Service Commission.	100 words.
27. U Willbradis ..	Matriculate ..	Served as typist in the Secretariat and the office of the Executive Engineer, Khasi and Jaintia Hills Division.	Speed not stated.

Name of candidate	General qualification	Past or present appointment, if any	Speed in Stenography
1	2	3	4

Candidate from the establishment of the Director of Veterinary Department

28. Srijut Tikendra Nath Hazarika.	B. A.	..	....	Speed not stated.
29. Maulavi Syed Rahman.	Matriculate	..	(Wants the allowance of Rs. 60 to qualify him as a steno-typist.)	(Stenography not known).
30. Srijut Gajendra Lal Neogi.	B. A.	..	....	Ditto.

(g)—In consideration of his father's meritorious services and his offer to retire prematurely. In this connection the hon. member's attention is drawn to the Press Note dated 31st July 1940, a copy of which is placed on the Library table.

(h)—No.

44.—Yes, but he is domiciled in Assam.

45.—The hon. member's attention is drawn to the reply under 43(g) above.

46.—Does not arise.

Difference of pay between Senior and Junior Officers in class III of the Assam School Service

Srijut JADAV PRASAD CHALIHA asked :

47. Will Government be pleased to refer to the list of officers in the Education Department and state the reason why many junior officers in class III of the Assam School Service are drawing higher salary than some senior officers in the same grade ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

47.—As the number of officers concerned is large and the reasons may be different in different cases, Government find it difficult to answer the question generally. If the hon. member will give the names of the individuals he has in mind, the report will be called for.

Inspection of the Sibsagar Government High School by the Inspector of Schools

Srijut JADAV PRASAD CHALIHA asked :

48. Will Government be pleased to state the number of times, the Inspector of Schools visited Sibsagar Government High School since 1937, giving dates of each visit ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

48.—Five times—as stated below :—

1st visit on 8th and 9th January 1937.

2nd visit on 10th September 1938 (visited the school hostel).

3rd visit on 30th January 1939.

4th visit on 20th November 1939.

5th visit on 14th August 1940.

Estimate for Tura Town Water-supply

Mr. BENJAMIN CH. MOMIN asked :

49. Will Government be pleased to state—

(a) Whether Government have received any fresh estimate for Tura Town Water-supply, from the Garo Hills Public Works Department?

(b) If so, what action Government have taken for sufficient Water-supply in the Tura Town.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

49. (a)—No.

(b)—Does not arise.

Proposal to prepare and introduce a Secondary Education Bill

Maulana ABDUL HAMID KHAN asked :

50. Will the Hon'ble Minister-in-charge of Education be pleased to state whether he proposes to prepare and introduce a Secondary Education Bill as has been done in the neighbouring Province of Bengal ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

50.—Not at present.

Names of Local Boards and Municipal Boards and Town Committees which have resolved to make contributions, from out of the funds at their disposal, towards the Fighter and other War Funds.

Srijut SARVESWAR BARUA asked :

51. Will Government be pleased to state—

(a) The names of the Local Boards, Municipal Boards and Town Committees, which have resolved to make contributions, from out of the funds at their disposal, towards the Fighter and other War Funds ?

- (b) In case of which of such boards, the said grants have been declared to be appropriate charges on the Local Board and Municipal funds, and under what provision of the law concerned ?
- (c) Whether Government propose to consult the Advocate General or the Legal Remembrancer on the subject and lay the opinion before the House ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI replied :

51.(a).—The information is furnished below :—

Local Boards	Municipalities	Town Committees
Dibrugarh Local Board	Shillong Municipal Board.	North Lakhimpur Town Committee.
North Lakhimpur Local Board.	Golaghat Municipal Board.	Palashbari Town Committee.
Tezpur Local Board.		
Golaghat „ „		
Nowgong „ „		
Jorhat „ „		
Dhubri „ „		

(b)—The contribution resolved to be paid by each of the above local authorities has been declared to be in appropriate charge either under section 24 (N) of the Assam Local Self-Government Act or under section 52(2) (XXX) of the Assam Municipal Act.

(c)—The Advocate General and the Legal Remembrancer were consulted but Government are not prepared as a matter of general policy to publish their opinions.

Srijut SARVESWAR BARUA : Is it the consistent policy of Government not to give out the opinion of the Advocate General, whether favourable or unfavourable ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Government, as a matter of policy, are not required to give out the opinion of their legal experts.

Srijut SARVESWAR BARUA : I want to know whether it is the policy of the Government not to give out the opinion of the Advocate General irrespective of the question whether it is favourable or unfavourable.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : It depends on the merits of each case.

Srijut LAKSHESVAR BOROOAH : Will the Hon'ble Minister for Local Self-Government state if the Dibrugarh Local Board have passed a resolution declaring that the contribution was an appropriate charge ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : So far as Government is aware the Dibrugarh Local Board passed a resolution declaring the amount to be an appropriate charge.

Srijut LAKSHESVAR BOROOAH : Did the Government receive an application from six members of the Board present in the meeting that no such motion was passed ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Government received an application to that effect.

Srijut LAKSHESVAR BOROOAH : Did the Hon'ble Minister make an enquiry ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The matter is in the inquiry stage.

Srijut LAKSHESVAR BOROOAH: May I know what is the result of the enquiry ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The enquiry is not yet finished.

Srijut LAKSHESVAR BOROOAH: Does the Hon'ble Minister know that this fact is disputed by six members ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Subsequently a petition was received from six members challenging the proceedings of the Board.

Amount spent on the Retrenchment Committee

Maulana ABDUL HAMID KHAN asked :

52. Will Government be pleased to state—

(a) The total amount spent on the Retrenchment Committee ?

(b) Whether the Committee submitted any report to the Government ?

(c) If so, for how long the report has been lying with the Government ?

(d) Whether Government propose to take any action on that report and if so, what action and when ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

52. (a), (b) & (c)—The hon member is referred to the replies given to the starred questions Nos. 13 and 107 asked by Maulavi Abdur Rahman, M. L. A., and Maulavi Muhammad Amjad Ali, M. L. A., at the last Budget Session of the Assembly.

(d)—This Government have taken up consideration of the recommendations of the Committee and have disposed of a third thereof, but have not been able to complete examination yet on account of other pre-occupations. A resolution will be issued when this examination has been completed.

Srijut GAURI KANTA TALUKDAR: May I know from the Hon'ble Premier whether Government have given effect to the recommendations of the Retrenchment Committee which the Government have disposed of up till now ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already said in reply to a starred question from my hon. friend, Mr. Baidyanath Mookerjee, this morning, that one-third of the recommendations have been disposed of by this Government and that their financial implications are being worked out in the Finance Department. We will try our level best to give effect to these recommendations as far as possible.

Complaint re : admission of Visitors New Rules.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Sir, we were supplied with some additional rules that were framed with a view to establish better control over the outsiders within the inner precincts of the Assembly building and to stop the entry of undesirable and unauthorised persons during sessions. I made two references about this in this Assembly and now I am very glad that rules have been framed to control entry of undesirable persons. I simply want to draw attention to rule No. 4, that runs as follows:—

“No car, except that of the Hon’ble Speaker, should be allowed entry into the quadrangle until the passengers of that car are checked, during which time the gate should be kept closed. If any outsider is found in any car belonging to a member or a Minister, he should be requested to get down before the car enters the quadrangle and to proceed to the main entrance.”

Sir, we the members and the Ministers cannot bring our brothers, sons father or friends ; though they possess tickets, these tickets are to be checked by the Police ; they are to be asked to get down and go by the main entrance. According to me this affects our honour, our dignity and our privilege as members. I draw your attention so that this rule may be revised. Until any rules have been adopted finally, my suggestion is that the old procedure should go on. Of course, undesirable and unauthorised persons should be controlled so that without tickets no body be allowed within the inner precincts of the building.

Khan Bahadur Maulavi KERAMAT ALI : Sir, may I make a statement ? Rule No. 4 has been introduced for the first time in this Assembly. This rule presumes that the members are expected to bring outsiders in their car in spite of any rule framed on the subject. Without giving them the chance to have their say the Police has been asked to check their cars. I think, this should not have been done. If it were found that in spite of such a rule being framed there has been infringement on the part of members, then alone this rule of Police check should have been taken recourse to. I am afraid, the rule as it stands now affects the prestige of the hon. members.

The Hon’ble the SPEAKER : I am very glad that my attention has been drawn to this rule No.4 relating to admission of visitors. Hon. members have already been informed that in framing these rules I did not like to take the responsibility alone. I had to consult the members of the Privileges Committee, and before doing that I also sought the advice of the Hon’ble Premier. I had a communication addressed to the Hon’ble Premier through the Secretary, dealing with the circumstances which necessitated the framing of these rules. I had really felt that the matter was very delicate and the situation was such that I must get the advice of hon. members at least of their representatives in the Privileges Committee, on the simple ground that these rules relate to some of the privileges of the House. There was a meeting held of the Privileges Committee in which two Hon’ble Ministers are also members. Of course one Hon’ble Minister Committee spent much thought with regard to the framing of this rule. I was myself really not in favour of the rule being worked in that way, and Hon’ble Mr. Matin Chaudhuri very well knows that I was in favour of allowing male visitors coming with members by the southern gates, but the Committee

considered the pros and cons of the whole question. It was, therefore, the unanimous opinion of the Committee that only lady visitors coming with members should be allowed to come by the southern gate. The rule no doubt apparently makes an exception in the case of the Hon'ble Speaker by providing that his car would not be required to be checked.

But it was realised that if the members would realise the ground for such an exception made in the rule and that if they really understand the spirit of the rule they may not take this rule to be really objectionable. To give effect to this rule, it was thought that hon. members coming in cars accompanied by friends having visitors' tickets, will take good care to drop their friends just at the main gate without allowing them to know that there is really such a rule which prevents hon. members to take them into the quadrangle. It was considered that if the whole thing be explained to the hon. members they might not raise any objection to this rule. So each of the hon. members has got a letter addressed to him by the Secretary explaining the whole position and seeking hon. members' co-operation for the enforcement of the new rules framed. The spirit of the rules was not that the cars of the hon. members should be searched. Also from the wording of the rule it does not appear that the Hon'ble Speaker's car would not be searched, but it has been presumed that the Hon'ble Speaker being responsible for the rules will not bring any male friends with him in his car. This is the whole position. I may, however, tell the hon. members that if this rule in its operation appears to be a bit hard there will be time to consider if it should be revised. I think that will satisfy the hon. members and I give them this assurance that on my part I shall do my best not to cause any inconvenience to any hon. member. I hope the hon. members will give me such co-operation as will lead to a smooth working of this rule to the satisfaction of all.

It has been our experience in the past that many visitors enter the inner precincts of the Assembly without tickets and many members complained to me about visitors moving about in the corridors causing inconvenience to them. The hon. members very well know that the arrangements within the inner precincts of the Assembly building are really insufficient and inadequate so far as visitors are concerned. Take for instance the case of the Tiffin Room. The arrangement there is not sufficient both for members and visitors and complaints came to me from time to time from members that there was such an onrush of visitors in the Tiffin Room on some occasions that sometimes the members could not get any seats to occupy. Then, again, take the case of the lavatory. The arrangement there is so inadequate and unsatisfactory that many members complained to me about that. This lavatory is meant for all including the Hon'ble Ministers, and unless the hon. members ask the Government to remove this unsatisfactory state of things complaints will come every now and then. So, I hope the hon. members will realise my position. Of course, this building is an old one which accommodated the old Council, and no doubt with the inauguration of the new Assembly some extensions have been made. But it seems that all these difficulties were not anticipated, at the time the extensions were made and the present Government are not at all responsible for the unsatisfactory state of things that the members have now to contend with. So, I shall bring these inconveniences to the notice of the Government and ask for making further extensions to the building so that all these complaints may not recur again.

Maulavi ABDUR RAHMAN : May I point out some more practical difficulties, Sir? Some allowance has been made for lady visitors; they may accompany any hon. member in his car. Suppose I bring my sister

along with me and leave her there in the gallery alone. If she wants to go out in the meantime who will accompany her if there is no male member with her ?

The Hon'ble the SPEAKER : If the hon. member will get a friend there to escort a lady visitor and if the hon. member be in this Hall then that friend who would be able to escort her would come out by the front gate.

Maulavi ABDUR RAHMAN : I do not think any Muhammadan lady will dare to go out by the front door alone. That is the difficulty. Then, there is another complaint. Yesterday, I was told that one of the Hon'ble Ministers was taking a minor boy of another Minister, and that Minister was forced to leave the boy alone at the gate.

The Hon'ble the SPEAKER : I may tell the hon. member that there is also a proposal made to me by the Privileges Committee that a passage should be made connecting the passage to the main gate with the passage by which cars enter the quadrangle by the Southern gate and there should be a passage also over this lobby (pointing the lobby at his back) connecting the west gallery with the east gallery' so that visitors may come to the galleries direct without passing through any of the corridor on the ground floor. The hon. members will know all these later on. I shall very soon go to Government with this proposal.

Babu KARUNA SINDHU ROY : Sir, yesterday in reply to the adjournment motion moved by Srijut Rabindra Nath Aditya, the Hon'ble Premier spoke something about socialist revolution in Sunamganj, which is my constituency. I would like to know.....

The Hon'ble the SPEAKER : The hon. member ought to have taken part in the debate yesterday. I cannot allow it now.

Babu KARUNA SINDHU ROY : I want to make only a statement.

The Hon'ble the SPEAKER : No, I am sorry. Moreover the Hon'ble Premier shall have to reply.

The Hon'ble Maulavi Sayid Sir MUHAMMAD SAADULLA : I never made any such statement. I simply said that there was agrarian trouble in that locality.

Sir, I want to add a few words about the rules framed by the Privileges Committee, if you permit me. We are all thankful to you for taking steps to control the onrush of visitors in these precincts. In the past we have had experience of a large number of people, supporters either of the Government or the Opposition, roaming about the corridors making it difficult not only for members but also for your staff to do their normal duty. Therefore this new rule framed by the Privileges Committee was a step in the right direction. But there ought to be a limit. You yourself said just now that when the rule was framed the Speaker was supposed by the Privileges Committee to be such a responsible officer that his car may be allowed to pass unchecked. I am wondering why the same courtesy could not be extended to the Hon'ble Ministers or even to the Leader of the Opposition. As we know in all civilized countries there is a tendency to show to the Leader of the Opposition as much respect, give him as much status and position and even a salary at public expense, as members of Government as is the case in England. I will request you, Sir, to place this matter again before the Privileges Committee and see that the Hon'ble Ministers and the Leader of the Opposition should be trusted to carry out the spirit of the rules framed by the Committee.

Then, it has been found from our experience that those who have been entrusted to check the cars are following the letters of the rule and not the spirit. Some of my Hon'ble Colleagues have got small school children who come in their cars which take their fathers to the Assembly Chamber. One small boy of about 8, a son of one of the Hon'ble Ministers, was coming in the car of another Hon'ble Minister. The father of the boy had guests in his house and he had to give his car for their use. The car in which the boy came was checked and the boy was not allowed to come in the quadrangle. He was practically stranded at the members' gate. The Hon'ble Minister was very anxious because he left this small boy outside uncared for and the Hon'ble Minister could not get him into his own room in the Assembly to wait for the father. This little incident shows, Sir, that the application of these rules are working very harshly.

My hon. friend Maulavi Abdur Rahman has spoken about Moslem ladies—some of them have just come out of the Purdah. A lady may have been accompanied by her own relation and unless she is accompanied by some near and dear relatives she would find great difficulty if she wants to leave the precincts of the Assembly Chamber.

Sir, all these show that a case has been made out for reconsidering the rules by the Privileges Committee.

The Hon'ble the SPEAKER: I have already told the hon. members that I shall see how these rules operate and that if necessity arises this matter will be again examined. I have myself found that in putting these rules into operation there has been something which may be taken to be objectionable and this morning also I gave definite instructions to the staff who will be regulating traffic to use their commonsense and discretion with their sense of duty so that there may not be any cause for complaint. That instruction has already been given by me.

Mr. BAIDYANATH MOOKERJEE: May I be permitted to say a few words, Sir?

The Hon'ble the SPEAKER: With regard to this matter?

Mr. BAIDYANATH MOOKERJEE: Yes Sir, because I have taken strong exception to some of the remarks made by the Hon'ble the Premier. It is this, Sir. If the Hon'ble Speaker is supposed to be a responsible person, the Hon'ble Ministers might as well be considered honourable was the observation made by the Prime Minister; then why not all the hon. members of the House, Sir?

The Hon'ble the SPEAKER: I do not like that in this connection a discussion will be made about things that will raise a controversy. If the hon. member has got any suggestion to make, I shall be very glad if he would send that to me in writing. I do not like any member to say anything so that a controversy may arise.

Khan Bahadur Maulavi KERAMAT ALI: Sir, the hon. members of this House are as responsible as the Hon'ble Ministers and the Speaker.

The Hon'ble the SPEAKER: Yes, quite so. But that also raises a controversy.

Mr. A. WHITTAKER: As one of the members of the Privileges Committee may I suggest that if it has become necessary for the subordinate officers to use their discretion or their commonsense, I think it is necessary that the rule be amended. If the rule as framed cannot be applied in its entirety, I do not think it any use to ret.ining it and then directing subordinate officers to use their discretion. I think it may be necessary for the Privileges Committee to reconsider the rule that requires the use of discretion. Would you consider that, Sir?

The Hon'ble the SPEAKER: For reconsidering the matter ?

Mr. A. WHITTAKER: On the ground that it requires subordinate officers to use their discretion and therefore it is not a very good rule.

Mr. FAKHRUDDIN ALI AHMED: I am glad that you are accepting it.

Mr. ARUN KUMAR CHANDA: Our status ought to be recognised as potential Ministers.

The Hon'ble the SPEAKER: Order, order. The next item of business.

Re installation of a telephone connection in members' hostels

Maulavi ABDUR RAHMAN: Yesterday also, Sir, I stood up to place a particular grievance of the hon. members who reside in the hostel. It will take me only two minutes.

I beg to draw your attention to a particular grievance of the members who reside in the hostel.....

The Hon'ble the SPEAKER: Is it very urgent ?

Maulavi ABDUR RAHMAN: It is very urgent Sir. I am glad to see that certain recommendations have been made to Government for making a provision in the Budget for providing Rs. 14,000 or so for making some additions and alterations in the hostel. Over and above those, I should like to submit to the Government through this House, Sir, that there should be installed in the hostel a telephone. It is causing great inconvenience to the members residing in the hostel. At least some arrangement might be made to instal one during the time the Assembly is in Session ; otherwise it creates inconvenience, say, when it is necessary to speak to members and Hon'ble Minister who are staying in different parts of this big town. It entails great expenditure if one is to go to the Hon'ble Ministers or to the Hon'ble Speaker for a small thing. The Hon'ble Speaker may therefore kindly ask the Government to make some arrangement for placing a telephone connection in the hostel only during each Session.

The Hon'ble the SPEAKER: Of course this matter will be placed before the House Committee as requested by the hon. member, Maulavi Abdur Rahman. But I may tell him that this question was considered and the practical difficulties connected therewith were also considered. Now if there is a telephone in the hostel, there might be some difficulty as regards trunk calls. In this connection I may tell the hon. members that once it so happened that there were some trunk calls from the telephone in the room of Government Secretaries and nobody could detect who gave the calls. The Assembly Department had to pay. These are the practical difficulties. As the hon. member has drawn my attention to this, so I felt compelled to give out all these things on the floor of the House ; otherwise I would not have told all these things.

The Assam Money-Lenders' (Amendment) Bill 1937, by Maulavi Abdul Aziz

The Hon'ble the SPEAKER: We are now to take up the consideration of further amendments to the amendments made by the Assam Legislative Council on Maulavi Abdul Aziz's "the Assam Money-Lenders' (Amendment) Bill, 1937". The hon. members perhaps remember that a motion to consider these amendments is already before the House which came up before the House last Session and could not be finished when the discussion

had to be stopped for doing some Government business. Now, this motion was made on the 18th March and the discussion could not be finished and when the discussion stopped, Mr. Baidyanath Mookerjee was addressing the House. He informed the House that he would take another 20 minutes. The matter was put up for the 21st March to be taken up during the question hour, if time permitted, but there was no time available after the questions were over and then again Government business had to be taken up after the question hour and so the discussion could not be taken up on that day. So the discussion had to be postponed for this Session. As Mr. Mookerjee was addressing the House and as he could not finish his speech, he can begin to-day. The hon. members know that this motion was before the House and that they were supplied with copies of amendments. I ask Mr. Mookerjee now to proceed with his speech.

Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, before we proceed with the discussion of this Bill I want to get certain information from the Hon'ble Premier on account of the fact that our attitude in respect of this Bill itself will depend largely on what the Government proposes to do in respect of Bills, which are awaiting discussion for a joint sitting of both the Houses, especially the Sylhet Town Land Tenancy Bill. As you know, Sir, that Bill is now resting for over a year with the Council.....

The Hon'ble the SPEAKER: It is waiting for a Joint Session.

Srijut GOPINATH BARDOLOI: I beg your pardon, for a Joint Session and according to the rules that we have, perhaps the Bill will be lapsing; at least it is being shelved. We may be creating a similar situation in connection with the Bill now before the House. The point is that if the Second Chamber does not adopt this Bill, or if it insists on certain amendments, and if we have got to go to a Joint Session, whether the Government is going to convene a Joint Session expeditiously and as early as possible. It seems, Sir, that in reference to the Bills, particularly the Sylhet Town Land Tenancy Bill, it is a fact that we have been merely spending our time without getting any result whatever. If that be the situation in respect of this Bill also, I do not know where we stand. I would therefore request the Hon'ble Premier to enlighten us as to what he proposes to do in regard to this Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the position as regards the Sylhet Town Land Tenancy Bill is that it is a private Bill. It has been passed by the Lower House, rejected by the Upper House, and after amendment again by this Assembly been rejected by the Upper House, and there has been a deadlock and unless there is a Joint Session it will not be possible to dispose of that Bill. At the same time, Sir, we were optimistic that the Assembly would be able to have this Bill disposed of when we met last. The convening of a Joint Session is a costly affair, and for a small Bill which affects only one town in the province we thought that it was not so very urgent. So we waited to see if there be two or more of such Bills which could be placed before the Joint Session. Our policy is that whenever we find such a divergence of opinion between the two Houses we would like that there should be two or three such Bills for consideration by a Joint Session.

Mr. FAKHRUDDIN ALI AHMAD: Mr. Speaker, Sir, the point raised by our Leader has not been replied by the Hon'ble Premier. Is it not a fact that by waiting for a period longer than a year the Bill will lapse? If it is so, whether the Hon'ble Premier is prepared to give us an undertaking that he will not adopt the same tactics with regard to this Bill as he has done in the case of Sylhet Town Land Tenancy Bill, and that he

will convene a Joint Session at an early date so that it may be possible to bring the Bill in the Statute Book without much delay.

The Hon'ble the SPEAKER: Is it the rule that if a Joint Session is not held within a year the Bill lapses ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, Sir, there is no such rule.

Babu NIRENDRA NATH DEV: If there is no other such Bill is not the Government going to call a Joint Session ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Well, if we have got no other work, we will be compelled to have a Joint Session.

Babu NIRENDRA NATH DEV: And for how long shall we have to wait ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If this Bill is passed by this House and turned down by the Upper House, as it has been turned down once, we will have a Joint Session.

Babu RABINDRA NATH ADITYA: Can the joint sitting not be held in connection with the general Session of the Assembly ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We will take that into consideration.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I do not exactly remember where I stopped on the last occasion. Of course as far as I recollect I will not repeat the arguments that I advanced, but I should not be blamed if in some cases it is found that I am repeating my arguments.

Sir, at first I appeal to my hon. friends present here to consider very seriously the object of this Bill— what was the object ? What was stated in the Statement of Objects and Reasons ? It was meant to give some relief to the poor agriculturists, but before this Bill has taken its place in the Statute Book what is the result ? As soon as it was passed in this House, money became so shy that the poor villagers have been practically handicapped because it has become simply impossible for them to get any honest loans. By the term 'honest' I mean that formerly when a man took a loan of Rs.10 the document was exactly for that amount, but after this the poor illiterate— (why illiterate, even the literate) cultivators in some cases are compelled to give a document for Rs. 20 or Rs. 25 instead of Rs. 10. Sir, in my opinion if the hon. members think fit that a Bill like this should be passed, they should think at the same time that some arrangement ought to be made so that the poor cultivators for whom we are crying here may get some loan at easy terms and at the time of their greatest need. Sir, nothing has been done in that respect. Simply by passing this Bill it will not help the poor agriculturists, but on the other hand, I am definite that, this Bill will kill them in the dark. They do not understand what has been done here. Of course, it is quite natural that if it is explained to some illiterate persons that the money which they took from such and such a person need not be paid back— that they were going to get some such relief— the natural conclusion is that the man will be very glad— it is the tendency of the present day. Otherwise, how is it that a man who in his honest belief lent some money under the existing rules then prevailing is now going to be robbed under these terms and conditions? Sir, we are trying to give some benefit with one hand and by the other hand we are taking away the privileges which these poor people are enjoying at present. The result will be that we are doing more mischief than the benefit we can offer by passing this Bill. I would therefore request my hon. friends to think of the future also. When credit

will become shy, there will be an increase of theft and dacoity. The poor people will be compelled to take recourse to such measures if they cannot maintain their families and if they cannot meet their demands.

Sir, supposing to-day there is nobody in our province who has got any debts as the effect of this piece of legislation, may I request my hon. friends to consider one point? If, Sir, after two or three years there is a famine or other calamity which may compel the masses to go to the doors of others, will it be easy or at all possible for them to get the loans as they are getting to-day? We should not be blind about the future. We must look to both sides of the shield.

Sir, I am one with the hon. mover when he says that some relief should be given to the poor agriculturists and other debtors. Exactly so. But so long as the effort is honest, I am one with him. But if the ultimate aim is something else—of course I do not want to dilate on this point very much—then surely cannot be one with him.

Hon. members who were present during the December session of 1937 when this Bill was passed, can very well remember how hastily this was done. I think it was in the course of an hour that such a piece of legislation was put through. And what is the result to-day? It is still where it was. Sir, I would appeal to my friends to consider the amendments which have been made by the hon. members of the Upper House. As it will be found from the amendments moved by my hon. friend Maulavi Abdul Aziz, he is not ready to accept even a single letter of the amendments which have been suggested by the hon. members of the Upper House. Is that fair, Sir? Some credit should be given to the members of the other House also. They are also considerate men, or at least some of them must be supposed to be so by my hon. friend the mover.

Babu RABINDRA NATH ADITYA: Why not give the same credit to the members of the Lower House?

Mr. BAIDYANATH MOOKERJEE: Sir, in reply to that I may remind my hon. friend that there was a division when this Bill was passed. So to which side the credit will go I request you, Sir, to consider—whether to those who spoke for the Bill or to those who spoke against it. What is the result to-day? You accept the amendments of the Upper House, give some relief for the time being to the poor agriculturists and if you have got any objections to any of the clauses, bring amendments and get them rectified. Do not be over-zealous. In that case, you will find the same difficulty when this Bill will again come up before the Upper House.

Sir, one most objectionable feature in this Bill is that of the “retrospective effect”. I do not remember, Sir whether I quoted the ruling of the late Sir Ashutosh Mukherji, once Chief Justice of Bengal. My friend Mr. Whittaker tells me that I have quoted it before. However, Sir, I shall quote only one ruling of that veteran in a case regarding retrospective effect.

The Hon'ble the SPEAKER: I think the hon. member discussed it once before.

Mr. BAIDYANATH MOOKERJEE: I think I am right in saying that I had practically avoided all the points which I mentioned during my last speech. But after about eight months I think it will be prudent on my part just to quote that portion again. Otherwise I am sure.....

The Hon'ble the SPEAKER: That will be repeating the argument.

Mr. BAIDYANATH MOOKERJEE: I am only repeating the ruling and not my arguments. Hon. members might have forgotten what I said that time. The learned Judge observed in the leading case of *Monjuri Bibi versus Akhel Muhammad* as follows:—

“It is well settled that retrospective laws are *prima facie* of questionable policy and contrary to the general principle that legislations by which the conduct of mankind is to be regulated ought, when introduced for a first time, to deal with future acts and ought not to change the character of past transactions carried on upon the faith of the then existing law. The maxim is familiar to every student of jurisprudence—a new law ought to be prospective, not retrospective in its operation”.

Sir, at that time I quoted the speeches of some of my hon. friends, namely, Hon'ble Srijut Rohini Kumar Chaudhuri, Mr. Hockenull, the then Leader of the European Group, and his successor, I mean Mr. Moore, they all were at one with me so far as this particular point was concerned.

The Hon'ble the SPEAKER: I hope the hon. member will finish soon. The hon. member should not repeat his arguments.

Mr. BAIDYANATH MOOKERJEE: No, Sir, I am not going to repeat or I do not think that except in one case, I have repeated and that is only in regard to the ruling. It is not possible for a man of my calibre to remember everything of what I said on another occasion several months ago. When everybody wants that I should sit down, I shall try to finish it soon. Before I take my seat, I shall once again request the hon. members present here that if they are really eager and sincere to give some genuine relief to the really deserving persons, in that case, they should accept the amendments of the Upper House as they are and when the Bill is passed they can bring amendments in the next session and they can amend those portions which they think are not in the interest of the agriculturists and other debtors.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: On a point of information, Sir. May I ask my hon. friend Mr. Mookerjee to draw the attention, of the House to those amendments of the Assam Legislative Council which give relief to the debtors?

Mr. BAIDYANATH MOOKERJEE: Shall I take the time of the House or can I do it afterwards?

The Hon'ble the SPEAKER: No. He wants to know the amendments which will give relief to the agriculturists.

Mr. BAIDYANATH MOOKERJEE: Practically all the amendments will give some relief (*laughter*).

Mr. A. WHITTAKER: Mr. Speaker, Sir, I find myself in the unusual but happy position of associating myself with most of what Mr. Mookerjee has said. I think, this is a bad Bill in plain English. I think, it is also the experience in every other province in India that the problem of money-lenders is not to be solved by legislation. There was similar legislation in the two provinces of Bengal and Bihar where they have exactly the same provision about the limitation of rates of interest. I can assure the House that I have never come across a case in which I have been able to prove that the rate of interest was extortionate and in excess of what was provided in the Act for the simple reason that the needy debtors never take the sum stated in the bond. If the loan is for Rs.100 the debtor takes Rs.85 and as the interest is charged on the face value of

Rs.100 the interest works out, in practice, much in excess of any maximum fixed by such legislation. It is the general view that this Bill will give relief and my view is a voice in the wilderness. At the same time, I think, it should be brought to the attention of the House that if this Bill is passed in the form in which it is introduced, it has certain consequences. Instead of bringing the Banks into competition with the village Mahajans, you automatically by passing the Bill drive them away from competing in the field of rural money lending. If you reduce the competition for money-lending business, automatically you reduce the chance of lowering the rate of interest. The second point is that this Bill establishes the vicious principle of giving retrospective effect. We have consistently raised our voice against it and I trust that Mr. Aziz will realise that retrospective effect is a damaging business. Personally I do not agree with the Council amendments which have the effect of putting up the rate of interest. I do not think for a moment that these amendments will have practical consequences. The maxima in the Bill are useless unless the debtor gets the face value of the bond. For these reasons the Planting and Commerce Group will vote against the Bill which is inspired by good motives but, in practice, will be ineffective.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I am simply surprised to find my friend Mr. Mookerjee speaking against the Bill as passed by this House previously. I have found Mr. Mookerjee always a man of progressive ideas and advanced thoughts who feels very deeply for the people, but to-day I find that he is profoundly imbued with the autochthonism of a Jewish money-lender of the Shylockian type. Sir, he says that the House should accept the amendment made by the Upper Chamber. Sir, they have done away with the provision of retrospective effect and so the very idea of the Bill was frustrated. He says that if this Bill is passed, now in the same form in which it was passed previously by this House, the peasants will take recourse to dacoity. I am sorry to say that the peasants are not dacoits but are frequently attacked by dacoits instead and now-a-days it is very difficult to say from the list of dacoits whether they are the peasants or persons of other rank. I can boldly say that dacoity is not known to peasants. I live in village and I know the difficulties of the peasants. Hundreds of people approached me to know whether the Bill is going to be passed in this session. I am sorry that Mr. Mookerjee has said that if the Bill is passed it will be amounting to killing the peasants in darkness, but I can boldly say that if the Bill is passed as amended by the Upper Chamber, the peasants will be killed in broad day light. Sir, you will find that in the villages 75 per cent. of the peasants have become landless by the grace of the Mahajans. So it is better to pass the Bill in the shape as it was passed by this Assembly. The aim of the Upper Chamber is not very honest with regard to this Bill and their idea is, to leave out Banks from the operation of this Bill and to do away with the provision of that retrospective effect. These are the main aims of the Bill to give relief to the poor peasants. I have no grudge with Banks, but in some cases Banks are found more cruel than individual Mahajans. So the Bill should be passed as passed previously by this House.

Maulavi ABDUR RAHMAN: Mr. Speaker, Sir, let me begin from the last submission of Mr. Mookerjee. He has appealed to the House that the House would be generous enough to take accept the amendments of the Upper House. Now we accept the appeal of Mr. Mukherjee what will be the result? The spirit of the whole Bill will totally go away and the intention of the sponsor of the Bill will be totally killed.

The intention of the sponsor of the original Bill was to benefit the poor agriculturists by giving them certain relief in certain vital points. Sir, the original Act was passed by the old Council in 1934. Probably that Act sought to provide that no Mahajan or money-lender should be given the chance to realise more than double the amount which was originally lent. But I am afraid that that Act was not complete in itself because the expression given there was ambiguous so far as the realisation of the double was concerned. The payment which is made outside the Court is not counted and if the suit goes to the Court the Mahajan is to get in full. Sir, there cannot be any justification to say that a man who pays certain amount of money outside the Court cannot have any consideration of that amount. This is why I brought the amendment to the Bill sponsored by Maulavi Abdul Aziz that the amount in no case will be double the principal amount which was originally lent out to the debtor. I am citing an instance in this connection. Suppose A and B are debtors to C. Both in the same day and in the same transaction took a loan of Rs.500 each say about 5 years back. A is not a good debtor and he slept over the loan throughout the whole period without caring to pay anything. But B being a good debtor, made payments occasionally and that amounted to say Rs.100 which was credited towards interests. Now, if C goes to the Court against both the persons, this unfortunate B though he made payments outside the Court to the extent of Rs.100, will be liable to pay the double of the original amount he took from the money-lender. And A who is a cunning debtor and had not made any payment will also be liable for the same amount. Sir, this will clearly throw light upon the hon. members of the House that B being an honest man, in spite of making payment of Rs.100 outside the Court, will have to pay the equal amount to that of A. Sir, this is not a good law. This is why I want that payment which has been made outside the Court must be taken into account while the final decree is made by the Court. What the Upper House has done? They have taken to the old tactics and have thrown out my amendment. Section 9 of the Act has been amended as "no money-lender shall, in respect of any loan made after the commencement of this Act, recover, on account of interest and principal, whether through Court or by way of usufruct of lands in usufructuary mortgages, a sum greater than double the principal of the loan". This amendment has been recommended by the Upper House. But our amendments were, "no money-lender shall, in respect of any loan made before or after the commencement of this Act....." Now the Upper House wants that the words "before or" should be deleted, but we insist that "before or" must be here. The Upper House has rejected the words "or otherwise". If the words "or otherwise" are deleted, the intention of the sponsor of the Bill goes away. So we insist upon the words "or otherwise". Now if we adopt the amendments made by the Lower House in 1937 then we cannot but adopt the other portion of the said Bill.

If we take the principle that no money-lender should realise more than double principal amount which was originally lent out, then we must make some provision for usufructuary mortgage cases. A poor man takes a loan from certain Mahajan by letting his land in mortgage—he Mahajan enjoys the crop of the land in lieu of interest, but even after the completion of 30 years he cannot redeem the land. There are instances that the people are deprived of their lands for 15, 20 and 25 years. If we really intend to give some kind of relief to the poor agriculturists, we must make some provision in the Bill. While in 1916 to 1918 there

were certain abnormal days during the war and the living of the people was high, they had to borrow money by giving usufructuary mortgages to the richer people and since then these people cannot take back their land. Sir, under the usufructuary mortgage the possession of the land goes to the Mahajan and they enjoy this produce in lieu of the interest of their money they lent to the debtor. They are to enjoy the profits of the land and the principal amount remains intact—no question whether it covers a period of 100 years or whether it covers a period of 50 years or whether it covers a period of 30 years. We have been satisfied by calculation that 12 years are sufficient to cover the double of the principal amount in such usufructuary cases. So we propose in sub-clause (2) of clause 9 of the proposed Bill that for usufructuary mortgages the longest period should be 12 years, so that the Mahajans also may not be sufferers and that the poor tenants may get some substantial relief in the way of redemption of their land. In 1937 when I moved this amendment there were some arguments that there is a likelihood of drought or flood and the Mahajans may not get full crop—so as to cover their principal money together with the double amount as interest. But it is a commonsense question that every year flood or drought will not come. It mostly depends on nature. I have myself very fully thought over the matter and I am satisfied that eight years may be set apart for the realisation of double the amount of principal and four years may be allowed for the natural calamities. Therefore I moved that 12 years' time would be sufficient to recoup the double amount which the Mahajans originally lent out as loans. In this connection the Council has recommended that 9 years from the date of the loan should be the time to fully satisfy the loan. This recommendation does not satisfy us. We want that all new loans issued after the passing of this Bill will be deemed to be fully satisfied on the completion of 9 years. This morning my friend Mr. Karuna Sindhu Roy enquired of me whether the period of 9 years as amended by the Upper House can be accepted. I would have gladly accepted this period of 9 years had this been before the commencement of this Bill. As has been referred to by Maulavi Maqbul Hussain Chaudhury, people are creating a big row as to what has become of the fate of this Bill. Since it was passed in the Lower House in 1937 the money suits in Courts have increased beyond leaps and bounds. The Mahajans are taking the earliest opportunity to obtain decrees so that after the enactment of this Bill they may not be affected. It is high time that this Bill should be expedited in this House and that an early decision on this Bill should be taken.

I heard some hon. members saying that if we do not accept the amendments this Bill will go again to the Upper House. Again they will throw it off. This will be a long procedure. Of course it is so. But the Government of India Act has made such a provision that we cannot achieve success early. It is a circuitous way. It is an admitted fact. There is no other alternative. If we accept the amendments made by the Upper House then we will not be able to come to the rescue of the people. My submission is that we must accept the original Bill which was adopted by this House. The Upper House is sitting on the 29th and I hope this goes to the Upper House then. If they throw it off we shall have a Joint Session immediately after the Budget Session or possibly earlier. I make a special request to the Hon'ble Premier to see that a Joint Session is convened at a very early date to decide the fate of this Bill.

The Hon'ble the SPEAKER: I think no other hon. member is going to speak.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Hon'ble Minister-in-charge is going to reply.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I dealt with this Bill when it was first introduced in this House. So I think I should speak a few words on the Bill, especially because my friend Mr. Mookerjee has been pleased to make a passing reference about me and this encourages me to take my stand to-day.

This Bill is one of the several ameliorative measures which Legislature in several provinces have been trying to introduce in order to bring greater relief to our poor peasantry. This is all the more important now in our province, on account of the outbreak of the war. Our *raiya*s are getting better prices for some of their commodities (*A voice*—No) and the Government has consistently for some years past followed a policy of granting liberal remission of land revenue. At this stage they should help the *raiya*s by protecting them against the creditors.

Sir, the position of the poor people will, as a result of operation of this Act, considerably improve and, I repeat that ameliorative measure is all the more necessary and helpful at this time (*Hear, hear*). At the time of the introduction of this Bill I laid my protest against the retrospective character of some of the provisions, but this protest was not heeded at that time. But to-day I feel that there is hardly any reason to object because a number of creditors have, in order to escape the provisions of this Bill, rushed to the Court and unless retrospective provisions are adhered to, the debtors will not get the protection intended by this Bill.

Sir, I had very high opinion about Mr. Mookerjee when he submitted himself to the Agricultural Income-tax Act which will take away, year after year, a big slice of his fat income. But why should he be so hard on the poor debtors? (Mr. Baidyanath Mookerjee:—I am not a money-lender). That makes his case worse. If he were a money-lender and had his own interest to protect, I should have understood that there was some explanation for his present attitude. But he says, he has no interest in money-lenders' business and still he wants to be hard on the poor debtors which shows that he bears a certain amount of ill-will against them. (Mr. Baidyanath Mookerjee:—My motive is honest and not selfish). I have already paid high compliments to my hon. friend's attitude towards taxing himself, and that should be a sufficient certificate.

Now, Sir, in this poor country the poorer the man is the higher is the rate of interest which he has to pay. Large capitalists who engage themselves in business can get large amount of loan by paying a rate of interest which in no case exceeds 6 per cent. The Bill as amended by the Assam Legislative Council seeks to fix the rate of interest on unsecured loan at 15 per cent. and I think everyone will revolt against such high rate of interest in these days.

Sir, the two reasons for which I warmly support this Bill are firstly, the Bill aims at reduction of the rate of interest to a reasonable sum, and secondly it wants to enforce the rule of *Damdapat* which was in force in this country at any rate in ancient times. The Assam Legislative Council has done away with these two salutary provisions of this Bill. Mr. Mookerjee wants this House to accept the amendments which have been made by the Upper House. If these amendments are accepted there will be no relief at all in Assam to the poor debtors.

So, Sir, I say that the calamity about which my hon. friend Mr. Mookerjee was speaking of if this Bill is passed is really imaginary. In this province calamities come off and on in the shape of floods, hurricanes, etc. I can, however, assure the House as well as Mr. Mookerjee that no calamity will come to this province on account at any rate of the passing of this Bill.

Maulavi ABDUL AZIZ: Mr. Speaker, Sir, I want to say a few words in reply to Mr. Mookerjee. Mr. Mookerjee has found fault with the Bill as passed by this House and he urges us to accept the amendments made by the Upper House. I am constrained to say that Mr. Mookerjee is a misfit here. He belongs to the aristocratic class and he ought to be placed in the Upper House.

Sir, the original intention of the Bill has been frustrated by the Upper House. Mr. Mookerjee used the old arguments which he used when the Bill was first discussed on the floor of this House and I do not find anything new in his arguments, to reply.

Mr. Whittaker objected to the retrospective character of the Bill. For his satisfaction I would like him to refer to the original Act which we are proposing to amend. I refer him to section 8 of the Assam Money-lenders' Act (IV of 1934), where the principle of giving retrospective effect is laid down. It is stated there that all loan transactions taking place after 1918 will be affected by the Assam Money-lenders' Act (IV of 1934). Although the Act was passed in 1934 all transactions after 1918 were made to be affected. So, the principle of retrospection which has been so much objected to is already there in the Act. Sir, this Bill was brought forward with the object of helping the poor agriculturists about whose distress we have heard times without number on the floor of this House. The Hon'ble Minister just now stated that Government have decided to grant remission of land revenue in consideration of the dire distress of the poor agriculturists. Their indebtedness is an admitted fact. We are going to help them. Mr. Mookerjee paid lip sympathy to them, but mere verbal expression of sympathy is no good. He says that all the amendments made by the Upper House are considerate, but I want to point out to the House that the amendments of the Upper Chamber do not take into consideration the past liabilities and the *impasse* condition the agriculturists have got into. The Upper House has looked only to the future. But we must remember that a huge burden of past liabilities lies heavily on the shoulders of our tenantry. I am thinking of that; whereas Mr. Mookerjee is too much anxious about the future. I do not know what will come in the future and it is for this reason that we propose to give retrospective effect to the Bill. If you take away that character of the Bill, it will then lose all its importance.

The Hon'ble the SPEAKER: How much more time the hon. member will take ?

Maulavi ABDUL AZIZ: Only one minute, Sir.

Again it concerns mostly the poor agriculturists, and the poor people alone entering into transaction extending up to Rs. 500 and it does not affect all.

In the light of all these circumstances, Sir, I submit it to the hon. House that there is nothing objectionable or there is nothing very hard in this Bill affecting any particular class or people if the Bill is passed. With these words, Sir, I commend my motion for the acceptance of the House.

Adjournment

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

(After Lunch)

Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, before this matter is put before the House I desire to explain the attitude of the members of our party in respect of this Bill. It is very well known to members of this hon. House what attitude we took in this connection—we had supported Maulavi Abdul Aziz's Bill when introduced, and was responsible for bringing it to the shape in which it was sent to the Upper House; but the dilatory methods which have been adopted by the Government in respect to certain other Bills made us think whether it would not be desirable to accept the little benefit which the Upper Chamber gave in reference to this Bill—at least over the provisions of the original Act. I, therefore, enquired of the Hon'ble Premier this morning to let us know whether if the Bill was passed in this House in its original shape he would be pleased to convene a meeting of the Second Chamber immediately and place it there; secondly, if a stage is arrived, by which the Bill has got to be referred to a joint sitting whether he would convene a meeting of the joint House immediately after the termination of the sitting of the Upper House. I repeat that request again in order to make our position clear in reference to what attitude we are going to take about this Bill. I had great pleasure in hearing the Hon'ble Mr. Chaudhuri, the Education Minister. So far as I understood him he did not take up the same attitude before in reference to the provisions of this Bill. If I remember aright he had opposed the retrospective clauses in the Bill, and also certain other provisions. But his decision in order that we might decide our attitude.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I had already stated this morning that it was the intention of Government to place this Bill before the Upper Chamber if it is passed in this session here. Not only this Bill alone but also all the other Bills if they are passed in this session. It is our intention to place these Bills before the Upper House at its ensuing session which is starting on the 29th. We will make every endeavour that the Hon'ble the President on the waive the usual 7 days' notice, so that these may be taken up by the Upper House. As hon. members may be aware, the Upper House will close on the 4th of December—we close here on the 23rd. If we are to convene a Joint Session immediately after, perhaps the usual time that is required for notice of summons will not be had, but I can assure my hon. friend the Opposition Leader that should things come to a pass that this measure not be enforced as a law without a Joint Session a Joint Session will be called for as early as practicable.

The Hon'ble the SPEAKER: I shall now put the question before the House. I think the hon. members have got the order paper containing all the amendments. The question is—

“That this House disagrees with the amendments made by the Assam Legislative Council to the Assam Money-lenders' (Amendment) Bill, 1937 as passed by this House and substitutes in their places the following amendments with a view to restore the Bill to the same form in which it was passed by this House :—

1. That in sub-clause (2) of clause 1, after the words “ at once ” the words “ and it shall apply to pending suits and appeals ” shall be added.

2. That in clause 2, the following shall be added as sub-clauses (1) and (2) respectively—

“2. (1) That after the word “person” in sub-section (1) of section 2 of the principal Act, a “comma” and the following words, “Society or Bank either private or registered under the Co-operative Societies Act, 1912 or the Indian Companies Act, 1913” be inserted.

(2) That in sub-section (3) of section 2 of the principal Act, the words “ and shall include any bond bearing interest executed in respect of past liabilities ” be deleted ”.

3. That in sub-clause (3) of clause 2 after the words “Post Office Bank” a “full stop ” shall be inserted and the subsequent words “or in any incorporated Bank or Society ” shall be deleted.

4. That in clause 2, the following shall be added as sub-clause (4):—

“(4) That in the last line of sub-section (3) of section 2 of the principal Act, after the word “and” the following be added, namely—

“also a bond taken for arrears of rent shall be considered to constitute a loan”.

5. That the following shall be added as clause 3:—

“3. (1) That in the first line of section 4 of the principal Act, after the word “made” the words “before or” be added.

(2) That the proviso to section 4 of the principal Act be deleted”.

6. That in clause 4, in the proposed section 8 for the figures “10½, 15, 10½ and 15” the figures “9½, 12½, 9½, and 12½” respectively shall be substituted.

7. That in clause 5, in sub-section (1) of proposed section 9, after the word “made” in the 2nd line, the words “before or” and after the word “Court” in the 5th line the words “or otherwise” shall be added.

8. That in clause 5, in sub-section (1) of proposed section 9, the following shall be added as proviso (i):—

“(i) A Bank advancing money at interest not exceeding 6 per annum
or”

9. That in clause 5, in sub-section (1) of proposed section 9, for Explanation (ii) the following shall be substituted:—

“(ii) For the purpose of sub-section (1) of section 9 in respect of usufruct of lands in usufructuary mortgages a loan not exceeding Rs. 500 in principal made before the commencement of this Act, shall be deemed to be fully satisfied on the completion of 12 years from the date of the loan and on the completion of 9 years of a loan made after the commencement of this Act”.

10. That in clause 5, in the proposed section 9, the following shall be added as sub-section (3) of that proposed section:—

“(3) For the purpose of this section parties to or the properties in the subsequent instrument or instruments may be same or different”.

The Assembly divided.

AYES—78

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Srijut Rohini Kumar Chaudhuri.
3. The Hon'ble Maulavi Munawwar Ali.
4. The Hon'ble Srijut Hirendra Chandra Chakravarty.
5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
6. The Hon'ble Dr. Mahendra Nath Saikia.
7. The Hon'ble Maulavi Abdul Matin Chaudhuri.
8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Babu Akshay Kumar Das.
12. Mr. Arun Kumar Chanda.
13. Babu Balaram Sircar.
14. Srijut Beliram Das.
15. Srijut Bepin Chandra Medhi.
16. Babu Bipin Behari Das.
17. Srijut Bishnu Ram Medhi.
18. Babu Dakshina Ranjan Gupta Chaudhuri.
19. Srijut Debeswar Sarmah.
20. Srijut Gauri Kanta Talukdar.
21. Srijut Gopinath Bardoloi.
22. Srijut Haladhar Bhuyan.
23. Babu Harendra Narayan Chaudhuri.
24. Srijut Jadav Prasad Chaliha.
25. Srijut Jogendra Chandra Nath.
26. Srijut Jogendra Narayan Mandal.
27. Babu Kalachand Roy.
28. Srijut Kameswar Das.
29. Babu Kamini Kumar Sen.
30. Babu Karuna Sindhu Roy.
31. Srijut Krishna Nath Sarmah.
32. Srijut Lakshesvar Borooah.
33. Babu Lalit Mohan Kar.
34. Srijut Mahadev Sarma.
35. Srijut Mahi Chandra Bora.
36. Babu Nirendra Nath Deb.
37. Srijut Omeo Kumar Das.
38. Srijut Paramananda Das.
39. Srijut Purandar Sarma.
40. Srijut Purna Chandra Sarma.
41. Babu Rabindra Nath Aditya.
42. Srijut Rajani Kanta Barooah.
43. Srijut Rajendra Nath Barua.
44. Srijut Ram Nath Das.
45. Srijut Sankar Chandra Barua.
46. Srijut Sarveswar Barua.
47. Babu Shibendra Chandra Biswas.
48. Srijut Siddhi Nath Sarma.
49. Srijut Sonaram Dutta.
50. Maulavi Abdul Aziz.
51. Maulavi Abdul Bari Chaudhuri.
52. Maulana Abdul Hamid Khan.
53. Khan Bahadur Hazi Abdul Majid Chaudhuri.
54. Maulavi Abdur Rahman.
55. Maulvi Md. Abdus Salam.
56. Maulavi Dewan Muhammad Ahab Chaudhury.
57. Maulavi Muhammad Amiruddin.
58. Maulavi Muhammad Amjad Ali.
59. Maulavi Badaruddin Ahmed.
60. Maulavi Ghyasuddin Ahmed.
61. Maulavi Jahanuddin Ahmed.
62. Maulavi Muhammad Maqbul Hussain Chaudhury.
63. Khan Bahadur Maulavi Mahmud Ali.
64. Maulavi Mabararak Ali.
65. Khan Bahadur Maulavi Mufizur Rahman.
66. Maulavi Naziruddin Ahmed.
67. Maulavi Sheikh Osman Ali Sadagar.
68. Mr. Benjamin Ch. Momin.
69. Srijut Bhairab Chandra Das.
70. Srijut Bideshi Pan Tanti.
71. Srijut Binode Kumar J. Sarwan.
72. Srijut Dhirsingh Deuri.
73. Rev. L. Gatphoh.
74. Mr. C. Goldsmith.
75. Srijut Karka Dalay Miri.
76. Srijut Khorsing Terang.
77. Srijut Rabi Chandra Kachari.
78. Babu Sanat Kumar Ahir.

Noes—11

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|------------------------------|-----------------------|
| 1. Mr. Baidyanath Mookerjee. | 6. Mr. W. R. Faull. |
| 2. Mr. Naba Kumar Dutta. | 7. Mr. E. B. Sim. |
| 3. Mr. A. F. Bendall. | 8. Mr. P. Trinkle. |
| 4. Mr. F. W. Blennerhassett. | 9. Mr. C. W. Morley. |
| 5. Mr. N. Dawson. | 10. Mr. R. A. Palmer. |
| | 11. Mr. A. Whittaker. |

(After the division)

Rev. L. GATPHOH: Sir, may I bring one fact to your notice? When I heard that the division bell was ringing, I came running but I was not allowed to enter as all the doors were closed. I came when the first bell was still ringing.

The Hon'ble the SPEAKER: But I am told that the bell ceased to ring when the hon. member came.

Rev. L. GATPHOH: No, Sir. When the first bell was still ringing, I tried to enter, but could not as all the doors were closed.

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Gatphoh and myself came when the first bell was still ringing (*laughter*) and when we pulled at the door, the door did not open.

The Hon'ble the SPEAKER: Was the bell ringing?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, the bell was ringing.

The Hon'ble the SPEAKER: Am I to understand that the Hon'ble Minister has not also been able to cast his vote?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir. I have also been prevented from voting.

The Hon'ble the SPEAKER: I shall consider.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, what I have seen now-a-days is that one Chaprassi first locks up a door and then he rushes to lock up all other doors even while the bell rings.

The Hon'ble the SPEAKER: Is it so?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir. Every day I have noticed that the Chaprassi first locks up this door and then he rushes to lock up the other doors.

The Hon'ble the SPEAKER: I will take steps.

The Hon'ble Maulavi MUNAWWAR ALI: In the circumstances, I think, Mr. Gatphoh and myself should be allowed to cast our votes.

The Hon'ble the SPEAKER: I have no reason why I should not accept the statement of hon. Mr. Gatphoh and the Hon'ble Maulavi Munawwar Ali and therefore I allow them to cast their votes.

(The votes of the two hon. members were then recorded).

Ayes being 78 and Noes 11, the motion was adopted.

The Hon'ble the SPEAKER: Now under sub-rule (2) of rule 138 of the Assembly Rules, a message in due time will be sent to the Assam Legislative Council with regard to this motion.

The Assam Decree Settlement Bill, 1938 by Maulavi Abdul Aziz

Maulavi ABDUL AZIZ: Sir, I am to move a motion for reference of my Assam Decree Settlement Bill, 1938, to a Select Committee. The motion was due during the last session, but I could not move the motion as I was a minute late in entering the Chamber. I now beg to move that the Assam Decree Settlement Bill, 1938 be referred to a Select Committee consisting of the following members:—

1. Maulavi Muhammad Amjad Ali,
2. Maulavi Syed Abdur Rouf,
3. Maulavi Abdul Bari Chaudhury,
4. Mr. C. Goldsmith,
5. Babu Dakhina Ranjan Gupta Chaudhury,
6. The Hon'ble Minister-in-charge of Judicial Department, and
7. The Mover.

I would also like to add the names of Mr. Arun Kumar Chanda and Maulavi Abdur Rahman.

Five members to form a quorum.

Sir, public opinion on the Bill was already received and I think it is in the possession of the hon. members. The House has already committed to the principle of referring the Bill to a Select Committee. So I think a speech is not necessary on my part. I, therefore, commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved.

“ That the Assam Decree Settlement Bill, 1938, be referred to a Select Committee consisting of the following members:—

1. Maulavi Muhammad Amjad Ali,
2. Maulavi Syed Abdur Rouf,
3. Maulavi Abdul Bari Chaudhury,
4. Mr. C. Goldsmith,
5. Babu Dakhina Ranjan Gupta Chaudhury,
6. Mr. Arun Kumar Chanda,
7. Maulavi Abdur Rahman,
8. The Hon'ble Minister-in-charge of Judicial Department, and
9. The Mover.

Five members to form a quorum.”

Mr. ARUN KUMAR CHANDA: Sir, I want to make a submission. Yesterday it was decided that different party leaders should be consulted for names from their respective groups for the purpose of constituting a Select Committee. In the present case, I understand, this has not been done.

The Hon'ble the SPEAKER: When the names are mentioned for constituting a Select Committee I always presume that the leaders of the different parties have been consulted. If it is not done the hon. member may say that it was not done. It is the duty of the hon. member to see that the leaders of the parties are consulted.

Then I think there is not going to be any debate on this motion. Then I am putting the question. The question is

“That the Assam Decree Settlement Bill, 1938, be referred to a Select Committee consisting of the following members :—

1. Maulavi Muhammad Amjad Ali,
2. Maulavi Syed Abdur Rouf,
3. Maulavi Abdul Bari Chaudhury,
4. Mr. C. Goldsmith,
5. Babu Dakhina Ranjan Gupta Chaudhury,
6. Mr. Arun Kumar Chanda,
7. Maulavi Abdur Rahman,
8. The Hon'ble Minister-in-charge of Judicial Department, and
9. The Mover

Five members to form a quorum.”

The motion was adopted.

The Assam Maternity Benefit Bill, 1940 by Mr. Arun Kumar Chanda

Mr. ARUN KUMAR CHANDA: I beg to move that the Assam Maternity Benefit Bill, 1940, be referred to a Select Committee consisting of the following members :—

1. The Hon'ble Minister-in-charge of Labour,
2. Srijut Debeswar Sarmah,
3. Mr. Baidyanath Mookerjee,
4. Babu Sanat Kumar Ahir,
5. Mr. A. Whittaker,
6. Srijut Bideshi Pan Tanti,
7. Maulavi Muhammad Maqbul Hussain Chaudhury,
8. Maulavi Ghyasuddin Ahmed, and
9. The Mover.

(Five members to form a quorum.)

I confess that I did not consult the Hon'ble Minister-in-charge of Labour, for names from his side of the House. But I am prepared to do so.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Hon. members are aware that during the last Budget Session two Maternity Benefit Bills were introduced—one from the Government side by myself and the other by hon. Mr. Chanda. Both the Bills were circulated for eliciting public opinion thereon. Subsequently, Sir, we got a communication from the Government of India that these two Bills contained provisions which were not within the power of the Provincial Legislature to legislate. In both the Bills factories, plantations, mines and oil fields were included.

The Hon'ble the SPEAKER: The Hon'ble Minister will do well to point out the clauses of the Bill.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: In the Preamble it is stated—

“Whereas it is expedient to regulate the employment of women in factories, plantations, oilfields and mines for some time before and some time after confinement and to provide for the payment of maternity benefit to them....”

It was pointed out by the Government of India that legislation in regard to labourers in mines and oil fields was within the exclusive jurisdiction of the Central Government which comes under the Federal List. Therefore we are not authorised to legislate with regard to mines and oil fields.

The Hon'ble the SPEAKER: The Hon'ble Minister will please refer me to the item.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is item No.35 of the Seventh Schedule, first list of the Government of India Act—Regulation of labour and safety in mines and oil fields.

The Hon'ble the SPEAKER: But factories are in the Concurrent List.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mines and oil fields have been included in the Federal List. The Provincial Government is not entitled to legislate in regard to mines and oil fields. With regard to our Government Bill we have decided not to proceed with it. The Government of India, however, informed us that they were bringing a Bill in the Central Legislature on maternity benefit, legislating on mines and oil fields. We are introducing just another Bill omitting mines and oil fields. I would suggest for the consideration of Mr. Chanda that he may also adopt a similar procedure with regard to his Bill. Or better still, when Government Bill will be before the Assembly he may table amendments if he likes.

The Hon'ble the SPEAKER: May I know from hon. Mr. Chanda whether on hearing what the Hon'ble Minister-in-charge has said he is going to withdraw his Bill?

Mr. ARUN KUMAR CHANDA: I shall also omit mines and oil fields from my Bill.

The Hon'ble the SPEAKER: Hon. Mr. Chanda will realise the point that the Hon'ble Minister has raised. If the Bill stands as it is then it will be necessary that the sanction of the Governor General should be obtained, because certain matters relate to the Federal List within the exclusive jurisdiction of the Central Assembly to legislate. That is the point.

I may tell the hon. members of the House that when this Bill first came to me—just when Mr. Chanda sent notice of the Bill—I considered this matter and I felt doubt as to whether this Bill would be within the competence of this Legislature to legislate. And as I could not get sufficient materials to resolve my doubt, I admitted the Bill provisionally, hoping that some hon. member, at the time of introduction, would raise this point. But that point was not raised. So I gave the benefit of my doubt to the Province and allowed the Bill to be introduced. Now, if Mr. Chanda accedes to the request of the Hon'ble Minister-in-charge, then the matter would be simplified. But if Mr. Chanda does not agree to accede to the request of the Hon'ble Minister-in-charge, then, of course, I shall have to decide whether this Legislature has got any right to proceed with the Bill. Of course, the decision of the Government of India is not binding upon this House. The House has got the right to decide afresh whether this Bill is within the competence of this Legislature or not. I shall first ask Mr. Chanda what he proposes to do.

Mr. ARUN KUMAR CHANDA: The only grouse is that the local Government might have done me the courtesy of informing me.

The Hon'ble the SPEAKER: I may say that really I was asked to inform the hon. member that such an objection had been raised by

the Government of India. But I thought that it would not be proper for me to inform Mr. Chanda that such an objection had been raised by the Government of India. Having regard to the fact that I allowed the Bill to be introduced and having regard to the fact that when I have allowed the Bill to be introduced it is the right of the House to know on what ground I can now disallow the Bill to proceed with, I thought that the matter should be thrashed out on the floor of the House and informed Government that the best course would be to draw attention to the provision of the Government of India Act on the floor of the House when Mr. Chanda would move for referring the Bill to a select committee.

Mr. ARUN KUMAR CHANDA: I am afraid, I am not competent to give my opinion until I have consulted the leader of the party. I request that the matter might stand over. I did not know that this trap was laid for me.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: There is no question of any trap being laid. The final communication that we received from the Government of India was on the 22nd October.

Mr. ARUN KUMAR CHANDA: I hope the Hon'ble Minister will extend this courtesy to me that the matter may stand over until I have consulted the leader of my party.

The Hon'ble the SPEAKER: There is no objection to his coming forward with this motion next day. In that case he will lose the priority that he is getting to-day. I may, however, tell the hon. member that if his party decides to proceed with the Bill, his party should come prepared to meet the point that this Legislature has no right to proceed with this Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It can be taken up on the 15th November.

The Hon'ble the SPEAKER: I am not putting the question before the House.

The Assam Temple Entry Bill, 1940, by Srijut Ghanashyam Das

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, my hon. friend Srijut Ghanashyam Das is absent to-day. He has not been able to attend the Assembly owing to some domestic difficulties and he has written a letter to me requesting me to proceed with this Bill, *i.e.*, to move that the Bill be referred to a Select Committee. I believe another letter has been addressed to you which I think you have received.

The Hon'ble the SPEAKER: Yes, I have received a letter from Srijut Ghanashyam Das intimating to me that the hon. member has been authorised to move his motion. But I am afraid, I cannot permit him to move this motion having regard to the provisions of rule 57. I draw the attention of the hon. member to sub-rule (1) of rule 57. "No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member-in-charge, except by way of amendment to a motion made by the member-in-charge". So, the hon. member will realise that I cannot allow him to deputise Mr. Das so far as this motion is concerned. Sub-rule (2) makes it more clear: "For the pur-

poses of this rule 'member-in-charge of the Bill' means, in the case of a Government Bill, any member acting on behalf of the Government and, in any other case, the member who has introduced the Bill".

Then, I may point out to the hon. member that the Bill will stand over, it will not lapse. Under rule 18 when a Bill is introduced, the Bill will continue for two consecutive sessions and if the Bill is not moved in the meantime it will lapse. So the Bill will stand over for the next session, or if the hon. Mr. Das comes to attend this session later then it may be taken up on any other non-official day this session.

Srijut GAURI KANTA TALUKDAR: In this respect may I make a submission, Sir? I may not move the original motion as this is barred by the rules, but I may move that the motion be stayed over for a few days. Srijut Ghanashyam Das is coming soon, and 15th is a non-official day; if the hon. Mr. Das comes on that day he may be allowed to move the motion.

The Hon'ble the SPEAKER: I have already said that if the hon. member comes, the Bill may be taken up on that day.

Now we come to resolutions.

Resolution *re* change of system of transaction of business followed in District Treasuries

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I beg to move:

"That this Assembly is of opinion that the present system of transaction of business followed in District Treasuries, which results in considerable inconvenience and waste of time, and which further creates accounting difficulties for the public who have transactions with this Department, should be replaced by a more business-like procedure; particularly so as this would doubtless also save Government time, money and staff."

In moving this resolution, Sir, I do so in the hope that Government may remove what is at present, I believe, a very fruitful source of loss of money and loss of time...and productive of a very great deal of trouble. Lots of us here have numerous calls and summonses to pay periodically; some of these demands are fairly polite, some of them are more insistent. In any case they all have something in common which is that in the end we have got to pay. But once having paid, our trouble is to get a receipt for the money. Having got the receipt for the money after a good deal of trouble, (we sometimes have to wait for several days) we then proceed to the treasury, then from the treasury to the appropriate office and there get what originally we set out to purchase. If I go to a shop to buy a pair of socks I buy them and pay the money on the spot, furthermore I get a receipt from the man who gets my money. I take the socks and the receipt away with me. In this case if I want to buy a boiler license or something of this sort I have got to go to the treasury and deposit the money. Then I have to wait for the receipt which I have to take to some other Government Department, and then obtain the license for the boiler in exchange.

This is not the first time this particular matter has been brought before this House, and we hope that Government will be pleased to consider a more reasonable way of dealing with this subject. The present methods might have been of use in the past but we feel that they have outlasted their time, and should be replaced by a more business-like procedure.

The Hon'ble the SPEAKER: Resolution moved:

"That this Assembly is of opinion that the present system of transaction of business followed in District Treasuries, which results in considerable inconvenience and waste of time, and which further creates accounting difficulties for the public who have transactions with this Department, should be replaced by a more business-like procedure; particularly so as this would doubtless also save Government time, money and staff."

Mr. W. R. FAULL: Mr. Speaker, Sir, this is no new question and if little has been heard of it in recent times that merely signifies despair on the part of the public. I have been striving both directly and indirectly for about four years to influence some action, and in the course of my inquiries I have been given to understand that as far back as 1908-09 the Bengal and Assam Ministerial Officers' Conference made suggestions which, it was claimed, would make Treasury working less arduous for the officers concerned and at the same time give much relief to the public in the matter of wasted time and receipts, etc. These suggestions on the recommendation of the then Commissioner were, I gather, accepted by the Government of Assam as long ago as 1915 but in the interval between then and this year, 1940, there is no evidence of the suggestions or recommendations ever having been put into effect.

Against every proposal made is set some interpretation of the Assam Financial Rules which makes the proposal impracticable. Any statement to the effect that these Rules are not in accord with good business practice usually brings forth a retort to the effect that the Assam Financial Rules were not framed with a view to good business practice. Their aim and purpose is to ensure that in no circumstances will Government lose or be responsible for the loss of public money until it is right in the bag, no matter how many Government hands it may pass through on its way to the bag.

Sir, these Rules appear to me to numb the intelligence and imagination of officers otherwise capable of good constructive thought. They engender sympathy for those who would see changes in the administration. They even prompt revolutionary thought in the mind of a simple soul like myself. All this being the case, Sir, I suggest that the Rules, as literature should be proscribed.

You, Sir, in your exalted position, I in my humble position, and every member of this House is privileged to collect some money from Government. We know only too well how we sign, countersign, and almost swear away title before there is even a chance of having our bills accepted. We trust, and hope and wait.....

The Hon'ble the SPEAKER: Order, order.

(Here the clock struck 3 P.M. Mr. Baidyanath Mookerjee was called upon to move his adjournment motion and Mr. Faull resumed his seat.)

Adjournment motion for framing and putting into operation the rules under the Motor Vehicles Act, 1939, without giving opportunity to the House to consider the rules.

Mr. BAIDYANATH MOOKERJEE: Sir, I beg to move—

"This Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the action of Government in framing and putting into operation the rules under the Motor Vehicles Act, 1939, without giving an opportunity to this House to consider the rules under the mandatory provisions of Section 133 of the said Act."

Mr. Speaker, Sir, I have already stated while moving the motion yesterday, the circumstances in which I have felt compelled to bring up this motion. I think I should now point out to the House how a valuable

and substantial right accrued to the hon. members in respect of the Motor Vehicles Rules of 1940 as framed and enforced by the Government and how we have been deprived of it. I have only to refer to Chapter X of the Motor Vehicles Act, 1939 to convince my honourable friends about their right to express their opinion on the said rules. I am relying on section 133, sub-section (3) which reads as follows:—

“All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.”

The section is so simply worded and unequivocally expressed that I do not suppose any elucidation is necessary about its meaning. I will draw only the attention of my hon. friends to the words “shall be laid”. This makes it absolutely incumbent upon local Government to take the Legislature into their confidence in the framing of these rules. There is no option left to the Government, but it is mandatory that they should come up before the Assembly for the modification of these rules if any is called for in the opinion of the House. It will be further noticed from the language of the section that the House must be approached “as soon as possible after they are made.” But what do we find here instead? We find that the local Government framed certain rules at their sweet will, published them at their pleasure and enforced them arbitrarily on the public ignoring the simple fact that the legislation under which they purported to act gave them no option or no scope for arbitrary framing of the rules and their enforcement. This is a clear act of defrauding the House and making a serious encroachment upon one of its valued and sacred privileges. Such an act of high-handedness and flagrant violation of the mandatory provisions of the Act comes with ill-grace from a Government which is known as a popular Government. I am sure the House will rise like one and condemn this conduct of Government is deliberate, will be borne out by the fact that the first instalment of rules came into force on the 1st of March and the Assembly was then in session. Nothing was done by this Government to give an opportunity to the House to have its say on the rules as framed by Government. It seems as if the Government hatched a plot in secret and was afraid to show their handiwork to the House lest the House should throw it out as chaff. What other earthly reason could there be for this Government to keep out these rules from the gaze of the Hon'ble House? Assuming for argument's sake that the Budget session threw a severe strain on the Government and they could not turn to any other business but the Budget; what about the present session, Sir? If the Government could bring up before this House in the present session a bundle of Bills good, bad and indifferent, what is it that prevented Government from introducing these rules also into the agenda for the present consideration of the House? It seems that for some reasons known and unknown, Government are fighting shy of facing the House in this matter. That there is some more material for holding that Government feel nervous to face this House with these rules, I shall presently show.

I shall now refresh the memory of my hon. friends about section 44 of the Motor Vehicles Act, 1939. Sub-section (2) which relates to the constitution of the Provincial Transport Authority is set down there as follows—

“A Provincial Transport Authority or a Regional Transport Authority shall consist of such number of officials and non-officials as the Provincial Government think fit to appoint.....”

I have no quarrel with the personnel of the Transport Authority as framed by Government. Whatever the knowledge of the members may be on questions relating to transport they are all honourable and respectable gentlemen and from a clergyman to a medicalman, from a septugenerian to a youngster, no class or no age of men has been left out of this committee and Sir Muhammad deserves to be congratulated on his sense of humour. It is pleasing to note that even the Honourable Premier holding the portfolio of the Home Department adorns it. But would it be impertinent on my part to ask him a simple question? How can he a rogate to himself the office and the functions of the Chairman of the Committee? Certainly by no stretch of imagination could he be looked upon as an official. On the other hand, he is not there as a non-official either as we find that his office as Home Member has been specifically set out as if to lend weight and dignity to the Committee. Weight and dignity certainly the name lends but is it in consonance with the law?

I know I am treading on dangerous ground as I have more than once been reminded by the Hon'ble Prime Minister that I am a layman as I have not got a tail after my name called B. L. But I want to leave it to the consideration of this House whether a giant of law as our Hon'ble Prime Minister is, has not erred in this matter and erred grievously? Is this why he is feeling delicacy in coming up before this House with these rules to have them tested by my hon. friends or he thinks that this House is too insignificant a body to sit in judgment over this great law-maker? The incorporation of the Hon'ble Home Member into the Committee has given rise to another piquant situation, namely all appeals from the order of the Transport Authority will lie before a Bench formed by some members of the Cabinet. The Home Member is the skipper of the team of Ministers. Could it be imagined for a moment that there would be any member in the present Cabinet who would have the audacity to override the decision of his boss and master? Sir Muhammad Saadulla has not only called into being this Cabinet but by virtue of his personality and attainments, he completely overshadows his other colleagues and we all know that his word is a law with them. It is also a highly debatable point both from moral and legal grounds whether these Ministers have any right in law to hear appeals in such matters sitting as Appellate Court over the decision of an authority like the Transport Authority. Not only in one or two matters but in a good many cases it is to be found that the rules as framed by Government supersede the Act itself. It may have been necessary for Government to frame rules to suit their own convenience but in their zeal they forgot that their hands were tied by the Act itself. This is why these rules do such scanty credit to the knowledge of law of the framers of the rules. Of course it is not difficult to imagine why the Government were anxious to invest themselves with this power although the law did not sanction it.

Sir, I am afraid, I have taken sometime to bring home to my hon. friends the nature of the right which the law invested them with, and an arbitrary Government have deprived them of. Sir, this is not a small matter as it raises not only issues of great constitutional importance but also questions of privilege which this House must zealously defend and protect.

Let us in this connection consider for a moment how our sister province of Bengal has acted in the same matter. The Ministry in that province framed the rules and placed them before the Legislature as the law requires, and there the Home Minister of the Government did not consider it an ambition to fill the high office of the Chairman of the Transport Authority. Appeals against the orders of the Transport Authority lie before the Revenue Tribunal unlike our province where every power in respect of transport

has been sought to be concentrated in the same hands. The reasons are not far to seek, but let me not digress. I have already expressed the pious hope that this House will rise as one and a chorus of condemnation will be hurled at the floor of this House on this motion. I feel, Sir, I have a special word to utter to my hon. friends of the European Group; we have often heard it said from that quarter, and with a considerable emphasis, that they are out to have the Constitution respected; and that they stand for "good Government", "for those who have regard for the Constitution". I am eagerly waiting to notice how they react to this motion of mine. I hope to-day their voices will also ring with condemnation of the unholy and sinister effort made by this Government to massacre the Constitution. Our European friends were overjoyed when consequent upon the resignation of the Congress-Coalition Government the Constitution was kept going by a party of their own allies, but how do they look upon to-day these glaring acts of gross unconstitutionality on the part of this Government. Judging from what is happening in this province from day to day one would be forgiven if one maintains that the Constitution has been practically suspended in this province also.

It is interesting to recall in this connection the illuminating remarks made by the official oracle, the *Statesman* of Calcutta, over the memorable incident of not administering the oath to Ministers after the publication of the Government Notification in 1938, after the fall of the second Saadulla Cabinet. Commenting on that bungling, the *Statesman* remarked if there was none in Shillong or in the neighbourhood of Shillong to tender proper advice to the then Governor of the Province. Noticing the series of illegalities which have been vitiating the constitution repeatedly, the doubt must arise in the minds of the people whether the situation has in any way improved since the time that the *Statesman* remarked upon the quality of advice on which the Governor of this Province has to reply and act.

Sir, I close with one more appeal to my hon. friends to rise above their petty political prejudices and predilections and unite in the interests of the cherished privileges of the House to condemn the Government for their failure to treat this House with the respect and courtesy to which the House is entitled. It is putting the case very mildly to say that Government have been guilty of gross unconstitutionality and that their conduct as shown in this matter has not only been disrespectful and discourteous to the House but what is even worse, deliberately so, and therefore they deserve the strongest of censure. I know that from time to time various hon. members have professed their deep concern for their respective constituencies and for the protection of their rights and interests. I would like to see how they discharge their trust to-day. With these words, I place my motion before the House.

The Hon'ble the SPEAKER: Motion moved:

"That the Assembly do now adjourn".

Mr. A. WHITTAKER: On a point of information, Sir. Would you give your ruling as to what is the meaning of "rules shall be laid before the House". It is a relevant point because I think the rules were only published in the Gazette. Is that publication for the purpose of section 133(3) laying before the House?

The Hon'ble the SPEAKER: Certainly not. Hon. members may take it that publication in the Gazette is not certainly placing the rules before the House. Take for instance the case of Bills; they are published in the Gazette, but they have to be introduced in the House and laid on the table of the House.

Maulavi ABDUR RAHMAN: I want to be enlightened on another point, Sir. Whether the House has the authority to make amendments to the rules if they are placed before the House.

The Hon'ble the SPEAKER: The hon. member must look to the section. The House will have a right to make amendments, and after the amendments have been made the amended rules will be the rules to be in force.

Mr. A. WHITTAKER: Mr. Speaker, Sir, the mover of this motion has referred to sub-section (3) of section 133. I do not propose to imitate him in the passion with which he has denounced this procedure. With reference to the Motor Vehicles Act itself, section 134 of the Act came into force on 1st July 1939. But under section 134 the rules passed under the old Act had a currency which took them to the 1st April 1940. I think I am right in saying that most of the rules that are now being worked in Assam are based on the draft model rules framed by the Government of India. Mr. Mookerjee made a great point that the House has been insulted by the Motor Vehicles rules being passed so hurriedly. Government, however, still have the power under sub-sections (1) and (2) of section 133 to make rules, the only condition being after previous publication. Now, all these Motor Vehicles Rules were published in the draft. They were published in draft on 31st January 1940 and on the 7th February 1940. I say this feelingly because I spent many days going through these draft rules to send in criticisms for, as I hoped, subsequent amendments by Government. Therefore there was no question of these rules not having been properly published. Those interested in these had ample time to consider the draft rules under sub-section (2) of the Act which says that the rules shall come into force on the date of such final publication. Therefore there is no illegality about the rules. But I think we must all agree that sub-section (3) which requires that the rules should be laid before the Legislature has been ignored. With that much of the criticism I do agree with my friend Mr. Mookerjee. Mr. Mookerjee made a great point about what happened in the sister province of Bengal. Bengal apparently were confronted with very much the same difficulty. These draft rules arrived much too late from the Government of India to receive the consideration which they deserved, and the Hon'ble Sir Nazimuddin in order to have these rules fully discussed appointed a conference drawn from both Houses of the Legislature. This conference discussed the rules at great length but it was found impossible to bring these rules before the Spring Session of the Bengal Assembly, and with the consent of the House it was agreed that it should be deferred for a later session. The final decision of the Bengal Government was to consider the amendments which came from this conference of members drawn from both the Houses and to pass amendments which were subsequently accepted by the Legislature. I think a mistake has been committed in Assam, but I do not think it is a mistake beyond repair and I would suggest for the consideration of Government that we may now follow the same solution that commended itself to the sister province of Bengal, namely that there should be a committee or conference drawn from members of both the Houses to consider amendments to these rules. I make this suggestion for two reasons. One is that these rules are extremely complicated. The rules make up a most formidable document consisting of 110 pages. It is worse than the Sylhet Tenancy Bill. For the House to waste its time considering this enormous number of rules would I think keep us here till December. Therefore I commend the suggestion to the Hon'ble Premier to imitate Bengal and undo, to some extent, the mistake which I think has been unwittingly committed.

Mr. Mookerjee has also referred to what he regards the scandalous constitution under the present rules of the Provincial Transport Authority. He will find that, other gentlemen have objected to the constitution of the Provincial Transport Authority and also to many other rules.

With these words, Sir, I beg to commend the suggestion, as a way out of the present difficulty, of a committee drawn from both the Houses to set right the mistake, if it is agreed that it was a mistake, in sub-section (3) of section 133 having been overlooked.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :

Mr. Speaker, Sir, it is better if I explain the position of Government at this stage.

A few years ago I read in an English paper that, when Mr. Bernard Shaw had written an article about the Scotch people without meaning any insult to them some Scotchman sent a post-card to Mr. Bernard Shaw saying that he had insulted the whole nation, the characteristic Shavian reply he also sent in a post-card was—"Hoots, Toots, Mon, why take offence when none is meant." I am reminded of this on account of the fulminations of my friend Mr. Mookerji, whom we know to come from a very high class Brahmin family and who otherwise is also one of the perfect gentlemen whom we expect him to be. But for some special and particular reasons, I find a great deal of rancour in his present speech. I deprecate it and I would like to tell him that he should imitate the humour upon which he has complemented me in his speech.

If my hon. friend had spent his time in going through the different sections of the Motor Vehicles Act of 1939 and if he had read carefully section 133 itself, he would have found that the present Government has not done anything either to defraud the House, to deprive it of its rights or attack the privileges of hon. members of this House or with any idea of cheating the hon. members of this House of their valuable right to criticise, amend or modify the rules under the Motor Vehicles Act.

As my hon. friend Mr. Whittaker has just pointed out, this Motor Vehicles Act was passed in 1939 and it came into force on the 1st day of July 1939. Under section 133 of the Act the Provincial Governments were given the power to frame rules and it is also laid down under sub-section (1) of that section that every power to make rules given by this Act is subject to the condition of the rules being made after previous publication.

When I assumed charge in November 1939, I found that, although this new Act had come into force from the 1st of July 1939, no start had been made to frame rules thereunder, although the Government of India had issued a set of model rules upon which to base the provincial rules. We had hurriedly to draft the rules and to publish them for public criticism. If I remember aright, draft rules were published in the official gazette in January 1940 for opinion of those interested. Curiously enough no criticisms from any quarter, except one to whom I am going to refer, were received by Government. It was, if I remember aright, Mr. Whittaker who sent some criticisms of his own, probably on behalf of his party; but from no other party or individual did we receive any criticisms or suggestions or recommendations in regard to these rules. After this previous publication and waiting for public criticisms, we had to hurriedly issue it in three instalments. The first instalment of the rules, as was mentioned by my hon. friend, the mover, appeared in the gazette on the 1st of March 1940. The second instalment appeared on the 11th of March 1940. And the index to the rules appeared on the 1st of April 1940. I had intentionally published it in instalments as the session was then on

and I thought that some hon. members would notice it and give us the benefit of their experience or at least make some reference to it during the session.

Under sub-section (2) of section 133 you will find, Sir, that all rules made under this Act shall be published in the official gazette and shall, unless some later date is appointed, come into force on the date of such publication. It is therefore not true to say that, unless the rules are laid before the House and have been criticised or modified by them, the rules cannot come into operation. The Central Government for reasons best known to them, have made the rules immediately operative with their publication, unless a later date is appointed for its coming into operation, whether a session is on or not or whether a session can be called immediately or not.

You will find, Sir, that during the Budget Session, there was no time to consider these rules as under sub-section (3), it is provided that all rules made under this Act by the Central Government or by any Provincial Government shall be laid down for not less than 14 days before the Central or Provincial Legislature as the case may be, as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid. During the Budget Session we had not 14 days time to lay it before the House. During this session we have only 12 days and we cannot have the 14 days required by the sub-section. We could have allowed it for 14 days in this House but the difficulty is that we have got another Legislature. There is the difficulty of calling a session of 14 days' of the Upper House only for the purpose of these rules. I hope my hon. friends will agree with me whether the Upper House should be continued in session without much work for more than 14 days only with a view to place these rules before the House. Therefore the Government was planning to lay these rules before both the Houses of Legislature during the next Budget Session as the Upper House is called twice at that time and if the Bills which have been placed before this House are passed, then we will have a longer session of the Upper House. Sir, we had absolutely no idea of either insulting the House or trying to deprive it of its right. It is on account of the shortness of the duration of the Upper House, that we have been compelled to defer placing these rules for the two Houses in March next year. This is the position. It is not either illegal or irregular—it has been decided so by the Central Government. A reference was made by the Government of Bihar whether these rules can be placed before the Legislature if and when the Legislature meets. The Government of India has ruled that it can be done.

Mr. BAIDYANATH MOOKERJEE: The Constitution has been suspended there and not here.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes. Sir, I hope, I have placed the relevant materials during this discussion sufficiently and explicitly and now I will leave it to the House to condemn the Government or to support the action that they propose to take. It is only with the idea of very judiciously spending the public revenue that I have under-taken this course. Of-course my hon. friend has seen many things in this delay. I will not emulate or indulge in any other expression but I cannot but refer to the point which he has raised about the constitution of the Provincial Transport Authority. I know, Sir, where the shoe pinches, but it is not proper for me to unboot a gentleman in public. All I would say is that the same hon. member has cited the principles adopted in Bengal, where the Chairman of the Provincial Transport Authority is the Secretary in the Department of Communication and Works.

Mr. BAIDYANATH MOOKERJEE: Sir, I have asked no question relating to any matter regarding the Provincial Transport Authority.

The Hon'ble the SPEAKER: Practically the hon. member has asked no question.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The hon. member has referred to this in his speech. Some hon. member has asked the question whether in Bengal the Minister is either a Chairman or a Member and from the reply which will be placed during this session, it will be clear that the Secretary in the Department of Communication and Works is the Chairman there. Sir, people have got different tastes and different views. Some prefers what is very glibly said the "brown bureaucrat the Indian Minister" while others have got predilections for their "white masters" the permanent Secretary. We have not so far any difficulty about the Home Minister presiding over this Provincial Transport Authority; I don't think that the public has also found any cause of complaint. The only point that has been raised by my hon. friend Mr. Mookerjee is the difficulty about appeal. He thinks that because the Premier or the Home Minister is the Chairman of the Provincial Transport Authority, no Minister or member will dare to oppose the decision of the Provincial Transport Authority. He should not have such a low opinion of the Hon'ble Ministers that because an order has been passed by the Premier in another capacity, a Board of three Ministers will have absolutely no courage to oppose it or set it aside. This is a very poor idea of my hon'ble colleagues. As a matter of fact, I can tell the House, especially to my hon. friend the mover of this adjournment motion, that in all daily deliberations in Cabinet meeting, the Ministers are free and they exercise their power every time to speak out their mind whatever may be the view or the ideas of the Premier. Sir, this much of confidence, I have got in my colleagues. Whatever may be the views of my hon. friend the mover, I hope and firmly believe, that in a proper case they will see that justice is done whatever may be the decision of the Provincial Transport Authority. Sir, I have said that I will not emulate my hon. friend in the innuendoes he has indulged in. I have placed all these facts before the House so that they may come to a just verdict.

Mr. ARUN KUMAR CHANDA: Mr. Speaker, Sir, we have listened to the speech of the Hon'ble Premier with rapt attention but confess, he has pathetically failed to convince us. Perhaps in all his career as a lawyer, he has never had a worse brief to defend. I am not at all surprised at the exposition of law made by my hon. friend Mr. Whittaker. Knowledge of law has never been the strong point of the Civilians. Now that Mr. Whittaker has left the charmed circle, he may well be forgiven if his law has become slightly more rusty. But I am amazed to find that such a master of Law as the Hon'ble Premier is, also showing no better mastery of law than Mr. Whittaker. The Hon'ble Premier is hanging on to sub-section (2) of Section 133. This is the sheet-anchor of his argument. But although this sub-section might give him temporary shelter, he could not permanently enjoy its protection. Although at the point of the making of the rules, the Assembly might not be in session and he might provisionally carry on, sub-section (2) could not in my humble opinion give him a jot or tittle of more power. Sub-section (3) is there with its mandatory provisions and there is no loophole left open to him to get out of its mischief. The Hon'ble Premier has given no convincing explanation for flouting sub-section (3) which is as much a part of the main section 133 as the Hon'ble Premier's refuge, sub-section (2). Sir Muhammad has taken up a most untenable position that he could exercise his will in the matter of preferring one

sub-section to another. No, Sir, any violation of the mandatory provisions of the law would automatically vitiate all that Government have done in this matter. But Mr. Whittaker's attitude in respect of this adjournment motion has amused me. He has made a feeble attempt to explain away the position taken up in this matter by Government as a mistake. And he has said it in a very halting and faltering manner, although the Hon'ble Premier would not concede this as even a mistake and would stoutly defend his own position. But it is not understood if Mr. Whittaker was supporting or opposing the motion of my hon. friend Mr. Mookerjee. For, be it remembered, it is an adjournment motion. And it was not open to Mr. Whittaker to get away with suggesting a few remedial measures when the position demanded of him was, does he support or oppose the motion? But he seems to enjoy a great deal of fun, winking his eyes at both the sides of the House and not directly siding with any. Sir, we on this side of the House confess to a state of growing nervousness as we find an increasing tendency on the part of Government to ignore the House and encroach surreptitiously upon its privileges. The other day, we saw how the Government made over a lac of rupees from the provincial revenues to the war funds behind the back of the House. Then another small matter is also disturbing our mind. The House might recall that on the opening day of the last session, I moved an adjournment in connection with the taking out of certain processions on the Independence Day at Sylhet and the Hon'ble Premier gave me an assurance on the basis of which I withdrew my motion. The Hon'ble Premier then said the prosecutions were launched without his knowledge and he had given instructions to withdraw them as soon as they were brought to his knowledge.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The words I used meant only stopping and not withdrawal of processions.

Mr. ARUN KUMAR CHANDA: Sir, we all understood that his generous assurance was meant to assure me that the prosecutions would be withdrawn and on that assurance I withdrew my motion. Now, the position is very peculiar. This assurance was obviously given to escape defeat and censure and as soon as the danger was over, Government did not hesitate to take that very action for which it was sought to be censured. The Hon'ble Premier now says he meant only the stopping of prosecutions and not withdrawal. But he very gracefully accepted the compliment I gave him for withdrawal! All this combined together has filled us with nervousness. The frequency of omission on the part of the Government to tender the House courtesies due to it, is a serious matter. And that is why we on this side of the House support the motion which has been moved by my hon. friend Mr. Mookerjee

Mr. A. WHITTAKER: On a point of personal explanation, Sir. We from this side of the House sent in criticisms of the rules on the 25th February, the concluding sentence of which runs thus—"The members of my group are aware that they can voice other criticisms of the rules when they are laid before the Assembly". There is no question of our having overlooked the need for these rules coming before the Legislature.

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I think I should add a few words in support of this motion, particularly with regard to the interpretation of section 133, sub-section (3). I am sorry, I do not agree to the interpretation that has been given by the Hon'ble Premier nor to that which has been put forward by my hon'ble friend Mr. Chanda. To me it seems that the rules are not properly made, unless and until they have the sanction of the Assembly. The section 133 runs thus: "All rules made under this Act by the Central Government or by any Provincial

Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid". The section is absolutely clear. Particularly the words "shall be subject to"—are sufficiently clear to indicate that the rules will not be valid rules before they are scrutinised and sanctioned by the Assembly. That it is so will also be evident by a reference to section 134, sub-section (2). It runs thus:—"Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made by any Provincial Government under section 11 of that Act, other than rules prescribing the fees payable in respect of the grant or renewal of licenses to drive motor vehicles, shall, whether or not they are consistent with this Act but subject to the provisions of sub-section (3) of this section, continue to be in force for a period of nine months from the commencement of this Act".

The Central Legislature which passed this legislation contemplated that there will be some delay in framing these rules and in having them sanctioned by the Legislature. It is only for this reason that they have provided this saving clause in the shape of section 134 (2) whereby the currency of the old rules was extended by a period of nine months. Had it been intended that the rules would be valid rules without the sanction of the Legislature, there was absolutely no justification for providing for such an unusual saving section—I mean section 134. So to me it seems that there is absolutely no doubt that the rules will not be valid rules unless and until they are sanctioned by the Legislature. I therefore, submit Sir, that these rules that are now being enforced are not valid rules, and all actions taken under those rules are illegal and *ultra vires*. The Hon'ble Premier in interpreting sub-section (3) of section 133, has also ignored the words "as soon as possible". The section is clear and unambiguous and it is mandatory too. It is not optional on the part of the Government to wait till it is convenient for them to call the Legislature. They are to do it as soon as possible at least within nine months as provided in section 134. The Act came into force on the 1st July, but certain chapters came into force on the 1st of April 1940. Section 1, sub-section (3) runs as follows—"It shall come into force on the 1st day of July, 1939; but section 38 and Chapter IV shall not have effect until the 1st day of April 1940, or such earlier date as the Provincial Government may, by notification in the official Gazette, appoint, and Chapter VIII shall not have effect until the 1st day of July, 1943". So they had enough time to call a session of the Assembly. But due to their failure to do so what has been the position? An anomalous situation has been created. Not only has the Assembly been ignored, not only a valuable right of the members of the Assembly has been taken away, but a set of invalid rules are being administered in the name of rules made under the Motor Vehicles Act, 1939. If the rules are illegal or *ultra vires* the Provincial Transport Authority and Regional Transport Authorities formed according to the provision of these rules are also not properly or legally constituted bodies and all their acts are illegal or unauthorised. So for ignoring the Assembly and for creating this anomalous position I am sure, the House will agree with me, that Government deserve censure. I do not think that Government can get out of the position by saying that they had not had enough time to call a session of the Assembly. This session is a session for 12 days. They could have, if they wished, extended it, even if it was impossible to call a session earlier. As they have not done so, certainly the House has every reason to censure the action of the Government.

Mr. A. WHITTAKER: The last speaker has referred to Chapter VIII, but it will be really Chapter IV.

The Hon'ble the SPEAKER: It is not my duty to give opinion on the various interpretations of the various sections.

Babu KAMINI KUMAR SEN: I am sorry, Sir, my friend is not correct, section 1 says that it shall come into force on the 1st day of July 1939; but section 38 and Chapter IV shall not have effect until the 1st day of April 1940.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Section 1, sub-section (3) says that it shall come into force on the 1st of July, 1939. There is no reference to Chapter IV. My hon. friend perhaps refers to Chapter VIII.

Mr. FAKHRUDDIN ALI AHMED: That is the latest edition.

Babu RABINDRA NATH ADITYA: Sir, I think the discussion is coming to some legal technicalities and I do not know how far I shall be able to contribute to this debate. Sub-section (2) of section 133 says that all rules made under this Act shall be published in the official gazette, and shall, unless some later date is appointed, come into force on the date of such publication. When the rules are to be published it is not laid down here. So it may be rightly presumed that after the rules got the sanction of the Legislature, they may be published and may come into operation. Sub-section (2) controls the provision of sub-section (3). So the Legislature has got to discuss these rules before they are published and brought into operation. Therefore I think, the Hon'ble Premier cannot take shelter under the provision of sub-section (2) of section 133.

The Hon'ble the SPEAKER: Does the hon. member propose to give a reply?

Mr. BAIDYANATH MOOKERJEE: Sir, I raised practically three points. So far as the first point is concerned, hon. members who spoke after me made it quite clear that sub-section (3) of section 133 is mandatory, and no option has been left to the Government. But so far as section 44 is concerned, I have not heard anything from the Hon'ble Prime Minister. But on the other hand he has ventilated his bitter feeling against me.

The Hon'ble the SPEAKER: I think hon. Mr. Sen is right. There is an amendment of the Central Act.

Mr. FAKHRUDDIN ALI AHMED: They have got a rusty edition.

Mr. BAIDYANATH MOOKERJEE: Sir regarding the constitution, I mean the personnel of the Transport Authority, I cited section 44. But the Hon'ble Prime Minister has not met my point. After going through the section I find that a Provincial Transport Authority or a Regional Transport Authority shall consist of officials and non-officials and I explained that. So far as my reading of the Government of India Act goes, I referred hon. members of this House to sections 48, 49 and 50 and said that Hon'ble Ministers were not officials. They are mere advisers. But in the rules it will be found that the Hon'ble Minister-in-charge of the Home Department has been made the Chairman of the Transport Authority. It is not Sir Muhammad Saadulla. In that case I had nothing to say. But he is there as the Hon'ble Minister-in-charge of the Home Department. It seems that the office is there and not Sir Muhammad. The Home Minister will be the Chairman. May I expect a reply to this. I am afraid it may make him more angry, because he is already very angry with me.

I raised another point, whether the Minister not only in this case but in any case have got the power to hear appeals or not (*laughter*). This is no question of laughing. I speak very seriously.

I expected that all these points raised by me will be met by my hon. friend Sir Muhammad, but these points were not touched at all. Why that was done, I hope, the Hon'ble Speaker will at least realise.

Sir, without paying any heed as it should deserve the Hon'ble Prime Minister rather tried to give the House some idea about a sore. Sir, I know where the sore is, and where the shoe exactly pinches, but as it was very kind on his part not to mention any details about the alleged sore I also refrain from exposing the real sore although I know where it exactly lies. Now, Sir, I appeal to the hon. members again. (A voice: it will be of no use) I know it will be of no use as an hon. friend from the other side is saying—but still as a gentleman I think it is my duty to remind the hon. members of their rights and privileges. I want to ask them whether they feel it or not that a valuable right has been robbed of them.

Sir, without meeting the points that were raised by me I have been scolded by the Hon'ble Premier. Of course there are reasons for it. When a man has got nothing to say in self-defence it is very common that abusive language comes out of his lips in anger. I did not expect that he would be enraged in this way. Sir, if I have committed anything which might enrage him, I hope to be excused (*laughter*).

Before I take my seat I must thank Mr. Whittaker that he thought it proper at least to admit that it was a mere mistake on the part of Government. The word 'mistake' was used by him though in a very roundabout way. But somehow or other the word 'mistake' did not escape his attention. But the Hon'ble Premier did not think it proper even to admit his mistake. I expected that ; but I have been disappointed to-day. In future I shall certainly expect that a man like Sir Muhammad Saadulla will always admit his mistake. I may be defeated to-day, but, Sir, let him think honestly after the Session is over and I am sure he will tell me that he was mistaken. But when he has not done this courtesy to me to-day it is incumbent on my part to protect the rights and privileges not only of the members of this House but also of the general public. Therefore, Sir, I cannot but press my motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, the appeal of my hon. friend, with whom I have got cordial relationship, touched my heart. He was expecting that for once I had committed a mistake and that I would have the courage to admit that mistake. I am sorry if I have fallen from the ideal which he had pictured to himself about me. I have already mentioned that whatever action I have taken, I have taken deliberately and I am not ready to admit that in this matter I have committed any mistake.

The position, as I have already mentioned, is that there is no difficulty in the application of the rules. The only difficulty that has got to be removed is to place the rules before the Houses. Had it been only one House, I could have very well asked His Excellency to extend the Session of this House for 20 days. I could have then placed these rules before this House. But we have got the Upper House as the word "Legislature" occurs in sub-section (3) of section 133. This includes the Upper Chamber as well. Up till now the Upper House has never sat for more than seven days. My hon. friend desires that only for the placing of the rules before the Upper Chamber I should have called it in session for more than 14 days. If he thinks that thereby I have committed a mistake, I plead guilty to that. But in my capacity as Finance Minister, I dare not spend public money in this fashion.

The Hon'ble the SPEAKER : Does the question of expenditure come in when the rights and privileges of the House are concerned ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am coming to that, Sir.

Mr. hon. friends have paid me a complement by calling me a Master of Law. I have not got the M. L. degree but I have got experience of the Court for the last 26 years, and I am supposed to know a little bit of law as well as my hon. friends opposite who have got both British and Indian Law Degrees. Sir, the section is distinct: "All rules made under this Act by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid". The words to which great stress has been given are "as soon as possible after they are made". The only session of the Lower Chamber is the present Session, but the Upper House has still to sit. I have got to place these rules before both the Houses, I am taking time, because so far as the validity of the rules is concerned, there has been no question; there cannot be any question. Under sub-section (2) these rules were before the public including my friends of this House for a period of about two months. As we did not hear any criticism then I thought they had no criticisms to make. (*A voice:—* It was reserved for the House). If it was reserved for the House my hon. friends might have adopted the procedure followed by my hon. friend Mr. Whittaker who had submitted his criticisms, but at the same time said that he reserved his right of further criticism when the rules would be laid before the Legislature. (*A voice:—* There was no necessity for that). A suggestion has been made by my hon. friend Mr. Whittaker whether a conference of members of the two Houses may be called to look into these rules. That may be an expediency to avoid long discussion in the House itself, but so far as sub-section (3) is concerned, probably that conference would not meet the requirements of the law. I will have to place it before the House whether there be a conference or not. Any way, Sir, the interpretation which have been given to this question by my hon. friends I shall bear in mind and place them before the legal expert. Also I shall bear in mind the suggestion made by Mr. Whittaker and see whether we can do away with the substantial provision of the law and come to an amicable arrangement with regard to it.

I have got just two more points to speak on, Sir. Although it was not perfectly relevant. My hon. friend Mr. Chanda referred to the prosecution made against flouting the order against permission to hold Independence Day Celebration. I distinctly remember, Sir, that the occasion of that adjournment motion was the first time I heard of the prosecution and as soon as I heard, I stopped prosecution. I never uttered the word "withdraw" and I stopped the prosecution to examine them on merits to see whether these prosecutions were to be withdrawn and in many cases I have implemented what was expected of me by my friends. In almost all cases although there were many persons accused, only one man, the leader who exhorted all these people to start procession flouting Government orders, was prosecuted and the prosecutions against others were withdrawn.

Mr. ARUN KUMAR CHANDA: There were only two prosecutions. **The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There were many, Sir. My friend Mr. Mookerjee was disappointed with me because I did not touch all the points which he had raised. I did not, as I said, emulate his example or his speech. I confined myself to the relevancy of the subject. Now this is an adjournment motion and the subject has got to be specific and he has distinctly raised this specific subject that he wants to censure the Government for framing and putting into operation the rules under the Indian Motor Vehicles Act, 1939, without

giving an opportunity to this House under the mandatory provision of section 133 of the said Act, and therefore my reply was confined only to section 133 and nothing else. This is not an ordinary resolution that I am to touch on all the arguments advanced by my friend—whether they be relevant or not. I have kept myself within the bounds of this adjournment motion.

Babu KAMINI KUMAR SEN: Mr. Speaker Sir, may I make a small suggestion to the Hon'ble Premier? He has assured us that the legal advisers of the Government will be consulted about the different interpretations that have just now been given on the floor of the House. The provision, Sir, is that it shall be laid for not less than 14 days before the Legislature, but it does not mean that it should be for 14 continuous days or that the session should continue for a longer period than 14 days. If the Upper House sits, say, for 7 days, I think it might meet the requirement of the section if these rules are placed before them for one week and then the rules are considered by them after they are again laid before them for another week in the next session. I would request the Hon'ble Premier to refer this suggestion to their legal advisers.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will surely keep that in my mind, but if my hon. friend will read the last sentence of the last line of that section it will appear that it enjoins "subject to such modifications as the Legislature may make during the session in which they are so laid".

The Hon'ble the SPEAKER: What he means is that—it may be like this—the session is summoned, the House sits, then the House is adjourned without the necessity of calling for fresh session. Then if the session be again summoned it will be a continuous session. That aspect of the question may be considered.

Babu KAMINI KUMAR SEN: Yes, Sir, that is what I mean.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Again it is a question of money, Sir, because if the session is adjourned and members go home that will bring in financial consideration. The session of the Upper House has been called on the 29th.....

Babu KAMINI KUMAR SEN: I think the session of the Upper House might be adjourned for solving this difficulty.

The Hon'ble the SPEAKER: I am now putting the question. The question is: "that the Assembly do now adjourn."

The Assembly divided.

Ayes—44

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|---------------------------------|-----------------------------------|
| 1. Kumar Ajit Narayan Dev. | 15. Babu Harendra Narayan Chau- |
| 2. Babu Akshay Kumar Das. | dhuri. |
| 3. Mr. Arun Kumar Chanda. | 16. Srijut Jadav Prasad Chaliha. |
| 4. Mr. Baidyanath Mookerjee | 17. Srijut Jogendra Chandra Nath. |
| 5. Babu Balaram Sircar. | 18. Srijut Kameswar Das. |
| 6. Srijut Beliram Das. | 19. Babu Kamini Kumar Sen. |
| 7. Srijut Bepin Chandra Medhi. | 20. Babu Karuna Sindhu Roy. |
| 8. Babu Bipin Behari Das. | 21. Srijut Krishna Nath Sarmah. |
| 9. Srijut Bishnu Ram Medhi. | 22. Srijut Lakshesvar Borooah. |
| 10. Babu Dakshina Ranjan Gupta | 23. Babu Lalit Mohon Kar. |
| Chaudhuri. | 24. Srijut Mahadev Sarma. |
| 11. Srijut Debeswar Sarmah. | 25. Srijut Mahi Chandra Bora. |
| 12. Srijut Gaurikanta Talukdar. | 26. Mr. Naba Kumar Dutta. |
| 13. Srijut Gopi Nath Bardoloi. | 27. Babu Nirendra Nath Dev. |
| 14. Srijut Haladhar Bhuyan. | 28. Srijut Omeo Kumar Da.s |

29. Srijut Paramananda Das.
30. Srijut Purandar Sarma.
31. Srijut Purna Chandra Sarma.
32. Babu Rabindra Nath Aditya.
33. Srijut Rajani Kanta Barooah.
34. Srijut Rajendra Nath Barua.
35. Srijut Ram Nath Das.
36. Srijut Sankar Chandra Barua.
37. Srijut Sarveswar Barua.

38. Babu Shibendra Chandra Biswas.
39. Srijut Siddhi Nath Sarma.
40. Srijut Sonaram Dutta.
41. Mr. Fakhruddin Ali Ahmed.
42. Khan Bahadur Maulavi Mahmud Ali.
43. Rev. J. J. M. Nichols-Roy.
44. Babu Sanat Kumar Ahir.

Noes—53

1. The Hon'ble Maulavi Saiyid *Sir Mohammad* Saadulla.
2. The Hon'ble Srijut Rohini Kumar Chaudhuri.
3. The Hon'ble Maulavi Munawwar Ali.
4. The Hon'ble Srijut Hirendra Chandra Chakravarty.
5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
6. The Hon'ble Dr. Mahendra Nath Saikia.
7. The Hon'ble Maulavi Abdul Matin Chaudhuri.
8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Srijut Jogendra Narayan Mandal.
12. Babu Kalachand Roy.
13. Maulavi Abdul Aziz.
14. Maulavi Abdul Bari Chaudhuri.
15. Maulana Abdul Hamid Khan.
16. Maulavi Abdur Rahman.
17. Maulavi Saiyid Abdur Rouf.
18. Maulavi Md. Abdus Salam.
19. Maulavi Dewan Muhammad Ahab Chaudhuri.
20. Maulavi Dewan Ali Raja.
21. Maulavi Muhammad Amiruddin.
22. Maulavi Muhammad Amjad Ali.

23. Maulavi Badaruddin Ahmed.
24. Maulavi Ghyasuddin Ahmed.
25. Maulavi Jahanuddin Ahmed.
26. Khan Bahadur Maulavi Keramat Ali.
27. Maulavi Muhammad Maqbul Hussain Chaudhuri.
28. Maulavi Mabarak Ali.
29. Khan Bahadur Maulavi Mufizur Rahman.
30. Maulavi Namwar Ali Barbhuiya.
31. Maulavi Naziruddin Ahmed.
32. Maulavi Sheikh Osman Ali Sadagar.
33. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
34. Mr. A. F. Bendall.
35. Mr. F. W. Blennerhassett.
36. Mr. N. Dawson.
37. Mr. W. R. Faull.
38. Mr. E. B. Sim.
39. Mr. P. Trinkle.
40. Mr. C. W. Morley.
41. Mr. R. A. Palmer.
42. Mr. A. Whittaker.
43. Mr. Benjamin Ch. Momin.
44. Srijut Bhairab Chandra Das.
45. Srijut Bideshi Pan Tanti.
46. Srijut Binode Kumar J. Sarwan.
47. Srijut Dhirsingh Deuri.
48. Rev. L. Gatphoh.
49. Mr. C. Goldsmith.
50. Mr. Jobang D. Marak.
51. Srijut Karka Dalay Miri.
52. Srijut Khorsing Terang.
53. Srijut Rabi Chandra Kachari.

The motion was negatived.

Adjournment

The Assembly was then adjourned till 11 a.m. on Thursday, the 14th

Shillong,

The 11th December, 1940.

A. K. BARUA,

Secretary, Assam Legislative Assembly.

