



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 Monday the 11th November, 1940.

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and 85 members.

OATH OF ALLEGIANCE

The following new members were sworn in :—

1. Mr. E. B. Sim,
2. Babu Sanat Kumar Ahir,
3. Mr. P. Trinkle, and
4. Srijut Sonaram Dutt.

PANEL OF CHAIRMEN

The Hon'ble the SPEAKER : The following hon. members will form the Panel of Chairmen for the November session of the Assembly :—

1. Maulavi Syed Abdur Rouf,
2. Mr. R. A. Palmer,
3. Babu Kamini Kumar Sen,
4. Srijut Gauri Kanta Talukdar.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Creation of independent Labour Constituencies in Assam

Babu KARUNA SINDHU ROY asked :

*1. (a) Do Government propose to create *independent labour constituencies* in Assam, enfranchising all adult labour population ?

(b) If so, do Government propose to constitute a non-official committee for determining the labour franchise ?

(c) Do Government propose to allow political organisations to move in educating labourers to exercise their franchise as promised by Government in reply to unstarred question No. 769, asked by Srijut Haladhar Bhuyan in the August-September Session of the Assembly, 1937 ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

1. (a)—Government do not propose to move for the alteration of the orders in Council which define the labour franchise.

(b)—Does not arise.

(c)—Government place no obstacle in the way of the political education of the electorate.

Mr. ARUN KUMAR CHANDA : Is there any valid reason why Government should not move in the matter ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : The Delimitation Committee which made the enquiry and reported on it said that the number of labourers outside the tea gardens was not enough to justify the creation of a constituency.

Mr. ARUN KUMAR CHANDA : Have Government made any enquiry since then ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : No fresh enquiry has been made.

Mr. ARUN KUMAR CHANDA: Do not Government consider it necessary to institute an enquiry in the light of prevailing circumstances?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: This is not an opportune time to take up an enquiry.

Raising and realisation of war subscriptions

Babu KARUNA SINDHU ROY asked :

*2. Will Government be pleased to state if the Inspecting Officers of the Education Department have been directed for raising war subscription?

*3. Is it a fact that the Deputy Inspector of Schools of Sunamganj has been raising subscription for contribution to the War Fund?

*4. Is it a fact that he has been directing teachers of every Middle English School and Lower Primary School to raise a monthly subscription of one pice from their pupils?

*5. Will Government be pleased to state how much has been realised by the aforesaid officer up till now on this account?

*6. Will Government be pleased to state under what head, expenses incurred for realising war subscription, will be debited?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

2.—Copies of an appeal issued by His Excellency the Governor of Assam on 9th March 1940 for funds to finance for the duration of the war, the supply of comforts to all services of the Empire serving in the war area were forwarded to the Inspecting Officers for wide circulation.

3.—Yes.

4.—The Deputy Inspector issued a circular letter to the teachers of Primary and Middle Schools of his circle inviting their opinion about raising of monthly subscription at 3 pices per pupil and 6 pices per teacher.

5.—He collected Rs.76 only upto the 18th June, 1940.

6.—Direct expenditure, if any, on raising subscriptions for the War Fund is debitable to that Fund.

Mr. ARUN KUMAR CHANDA: What is the definition of voluntary contribution, Sir?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: If the hon. member has not understood the definition I cannot perhaps enlighten him.

Mr. ARUN KUMAR CHANDA: Is "voluntary contribution" understood in the same way as the Dictionary sense of the two words?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Certainly.

Babu RABINDRA NATH ADITYA: Does a contribution retain its voluntary character when Government officers go to realise it with threat of power behind?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: In every voluntary subscription there ought to be somebody to collect. Those who pay the subscriptions usually know the practice.

Babu RABINDRA NATH ADITYA: When Government officers go to collect funds, is the intention of the people voluntary when they pay money?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I cannot accept that, Sir, as the general rule.

Babu RABINDRA NATH ADITYA: Are Government aware that in many of the subdivisions in the compounding of cases where the permission of the Magistrate is necessary, permission cannot be had except by making certain contributions?

The Hon'ble the SPEAKER : I am afraid the hon. member is going far way from the question. The question only refers to what one particular Deputy Inspector did.

Srijut GOPINATH BARDOLOI : If the teacher of a School asks the pupils to contribute, whatever the amount may be, can it be called voluntary—many of them being minor students ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : If the teacher asks and the pupils pay, it is certainly voluntary when they pay of their own accord.

Mr. FAKHRUDDIN ALI AHMED : Has the Hon'ble Minister issued instruction to the Government officers to raise war funds from the students ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : This question does not arise, Sir.

The Hon'ble the SPEAKER : Of course it does not arise.

Mr. FAKHRUDDIN ALI AHMED : This is a relevant question, Sir, because the question of voluntary contribution has been raised. What we want to know is whether the officers are realising these subscriptions under instructions from the Government ?

The Hon'ble the SPEAKER : The conduct of a particular Deputy Inspector is in question, but the hon. member has put a general question.

Mr. FAKHRUDDIN ALI AHMED : Question No. 2 is general and I think, therefore, that my question is in order.

The Hon'ble the SPEAKER : Then the Hon'ble Minister may reply.

Mr. FAKHRUDDIN ALI AHMED : My question is will the Hon'ble Minister be pleased to say whether Government have issued instructions to any of the officers to raise war contributions ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : No, Sir. Government has not directly and specifically issued any such instructions. But it is quite possible that certain Government officers are in the War Committee and as members of the War Committee they might have made requests to their subordinates to help them.

Mr. ARUN KUMAR CHANDA : Do Government realise that school children have got no funds of their own ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Some students may have.

Mr. ARUN KUMAR CHANDA : Is it not a double subscription, to realise it from the parents as well as from the children ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Government is doubtless aware that many students pay subscriptions for various things even though they may not have money of their own.

Babu RABINDRA NATH ADITYA : Do Government take full responsibility for the collection of War Funds ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : There is a War Fund Committee which has taken full responsibility.

Constitution of a non-official committee for the location of polling centres for the next Assembly election

Babu KARUNA SINDHU ROY asked :

*7. (a) Do Government propose to create polling centres in the next Assembly election, on the basis of six miles' reach of every voter by breaking up areas of police stations and Chawkidari circles, as promised in a reply to

a supplementary question to my unstarred question No.329 asked in the August-September Session of the Assembly, 1937 ?

(b) If so, do Government propose to constitute a non-official committee for the location of polling centres for the next Assembly election ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

7. (a)—The matter will be considered, in due course, in the light of the answer given on 16th August 1937 to unstarred question No. 329.

(b)—Government do not think it necessary to constitute a non-official committee for this purpose.

Appointment of private spies to watch the movement of the Congress, Krishan and Labour workers

Babu KARUNA SINDHU ROY asked :

*8. Will Government be pleased to state—

(a) If private spies are being appointed to watch the movement of the Congress, *Krishan* and labour workers throughout the Province specially in the district of Sylhet and Cachar ?

(b) If so, will Government be pleased to state from what status of society such spies are appointed ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

8.(a)—No.

(b)—Does not arise.

Appointment of a Bengali as a probationer clerk in the office of the Deputy Commissioner, Garo Hills

Mr. JOBANG D. MARAK asked :

*9.(a) Are Government aware that one Bengali from Chittagong has been appointed by the present Deputy Commissioner, Garo Hills, as a probationer clerk in his office ?

(b) If not, do Government propose to enquire into this ?

*10. Will Government be pleased to state whether the Deputy Commissioner of Garo Hills refuses to grant interviews when public persons want to see him at his bungalow ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

9.—The person, who is domiciled in Assam, was appointed on a purely temporary basis.

10.—The Deputy Commissioner denies this allegation.

Mr. JOBANG D. MARAK : Does the Hon'ble Minister mean that any outsider can be appointed on a temporary basis when there are suitable candidates available in the locality ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The reply is clear. The person who was appointed is not an outsider, but one who is domiciled in Assam,

Number of Forest Guards in the Sylhet district and the number of Muslims

Maulavi MABARAK ALI asked :

*11.(a) Will Government be pleased to state the total number of Forest Guards in the Sylhet district ?

(b) How many of them are Muslims ?

(c) The number of appointments made in the rank of Forest Guards in the said district during the last two years ?

(d) How many of them are Muslims ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

11.(a)—63 including one post kept vacant.

(b)—25.

(c)—2.

(d)—2.

Names of Sub-Inspectors and Assistant Sub-Inspectors of Police, who are natives of Surma Valley and serving in the Assam Valley for more than 5 years

Maulavi MABARAK ALI asked :

12. Will Government be pleased to lay on the table the names of Sub-Inspectors and Assistant Sub-Inspectors of Police who are natives of the Surma Valley and serving in the Assam Valley for more than 5 years ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

12.—A statement is laid on the table.

STATEMENT SHOWING THE NAMES OF SUB-INSPECTORS AND ASSISTANT SUB-INSPECTORS OF POLICE, WHO ARE NATIVES OF THE SURMA VALLEY AND SERVING IN THE ASSAM VALLEY FOR MORE THAN 5 YEARS. (Five years calculated from the 1st September 1935 to 31st August 1940)

Serial No.	Names of Sub-Inspectors
1.	Jogendra Chandra Bhattacharyya.
2.	Md. Momtaz Ali, B.A.
3.	Promode Kumar Singha, B.A.
4.	Md. Rashid Ali, B.A.
5.	Rajendra Lal Nath.
6.	Kamini Kumar Chakravarty.
7.	Md. Mobarak Ali, B.A.
8.	Nirmalya Bhusan Dam, B.A.
9.	Abtabuddin Ahmed Barlaskar.
10.	Gajendra Kumar De.
11.	Abdul Aziz, B.A.
12.	Birendra Kumar Roy Barman, B.L.
13.	Debendra Chandra Chaudhury II.

Serial No.	Names of Assistant Sub-Inspectors
1.	Jogendra Kumar Chaudhury.
2.	Kumud Bandhu Gupta.
3.	Dwijes Chandra Dhar.
4.	Raj Kumar Deb.
5.	Mazahar Ali Choudhury.
6.	Prabhat Chandra Das Choudhury.
7.	Tasir Ali.
8.	Ahmad Chandra Das.
9.	Abdulla Choudhury.
10.	Kazi Kutub Ali.
11.	Amulya Kumar De.
12.	Bipin Behari Chakravarty.
13.	Jaladhar Chandra Das.
14.	Matiur Rahman.

Maulavi MABARAK ALI: I find, Sir, that there are some exceptions from the general principle. May I know, why?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There are exceptions to every rule. But as far as possible the general principle is followed.

Maulavi MABARAK ALI: May I know, Sir, whether the cases of these officers will be considered?

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

Re-instatement of Maulavi Ayub Ali Chowdhury, Ex-Nazir of Patharkandi Tahsil Office in his service

Maulavi MABARAK ALI asked:

- *13. Will Government be pleased to state—
- Whether Maulavi Ayub Ali Chowdhury, Ex-Nazir of Patharkandi Tahsil Office, who was dismissed for misappropriation of Government money, has been reinstated in his service?
 - If so, will Government be pleased to state the reasons for their so doing?
 - Whether the three peons who were charged for abetting the Nazir in misappropriating Government money have also been reinstated in their services?
 - If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

13.(a)—Yes, but he has been placed at the bottom of the scale for lower division clerks and debarred from holding posts involving dealings with the public.

(b)—In consideration of the service rendered by him in the last War and as an act of mercy.

(c) & (d)—Their representations are now under the consideration of Government.

Assistant Surgeon of Karimganj

Maulavi MABARAK ALI asked :

*14. Will Government be pleased to state—

(a) Who is the present Assistant Surgeon of Karimganj and since when he has been posted there ?

(b) When a Moslem Assistant Surgeon was last posted at Karimganj and for how long he was there ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

14. (a)—Dr. Satis Chandra Gupta, Civil Assistant Surgeon, is the present Subdivisional Medical Officer of Karimganj. He joined his duties at Karimganj on the 18th September 1940.

(b)—No Moslem Assistant Surgeon has so far been posted at Karimganj and the latter part of the question does not arise.

Maulavi MABARAK ALI: Will Government be pleased to say whether they will post a Muhammadan Assistant Surgeon to the place in the near future ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Transfers are made in the interests of the public service and when an opportunity arises Government will certainly post a Muslim.

Population in the Surma Valley and Assam Valley and the percentage in each Valley of Bengali-speaking, Hindi-speaking and Assamese-speaking respectively

Mr. BAIDYANATH MOOKERJEE asked :

*15. Will Government be pleased to state—

(a) The population in the Surma Valley and the Assam Valley ?

(b) What percentage in each Valley is Bengali-speaking, Hindi-speaking and Assamese-speaking respectively ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

15. (a) & (b)—Government have no up-to-date figures of the populations asked for, as, though census operations have been started, enumeration of the population has not commenced.

If the old figures of 1931 census are wanted, the hon. member will find them in the Census Report of 1931, Vol. III, Assam, Part II.

Settlement of Tamranga, Kanara, Dalani and Haripani fisheries in Bijni Estate for the year 1347 B.S.

Maulavi MUHAMMAD AMJAD ALI asked :

*16. Will Government be pleased to state—

(a) Whether the Tamranga, Kanara, Dalani and Haripani fisheries were put up to annual auction by the Bijni Estate for the year 1347 B.S?

(b) If so, who were the bidders ?

(The bid list to be laid on the table).

(c) If not, who were given settlement of these fisheries for the year 1347 B.S. and on what considerations ?

(d) Whether Government admitted previously that on principle, the fisheries should, as far as practicable, go to the fishermen class who by profession and heredity belong to this business ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

16. (a)—No.

(b)—Does not arise.

(c)—Kumar U. N. Deb.

(d)—Government issued instructions in the case of their own fisheries to settle as many as possible with members of the scheduled castes. The fisheries in question, however, are not Government fisheries, and in sanctioning settlement with the brother of the Raja of Bijni, who receives no allowance from the Estate and offered a bid higher than the average of several previous years, the interests of the estate and its owner were taken into consideration: the lessee is also likely to employ members of the scheduled castes to work the fishery for him.

Maulavi MUHAMMAD AMJAD ALI: With regard to answer to (d) will the Hon'ble Minister say how many brothers has the Raja of Bijni ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Government have no information.

Maulavi MUHAMMAD AMJAD ALI: When one brother has been given the fishery, what about the other relations and how are they going to benefit by this fishery ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The question does not arise.

Maulavi MUHAMMAD AMJAD ALI: It has been given to one Kumar because he is the brother of the Raja of Bijni.

The Hon'ble the SPEAKER: The hon. member should discuss about the question which he has put.

Maulavi MUHAMMAD AMJAD ALI: How can the Hon'ble Minister say that the question does not arise ?

The Hon'ble the SPEAKER: The question does not arise in view of the answer which the Hon'ble Minister has given. The hon. member put the question as to how many brothers the Raja of Bijni has got. The Hon'ble Minister replied that Government have no information.

Maulavi MUHAMMAD AMJAD ALI: Is it up to the Hon'ble Minister to say whether a certain question does arise or does not arise ? Is it not for the Hon'ble Speaker to decide ?

The Hon'ble the SPEAKER: He can say this.

Maulavi MUHAMMAD AMJAD ALI: One brother of the Raja has been given these fisheries. What about the other relations? Are they going to receive fisheries?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: The fact of the matter is that this brother of the Raja applied for the settlement of these fisheries and so the question of other relatives does not arise.

Maulavi MUHAMMAD AMJAD ALI: I hope it will not be an annual feature.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Probably not.

Srijut BELIRAM DAS: Has the brother of the Raja taken the fisheries in open auction or without auction?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, not in open auction. It is clear from the answer that he offered an amount higher than the average of several years and got settlement.

Srijut BELIRAM DAS: According to Land Revenue Manual will he not come under the category of middle man as far as the settlement of fisheries are concerned?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is a matter of opinion.

Srijut BELIRAM DAS: Did Government inquire as to whether the brother of the Raja has actually employed the fishermen in the fisheries?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

Reprinting of Assamese Ramayan by an Assamese author

Maulavi MUHAMMAD AMJAD ALI asked :

*17. Will Government be pleased to state—

- (a) Whether any amount has been sanctioned for the reprinting of Assamese Ramayan by an Assamese author?
- (b) The name of the author?
- (c) The amount sanctioned for the purpose?
- (d) The name of the Printer and Publisher who has undertaken this work?
- (e) Whether any other printing firm intimated that the same was being printed by them, and a little subsidy would complete their work?
- (f) If so, with what result?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

17. (a) Yes.
- (b) Late Rai Bahadur Madhab Chandra Bardoloi.
- (c) Rs. 2,250.
- (d)—Pandit Kanak Chandra Sarma, Kabyatirtha.
- (e)—The reply to the first part is in the affirmative. The representation referred to the adverse effect of a Government publication on the publishers but there was no request for a subsidy to complete the work.

(f)—As the representation was received after orders had been passed to publish the book at the expense of Government, it could not be considered.

Remission of land revenue to the khiraj, nisfkheraj and other patta-holders

Srijut SIDDHI NATH SARMA asked :

*18. Will the Hon'ble Minister-in-charge of Revenue be pleased to state whether Government will continue the same rate of remission of Land Revenue in the next year as was given last year by the previous Government to the *khiraj*, *nisfkheraj* and other *patta*-holders ?

*19. If the reply to the above question is in the negative, will the Hon'ble Minister-in-charge be pleased to state the decision, if any, arrived at by the present Government with reference to Land Revenue remission in the next year ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

18.—Yes.

19.—Does not arise.

[Starred questions Nos. 20 and 21 standing in the name of Srijut Siddhi Nath Sarma and replies thereto—Cancelled.]

Gift of one lac of rupees to the War Fund out of the revenues of the Province

Srijut SIDDHI NATH SARMA asked :

*22. Will Government be pleased to state whether it is a fact that the Ministry has made a gift of one lac of rupees to the War Fund out of the revenues of the Province ?

*23. If the answer to the above question is in the affirmative, will Government be pleased to state under what provision of the Constitution Act, this gift has been made ?

*24. Is it a fact that the Comptroller of Accounts has refused to pass the amount as being beyond the powers of the Provincial Government ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

22.—Yes.

23.—Section 150 of the Government of India Act.

24.—No.

Preparation of the Visitors' List in the District and Subdivisional headquarters

Maulavi MABARAK ALI asked :

*25. (a) Will Government be pleased to state whether any visitors' list is prepared on the occasions of the visits of Government officials including the Hon'ble Ministers to the district and subdivisional headquarters ?

(b) If so, whether it is followed in the Sylhet district and specially in the Karimganj subdivision ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

25. (a)—Yes, if it is understood that interviews will be granted.

(b)—Yes.

Total number of appointments which the Muslims' are entitled to according to the communal representation in the establishment of the Deputy Commissioner, Sylhet

Maulavi MABARAK ALI asked :

*26. Will Government be pleased to state—

(a) The total number of appointments which the Muslims are entitled to according to the communal representation in the various Branches of the establishment of the Deputy Commissioner of Sylhet ?

(b) The number of appointments held by them there at present ? (Figures for the various branches to be shown separately).

*27. (a) Is it a fact that Mr. Marar, the then Deputy Commissioner, Sylhet, passed an order that in all future vacancies the Muslims and the Hindus would be taken in the proportion of 2 to 1 ?

(b) Is it a fact that the present Deputy Commissioner of Sylhet has changed the said order and Hindus and Muslims are now being taken in equal proportions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

26. (a)—135.

(b)—105. It is not clear what the hon. member means by branches, as recruitment is to an amalgamated Lower Division for the district.

27. (a)—No.

(b)—No. There is no question of recruitment in proportions.

Appointments in connection with the partition case in which the Maharaja of Tripura State is one of the parties

Maulavi MABARAK ALI asked :

*28. Is it a fact that a partition case, in which the Maharaja of Tripura State is one of the parties, is pending in the Court of the Subdivisional Officer of Karimganj ?

- *29. (a) Is it a fact that for the partition work in connection with the said case one Kanungo and two Amins were originally appointed ?
- (b) If so, what are their names and when were they appointed ?
- (c) Will Government be pleased to state whether the vacancies were duly advertised ?
- (d) What is the name of Subdivisional Officer who made the appointments ?
- (e) Is it a fact that two of the men so appointed have been discharged ?
- (f) If so, who are they and when were they discharged and by which Subdivisional Officer ?
- (g) Is it a fact that two other men have since been appointed in their place ?
- (h) If so, what are their home Subdivisions and which Subdivisional Officer appointed them and when did they join ?

*30. Will Government be pleased to state—

- (a) Whether the said vacancies were duly advertised ?
- (b) Whether any one of them had ever been discharged from his temporary service for altering the Government records ?
- (c) If so, which Subdivisional Officer discharged him and when ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN
replied :

28.—Yes.

29. (a)—Yes.

(b)—Kanungo—Maulavi Syed Golam Izdani.
Amins—Maulavi Matasin Ali.

Babu Umesh chandra Kar.

They were appointed on 31st January 1939.

(c)—No. The posts were temporary.

(d)—Maulavi Abdul Hye Chaudhury.

(e)—Yes.

(f)—Maulavi Syed Golam Izdani and Maulavi Matasin Ali were discharged on 31st July 1939 by Mr. R. R. Dhar, Subdivisional. Officer Karimganj, as they were in arrears of work and also found unfit for the duty.

(g)—Yes, on the recommendation of the Sub-Deputy Collector in charge of the partition.

(h)—One of them from the Maulvibazar and the other from the Karimganj Subdivision. They were appointed by Mr. R. R. Dhar, the then Subdivisional Officer, Karimganj and they joined their work on the 17th January 1940.

30. (a)—No.

(b) & (c)—One of them while working as a temporary Amin in a Land Acquisition case was discharged on a charge of changing the classification of certain land in the Chitha. Mr. R. R. Dhar discharged the man on 11th May 1936.

Maulavi MABARAK ALI: May we know from Government whether any other suitable candidate was not found for the purpose ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: He was appointed on the recommendation of the Sub-Deputy Collector.

Maulavi MABARAK ALI: Why the discharged man was re-appointed ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Although he was discharged, he was again appointed by Maulavi Abdul Hye Chaudhury in another partition case and he worked there from February to June in that capacity.

Maulavi MABARAK ALI: Do the Government deny the fact that he was discharged for altering the Government records ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: No, Sir.

Maulavi MABARAK ALI: Then how can the man who was discharged for altering the Government records be re-appointed in Government service ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That was done by the Local Officer.

Maulavi MABARAK ALI: Will Government please take note of that ?

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

**Creation of a Government Department for collection of information
re sailors of Assam killed due to enemy aggressions**

Babu KARUNA SINDHU ROY asked :

*31. Will Government be pleased to state—

- (a) If any Department under the Assam Government has been created to collect information about the death, due to enemy aggressions, after the out-break of the war, of sailors recruited from this province ?
- (b) Whether it is a fact that the Marine Section of the Public Works Department of Assam dealt with the cases of dead sailors during the last war ?
- (c) If so, will Government be pleased to state if the same Department is dealing with the cases of dead sailors this time too ?
- (d) Whether any pension to the family of dead sailors in the recent war has been granted by the Assam Government ?

*32. If the reply to question No. 31 is in the affirmative, will Government be pleased to state—

- (a) If any accurate account is maintained about the loss of lives of the men of this province, serving as sailors in British vessels in the various seas of the world ?

- (b) If so, will Government be pleased to lay on the table a statement showing the number, names and addresses of sailors of this province, who have lost lives due to enemy aggressions, after the out-break of the present war, with the names of British vessels in which each of them were serving and with approximate dates of their deaths ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

31.(a)—The functions mentioned belong constitutionally to the Central Government, and are carried out by its Marine Department. The services of this Government and its servants are however freely utilised for co-ordinating the activities of the Marine Department with the needs of the residents of Assam. Recently the High Commissioner for India has appointed three *liaison* officers in England for the purpose under the designation "Lascar Welfare Officers", one of whom is a son of the Hon'ble Premier, Saiyid Muhammad Saadulla.

(b)—Correspondence and payments passed through the Marine Branch of the Public Works Department.

(c)—On this occasion the correspondence passes through the Home Department, but there is no real difference in the procedure, save that payments are now made direct to the Deputy Commissioner, thus economising time.

(d)—The War Risk Compensation Scheme in force for seamen on ships registered in the United Kingdom has been applied to to ships registered in India. The Assam Government are not directly concerned.

Babu KARUNA SINDHU ROY : Has Government made any arrangement for communicating early the death of the sailors to their relatives ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir. If this information comes to the knowledge of the Provincial Government, it will be communicated as early as possible to the relatives of the deceased.

Babu RABINDRA NATH ADITYA : The question is whether the Provincial Government will take steps to be in touch with the Central Government so that the relatives may get earlier and timely information ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We have already arranged that payments are made direct to the Deputy Commissioner so that time may be saved and if the Marine Department of the Central Government gives us any information, it will be communicated immediately to the relatives of the deceased.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

32.(a)—The records are maintained by the Mercantile Marine Department of the Central Government and this Government are only responsible for correspondence between that Department and the relatives and friends in Assam of the seamen, when enquiries are made.

(b)—For the reason given already, this Government cannot give any complete particulars but are very willing to make any specific enquiry the hon. member may desire.

Transfer of Guidiluea from the Shillong to Aijal Jail

Babu KARUNA SINDHU ROY asked :

*33. Will Government be pleased to state—

(a) Why Rani Guidiluea has been transferred from the Shillong to the Aijal Jail ?

(b) Whether she was made to walk along way while she was escorted from Shillong to Aijal ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

33.(a)—This woman was transferred to Aijal at the orders of the Agent to the Crown Representative because the climate was more like that of her own village than that of Shillong, and there are more facilities for extra mural exercise.

(b)—Yes, because there is only a bridle track to Aijal.

Babu KARUNA SINDHU ROY : Why has she been sent to Aijal instead of Manipur ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am not in a position to reply to this question because this is a matter dealt by the Crown Representative.

Prosecutions for leading a procession at Sylhet on 26th February 1940

Babu KARUNA SINDHU ROY asked :

*34. Will Government be pleased to state why the cases against Comrade Biresch Chandra Misra, Secretary, District Congress Committee, Sylhet and Comrade Satyabrata Dutta, President, Surma Valley Student Federation for leading a procession at Sylhet on the 26th February last were not withdrawn inspite of the assurance given by Sir Muhammad Saadulla, the Premier on the floor of this House, in the last Session of the Assembly, that all such cases against the aforesaid persons and others would be withdrawn ?

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

34.—There was no prosecution of the two gentlemen mentioned in the question for leading a procession on 26th February last.

Babu KARUNA SINDHU ROY: I mean January and not February. (*Laughter*).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I searched my records and found that there was no such prosecution for leading a procession on 26th February.

Taking of record of unemployed educated youths in the province during the ensuing Census operations

Mr. BAIDYANATH MOOKERJEE asked :

*35. Will Government be pleased to state—

(a) Whether any register has been opened to keep a record of educated unemployed youths ?

(b) If so, from when ?

*36. Do Government propose to consider the advisability of taking a record of unemployed educated youths in the province during the ensuing Census operations.

The Hon'ble Miss MAVIS DUNN replied :

35. (a)—No.

(b)—Does not arise.

36.—Yes.

Mr. BAIDYANATH MOOKERJEE : Is it a fact that Government promised during the December Session of 1937 that certain registers will be opened ?

The Hon'ble Miss MAVIS DUNN : It is a fact and orders have already been passed that such a register shall be kept.

Mr. BAIDYANATH MOOKERJEE : In spite of the promise are we to understand that as usual Government have done nothing in the matter ?

The Hon'ble Miss MAVIS DUNN : This Government has broken no promise.

Mr. NABA KUMAR DUTTA : May we know what action has been taken by the Government with regard to this matter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Government in order to settle the procedure corresponded with the Congress Government of Bihar who opened such registers and found that they have got very elaborate details in their registers. After consulting the forms of that Government we have simplified the procedure as far as possible and final orders were passed about a week ago that the registers will be opened next year.

Adjournment of the House for five minutes on account of Armistice

The Hon'ble the SPEAKER : Hon. members are aware that to-day is the Armistice Day and at 11.38 (local time) Individual silence for two minutes is to be observed. This time observance of this silence is to be such as not to amount to demonstration. Therefore, in order to enable the hon. members to observe two minutes silence, I propose to adjourn the House for five minutes till 11.40.

(The House was then adjourned for five minutes to meet again at 11.40),

After adjournment

(Supplementaries to Starred questions Nos. 35—36 continued)

Maulavi MUHAMMAD AMJAD ALI : Will the Hon'ble Minister-in-charge reply whether by unemployed educated youths she means also unemployed educated young women ?

The Hon'ble Miss MAVIS DUNN : Women are never included under the term "unemployed educated youths".

Maulavi MUHAMMAD AMJAD ALI : Will the Hon'ble Minister consider that ?

The Hon'ble Miss MAVIS DUNN : If the hon. member wishes, I shall take that into consideration.

Maulavi MUHAMMAD AMJAD ALI : Has the Hon'ble Minister any idea as to how she wants to tackle that problem ?

The Hon'ble Miss MAVIS DUNN : I am not aware that there is such a problem.

Maulavi MUHAMMAD AMJAD ALI : How would the Hon'ble Minister make provision for them ?

The Hon'ble Miss MAVIS DUNN : I am not aware that unemployment among women is an acute problem.

Measures taken to ameliorate the condition of tea garden labourers out of the money realised from the Agricultural Income-tax

Mr. BAIDYANATH MOOKERJEE asked :

*37. Will Government be pleased to state—

- (a) If any measures have been taken to ameliorate the condition of tea garden labourers out of the money realised from the Agricultural Income-tax ?
- (b) If so, (i) what are the schemes and (ii) what sums, if any, have been spent on these schemes ?
- (c) Whether any money out of the income derived from the Agricultural Income tax has been spent for the improvement of road communication in the tea area ?
- (d) If so, what is the amount ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

37. (a)—No. Unless specified in the taxation measure the object of the Act as stated in the Objects and Reasons of the Bill introduced by the previous Ministry was to augment the revenue of the province in consideration of the deterioration of the provincial finances, loss in revenue on account of the introduction of prohibition of the use of opium, the grant of liberal remissions of land revenue and to produce extra funds to finance other beneficial projects. The income from the Assam Agricultural Income-tax has been merged in provincial revenues, from which money is proposed to be spent on beneficial projects.

(b)—Does not arise.

(c)—No.

(d)—Does not arise.

Mr. BAIDYANATH MOOKERJEE : Is it not a fact that during the discussion there was a proposal that some money should be earmarked for these purposes and the then Hon'ble Minister who piloted the Bill gave an assurance that these points would be considered ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mere discussion cannot help the hon. member. For such reservation or earmarking provision must be made in the enactment.

Mr. BAIDYANATH MOOKERJEE : Are we not to attach any importance to the assurances which were made by the Government benches?

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

Mr. BAIDYANATH MOOKERJEE : Is it not a fact that it was clearly stated on the floor of the House that these points would be considered?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The hon. member may refresh his memory by looking into the proceedings of the House.

Mr. BAIDYANATH MOOKERJEE : I would also request the Hon'ble Prime Minister to look into the proceedings of the House and he would find that it was stated that proper consideration would be given to these points raised by me.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : As I have already stated, if the whole or part of the revenue is to be spent for a particular purpose mere discussion in the debate will not help. The earmarking should be provided in the Bill.

Mr. BAIDYANATH MOOKERJEE : May I request the Hon'ble Prime Minister to consider these points ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have already stated that it is not possible.

Grant to the Deaf and Dumb School at Sylhet

Mr. BAIDYANATH MOOKERJEE asked :

*38. Are Government aware that the present grant to the Deaf and Dumb School at Sylhet is very meagre and cannot meet its vital needs ?

*39. Are Government aware that its very existence is threatened for insufficiency of funds ?

*40. Will Government be pleased to state if in view of its utility Government propose to sanction at least Rs. 200 per mensem from the next year ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

38.—Yes.

39.—Yes.

40.—Government propose to raise the grant to the extent permitted by the state of provincial finances and the claims of more or equally urgent and desirable schemes.

Mr. BAIDYANATH MOOKERJEE : May I know whether Government has given any consideration to this fact, Sir ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : Certainly, Government is considering the question of increasing the grant.

Mr. BAIDYANATH MOOKERJEE: To what extent? May I have any idea?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Government cannot give any idea just now.

Introduction of military training in educational institutions in Assam

Mr. BAIDYANATH MOOKERJEE asked:

*41. Will Government be pleased to state—

- (a) What steps, if any, have been taken by Government to introduce military training in educational institutions in Assam?
- (b) Whether it is a fact that war conditions have strengthened the existing demand for such training?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

41.(a)—The introduction of military training in the Government Colleges is receiving Government attention.

(b)—This is a matter of opinion.

Mr. BAIDYANATH MOOKERJEE: Since when is it receiving the attention of the Government?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: For some time.

Mr. BAIDYANATH MOOKERJEE: Is there any hope of the scheme materialising in the near future?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The matter is under discussion between the Defence Department and the Central Authority.

Grants to the Harijan Hostel at Sylhet

Mr. BAIDYANATH MOOKERJEE asked:

*42. Will Government be pleased to state—

- (a) What grants have been made in the case of the Harijan Hostel at Sylhet?
- (b) Whether they are aware that the Hostel cannot go on without a minimum recurring grant of Rs.100 per mensem?
- (c) If so, do Government propose to provide the necessary grant?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

42.(a)—Rupees 64 per year since 1939-40.

(b)—Government gather that more assistance is required.

(c)—Government propose to increase their assistance if funds permit.

Mr. BAIDYANATH MOOKERJEE: May I know from which source has Government gathered that no more assistance is necessary than what is being given at present?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I said "Government gather that more assistance is required."

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: May I know from the hon. questioner which community the term 'Harijan' refers to ?

Mr. BAIDYANATH MOOKERJEE: The hon. member may obtain the answer from the Hon'ble Minister.

Maulavi MUHAMMAD AMJAD ALI: He wants to know whether 'Harijan' is a community by itself ?

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY: What does the hon. questioner mean by the term 'Harijan' ?

The Hon'ble the SPEAKER: The hon. member may explain what he means by the term 'Harijan'.

Mr. BAIDYANATH MOOKERJEE: I donot think there is any necessity for that. The term is too well-known. If, however, he likes, I may explain the meaning to him after the question period (*laughter*).

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURI: Do we understand that the hon. member is unable to explain the term without consulting the dictionary ?

Mr. BAIDYANATH MOOKERJEE: I am not bound to give any explanation to my hon. friend, who is exceeding his limit. Will you please stop him, Sir ?

The Hon'ble the SPEAKER: I think, by now the public is well-acquainted with the term "Harijan".

Maulavi Dewan MUHAMMAD AHBAB CHAUDHURI: We do not know whether there is any separate community called 'Harijan'.

Mr. BAIDYANATH MOOKERJEE: I do not want to take the time of the hon. members by explaining the term now as this will take some time. I shall explain this afterwards and if necessary I shall spend days over it.

The Hon'ble the SPEAKER: The Hon'ble Minister understood what is meant by the term 'Harijan', and replies were given accordingly.

Srijut LAKSHESVAR BOROAH: On a point of order, Sir. May I know from the Hon'ble Speaker whether any hon. member who puts supplementary question can elicit information from a questioner ?

The Hon'ble the SPEAKER: Yes, there is a rule to that effect.

Mr. BAIDYANATH MOOKERJEE: If the question is *bonafide* one of course.

(Starred questions Nos.43-46 standing in the name of Srijut Khorsing Terang were not put and answered as the questioner was absent).

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.

Maulavi MABARAK ALI: Those questions have not been answered.

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Terang is absent, and so questions Nos. 43-46 could not be put.

Maulavi MABARAK ALI: But the same questions have been repeated under question No.47.

The Hon'ble Maulavi MUNAWWAR ALI: The hon. member's attention is drawn to the Press Note, dated the 31st July 1940, a copy of which is placed on the Library Table.

Mr. NABA KUMAR DUTTA: What meritorious services did the Rai Sahib render so that his son has been appointed ?

The Hon'ble Maulavi MUNAWWAR ALI: That was already stated in the Press Note I have referred to.

Mr. NABA KUMAR DUTTA: I am afraid it was not mentioned in the Press Note.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: These questions have been put down for reply in to-day's unstarred questions Nos.43-46. So my Hon'ble Colleague may give the gist of those replies.

The Hon'ble the SPEAKER: The point is that the Hon'ble Minister wanted to reply to question No.47 by referring to the answers given to questions Nos.43-46. But those questions were not answered. There are also some questions to this effect in the list of unstarred questions for to-day. The Hon'ble Minister might read out those answers.

The Hon'ble Maulavi MUNAWWAR ALI: I will, if I am permitted to do so. The replies to unstarred questions Nos.43-46, put by Mr. Naba Kumar Dutta are :—

43. (a)— Yes.

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

(c)—Government.

(d)—Read up to 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.

The reply to (f) is not necessary.

(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.

Mr. NABA KUMAR DUTTA: For what meritorious services rendered by Rai Sahib was his son appointed?

The Hon'ble Maulavi MUNAWWAR ALI: Government in their annual reports have repeatedly mentioned of the meritorious services rendered by the Rai Sahib. The attraction of the public to the Department of Veterinary is due to his efforts. Economically, it is estimated that by the new methods he has introduced a saving of not less than 3 lakhs of rupees has been effected to our provincial exchequer. Special mentions have been made of these services in the annual reports.

Mr. NABA KUMAR DUTTA: May I know what new methods have been introduced by the Rai Sahib?

The Hon'ble Maulavi MUNAWWAR ALI: Particularly the goat tissue vaccines which have enormously increased the efficacy of the treatment, and also for protective purposes.

Mr. NABA KUMAR DUTTA: Is it not a fact that these were introduced by his predecessor?

The Hon'ble Maulavi MUNAWWAR ALI: May be, but so much emphasis was not laid by him.

Mr. FAKHRUDDIN ALI AHMED: Is it the policy of this Government that consideration of the meritorious services rendered by an ancestor of a candidate is given preference to the actual merits of the candidates?

The Hon'ble Maulavi MUNAWWAR ALI: It is not the general policy of Government, but in exceptional cases this consideration is shown.

Mr. NABA KUMAR DUTTA: Is it not a fact that the Rai Sahib gave an undertaking that he would retire in November if his son was given the appointment?

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

Mr. NABA KUMAR DUTTA: May I enquire whether the Rai Sahib has retired since then?

The Hon'ble Maulavi MUNAWWAR ALI: No, Sir.

Mr. NABA KUMAR DUTTA: May I know when the Rai Sahib is going to retire?

The Hon'ble Maulavi MUNAWWAR ALI: As soon as his successor will join.

Mr. NABA KUMAR DUTTA: May I know whether he will retire in November or in December?

The Hon'ble Maulavi MUNAWWAR ALI: That I cannot say.

Mr. NABA KUMAR DUTTA: Is it a fact that the Rai Sahib is trying to get an extension?

The Hon'ble Maulavi MUNAWWAR ALI: No.

Mr. NABA KUMAR DUTTA: May I know whether he will be given any extension?

The Hon'ble Maulavi MUNAWWAR ALI: No.

Adjournment motion on account of failure of Government for convening a conference of representatives of different interests to decide the policy and principle of recruitment in public services

The Hon'ble the SPEAKER: Order, order. I have received notices of some adjournment motions. The first one is from Babu Rabindra Nath Aditya. He has given notices of three adjournment motions.

Babu RABINDRA NATH ADITYA: Sir, I beg leave of the House to move :

“That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the failure of the Ministry in implementing the assurance of the Hon’ble Premier in the last Budget Session, for convening a conference of the representatives of different interests to decide on the policy and principle of recruitment in public services.”

That question came up in the course of a cut motion during the last Budget Session of the Assembly in which the Hon’ble Premier was pleased to assure us that as soon as the Assembly Session was over, he would convene a conference to settle upon a policy to be followed by the Government. But when I found that nothing was done I gave a reminder to him and the reply was that he was busy with the retrenchment proposals and as soon as those were finished he would call the conference. Afterwards, I met him personally and had a discussion with him on the subject, but even then he has not yet called the proposed conference.

Sir, some appointments have already been made and others are to be made in the near future and unless this question is decided once for all, there will be much agitation amongst the public. Already this question has given the public cause for anxiety and the public mind is so tense about the state of things that something must be done soon.

The Hon’ble the SPEAKER: The hon. member must show how it is urgent.

Babu RABINDRA NATH ADITYA: Sir, it is urgent in the sense that some appointments have already been made and some are likely to be made shortly and although the Hon’ble Premier gave an assurance that he would convene a conference he had not done so and unless the Ministry acts upto the assurances, it is really a serious question and therefore it is very urgent.

The Hon’ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker Sir, I doubt very much whether the subject-matter of this nature can be debated in an adjournment motion. The matter is neither very urgent nor very recent. As my hon. friend has narrated the course of events, *i.e.*, during the course of a debate on the floor of the House, I suggested that I would take into my confidence the different representatives in evolving a new policy and when I did not convene that conference he wrote me a demi-official letter and I replied to him that as I was very busy with the retrenchment proposals, I was not able to call the conference.

Then, out of 187 recommendations of the Retrenchment Committee, the present Ministry has been able to come to a decision on 57. As this question is connected with the various questions that arise under retrenchment proposals and as we have not been able to finish all those, I have not told him personally during the course of our conversation that this Ministry has already gone a long way to meet the wishes of my friends. The present Ministry has reserved 20 per cent. representation to Government services to the best and meritorious candidates irrespective of the fact that they come from the over-represented communities. To that effect I have passed an interim order and as soon as I am free from other pre-occupations, I will take my friend into my confidence.

Another point that arises in this connection is the uncertainty of the number of people who are called domiciled Bengalis. In the Nationality Statement the domiciled Bengalis are shown to be less than one per cent. and therefore their proportion is not there. Some representatives of the domiciled Bengalis, notably my hon. friend Srijut Satyendra Mohan Lahiri, M.L.C., has been moving in this matter and I told him that unless and until I got the figures for that community I was not in a position to do anything on the subject. I have framed, as I have said, a policy for giving relief to the over-represented community of Surma Valley Hindus and others and owing to the absence of figures I have not been able to convene the proposed conference on the subject. I hope my hon. friend will agree with me that I have done all that was possible in the matter.

The Hon'ble the SPEAKER: It seems that the hon. member was satisfied with the reply of the Hon'ble Premier.

Babu RABINDRA NATH ADITYA: Of course the Hon'ble Premier assured me that he would reserve 20 per cent. for the meritorious candidates, but in the recent advertisements made by the Public Service Commission no mention was made about this.

The Hon'ble the SPEAKER: The hon. member will please hear me and give reply to the question. The question is whether the details mentioned by the Hon'ble Premier were necessary for convening the conference.

Babu RABINDRA NATH ADITYA: No such details were necessary because the different communities, such as the Surma Valley Muslims the Assam Valley Muslims, the Immigrants, the Surma Valley Scheduled Caste people, the Assam Valley Scheduled Caste people require separate representation. So even without the exact figure of domiciled Bengalis being available, the conference could be convened to settle the unit and policy of representation. So I think, Sir, something more could have been done by the Ministry.

The Hon'ble the SPEAKER: Does the hon. member desire to proceed with the motion?

Babu RABINDRA NATH ADITYA: If the Hon'ble Minister gives an assurance that he will look into the question of giving representation by convening the conference, I do not wish to proceed with the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already done that, Sir.

The Hon'ble the SPEAKER: Then I take it that the hon. member withdraws his motion. In that case, it is not necessary for me to decide whether it is in order or not.

Adjournment motion on account of promulgating a ban by Government on public procession, meeting and assembly in the district of Sylhet

Babu RABINDRA NATH ADITYA: Sir, I beg leave to move:

"That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the action of the Government in promulgating a ban on public procession, meeting and assembly in the district of Sylhet by their Notification No.4997-H., dated the 28th May 1940."

Sir, this is a very urgent question which is practically threatening the public life in the district of Sylhet and although now it has been extended only to the district of Sylhet, and Cachar, I think, sooner or later this will be extended throughout the whole province. Assam Government seized

the earliest opportunity to promulgate such a ban although it has not been done even in Calcutta or in any industrial or mill areas near about Calcutta.....

The Hon'ble the SPEAKER: The hon. member should state his case briefly.

Babu RABINDRA NATH ADITYA: I drew the attention of the Government to the fact that if the order is allowed to stand, as it is at present, there will be difficulty in attending bazars, theatres and mosques, and though some modification seems to have been made in this respect, even now a person going to the bazar is liable to be hauled up under this order. Therefore this order has been affecting adversely the public life in the districts of Sylhet and Cachar, so much so that even a condolence meeting cannot be held without filing a petition three days before the meeting. So this is a very important and urgent question, and it affects the expression of free public opinion and it interferes with the normal course of life in the districts of Sylhet and Cachar.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, certain orders were passed under the Defence of India Act and Rules prohibiting a particular kind of agitation in the district of Sylhet as it was found that owing to the activities of a socialist and revolutionary group the peace and order in the district were in jeopardy. As the hon. member himself admits, since the receipt of the representation made by him, there has been a certain modification and after this modification, in the application of the rules no peace-loving member of society need have any difficulty in pursuing his normal life.

The Hon'ble the SPEAKER: Has there been any modification in the rules ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, there has been some modification. This notification was necessitated by the activities of the so-called socialists who were trying to foment trouble between the zamindars and the tenants and it was in order to stop that kind of agitation that the rules under the Defence of India Act were promulgated in Sylhet district. The ordinary course of life of the citizens has not in any way been interfered with, and I am pained to hear from my hon. friend that he was prevented even from convening a condolence meeting by the district authorities. There is absolutely no reason why such peaceful meetings should not be allowed. As a matter of fact the instructions are only to prohibit meetings called by these socialists and revolutionary agitators.

Mr. ARUN KUMAR CHANDA: Mr. Speaker, Sir, may I be permitted to rise and take up the cudgels on behalf of Cachar ? May I submit, Sir, that the interference with public rights and privileges has become intolerable in that district ? The public life of the Valley has been practically paralysed by the operation of these rules. The Hon'ble the Premier has tried to gloss over the matter by saying that the orders have been modified, but it has not eased the situation in any way, and it is time that something was done to mend matters. No one seem to realise that such drastic rules, as are being applied to cover all phases of public activities, cannot create any affection in the public mind for the powers that be and defeat their very object.

The Hon'ble the SPEAKER: The hon. member is not to argue.

Babu RABINDRA NATH ADITYA: I am not satisfied by the statement made by the Hon'ble Premier, because even the modification that he referred to cannot prevent a person going to the bazar from being hauled up under the law as it stands.

The Hon'ble the SPEAKER : The hon. member should have mentioned in his motion in which direction the modifications have been made.

Babu RABINDRA NATH ADITYA : No modification has been made in the order itself, but it must have been made in some communication by the Government to the Deputy Commissioner. The law, as it stands, had not been modified.

The Hon'ble the SPEAKER : Having heard the hon. member who has tabled this motion and the Hon'ble the Premier, I am disposed to think that this matter is of urgent public importance, and, therefore, I hold that the motion is in order. The Hon'ble Premier has objected to the motion being moved.

Has the hon. member got leave of the House to move the motion ?

(Then more than twenty members rose in support of the motion).

The hon. member has got leave of the House to move this motion. What time I am to fix for taking up the motion I will decide after disposing of the other motions.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY : On a point of order, Sir, can more than one adjournment motion be taken up on the same day ?

The Hon'ble the SPEAKER : This point was raised in this House in 1938, when after an adjournment motion was allowed to be moved leave for another adjournment motion was asked for. I did not decide that point then. Having regard to the urgency of the second motion that was intended to be moved I asked the hon. member to table that motion on the next day waiving urgency. Since then, the matter has received my earnest consideration, and I may tell the hon. member without divulging any secret that I took up this matter in the Presidents' and Speakers' Conference held in Simla in 1939. The matter was discussed there, and in the light of that discussion I have decided to follow the procedure that is followed in the Central Assembly. Now, that procedure is exactly like the procedure that we find in our rules. In the Central Assembly they allow leave to be asked for more than one adjournment motion to be moved on the same day in order to have the President's decision as to whether the motions are in order or not. Where notice of more than one adjournment motion is given for the same day, the adjournment motions are dealt with in the House in order of receipt. If leave to move is granted in respect of any of these motions, the outstanding motions are left over for inclusion in the agenda of the following day. This process is continued from day to day until all the motions are disposed of. That is the procedure followed in the Central Assembly. When the Central Assembly Rules and our rules are the same, I have decided to follow this procedure. And that is, if leave is granted to members to move more than one adjournment motion, one might be taken up to-day and others would be put in the agenda for the next day, and the process will be continued till all the motions are disposed of. Therefore, even when an adjournment motion has been fixed for to-day, other motions will have to be considered to see whether those motions are in order or not, and then the leave of the House should be asked for and if leave be granted to other motions which may be found to be in order, then dates may be fixed for taking up the motions.

Adjournment motion on account of dislocation and delayed conveyance of mails between Shillong and the districts of Sylhet and Cachar

Babu RABINDRA NATH ADITYA: Sir, I beg leave to move my adjournment motion, namely:—

“ That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the action of the Government contributing to the dislocation and delayed conveyance of mails between Shillong and the districts of Sylhet and Cachar. ”

Sir, this Government directed the Postal authorities by letter that they must make other arrangement for carrying the mails between Shillong and Sylhet and Cachar in view of the fact that the company which was carrying the mails would have their license terminated by April. The Postal Department accordingly gave notice to the company concerned to discontinue carrying mails after that date as announced to them by the Provincial Government. It seems that the Provincial Government did not make any other arrangement, although they took a lot of care to inform the Postal Department that the license would come to an end from a certain date. The result has been that the Postal authorities, finding that no other arrangement was made by the Government to put service cars on the Sylhet-Shillong Road, have decided to carry the mails *via* Gauhati through the Assam-Bengal Railway. As a consequence we are getting the mails from Shillong on the fourth day. The difficulty of the members coming from the Surma Valley will be obvious from the fact that most of the letters issued by your Department did not reach the hands of members and as such we could not be in time to table our amendments to the Bills.

This, Sir, is the difficulty we are experiencing and it is the negligence of this Government which has contributed to the dislocation of the mails to Sylhet. As such, I hold them responsible for this difficulty. It is also a matter of urgent public importance.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I dispute the facts as stated by the hon member just now. The difficulty, as a matter of fact, is due to the action of the Postal Department in changing the route for carrying the mails between Shillong and Sylhet—an action under which Government is suffering as much as the public. But this is a matter in which we are helpless, as it is a Central subject.

In order to dispel the misapprehension that is probably in the mind of the hon. member, I will say that, although this Government, thinking that they would be able to settle permit holders or public carriers under the new Motor Vehicles Act on the Shillong-Sylhet road by April last, informed the Postal authorities so. Since then the Postal authorities were informed that the existing state of affairs was being continued for three months at a stretch. The Postal authorities continued carriage of articles and mails by the old contractors till about August last. But, as I learnt personally from Sir Gurunath Bewoor, the Director-General of Posts and Telegraphs, a dispute had arisen between the contractors and the Postal Department as regards payment to the former and that the contractor has given notice of filing a suit against the Postal Department. Hence they have ceased to carry mails by this route.

The Hon'ble the SPEAKER: I have heard the hon. member who has asked for leave and the Hon'ble Premier. I am disposed to think that this motion is not in order, as it does not exclusively relate to a matter of administration which is within the purview of this Government alone. In

that view, I do not hold, even though there may be some inconvenience complained of, that this matter is of any urgent importance which should be discussed.

The next motion is from Mr. Baidyanath Mookerjee.

Adjournment motion on account of framing and putting into operation the Rules under the Indian Motor Vehicles Act, 1939 without giving an opportunity to the House to consider the Rules

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg leave of the House to move my motion, *viz.*—

“That 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 Indian 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 am sure it is well known to the House that in 1939 the Indian Motor Vehicles Act was placed on the Statute Book as Act IV of 1939 on the 16th February of the same year when it received the assent of the Governor-General. It came into force on the 1st of July 1939. It is not necessary for my present purpose to go into any details about this piece of legislation. What I am concerned with is that, this Act conferred the power of rule-making on the local Government by virtue of sections 21, 41, 65, 67, 68, etc. In exercise of those powers after previous publication as required, the Government of Assam framed certain Rules called the Assam Motor Vehicles Rules, 1940. These Rules came into force on the 1st and the 11th of March 1940. Now my submission is that, according to the mandatory provisions of the Indian Motor Vehicles Act, 1939, it was incumbent upon the local Government to place these Rules before this House and invite their opinion thereupon. This the Government have failed to do and even now they are not showing any intention to do so. And they have thereby robbed this House of a valuable and substantial right of legislation. I submit, Sir, that this is treating the House with scanty respect. And the House cannot lightly treat such an act on the part of Government. In that view of the matter, I submit that this is a matter of definite and urgent public importance, and as the grievance is still continuing and the Government have failed to utilise the present session of the Assembly to regularise the Rules irregularly framed and illegally enforced, therefore, I submit that this is a matter of recent occurrence and this is the first opportunity that this House has got to criticise the conduct of the Government and I desire to utilise it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, my submission to you will be that this motion is out of order. This is not the earliest opportunity which the House had. According to the speech of my hon. friend.....

The Hon'ble the SPEAKER: When were the Rules completed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In March last, while we were in session.

The Hon'ble the SPEAKER: On what date?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: First instalment was published on the 1st and the last instalment on the 11th of March.

Mr. BAIDYANATH MOOKERJEE: After the 11th there was not 14 days' time in accordance with the Rules. May I read out the relevant section?

The Hon'ble the SPEAKER : When did the Assembly disperse ?

Mr. BAIDYANATH MOOKERJEE : I am sorry, Sir, I did not mention it before. It was not too much to hope that the Hon'ble Premier would have treated it in the way it deserved, but he did not care even to read the section, I mean section 133 (3) of the Act which runs as follows—

“ All Rules made under this Act by the Central Government or by any Provincial Government shall be laid 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.”

The Hon'ble the SPEAKER : There were two publications, I think.

Mr. BAIDYANATH MOOKERJEE : Yes, Sir, one instalment was published on the 1st and then the other on the 11th March. After the 11th, there was no time for the Government. So I did not unnecessarily like to bother myself or the House over it and make myself a fool.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I have got nothing to add, Sir. This is not the earliest opportunity for this House to discuss these Rules. Rules were published in two instalments—one on the 1st and one on the 11th. At least during the first instalment, the House had every opportunity to discuss it.

The Hon'ble the SPEAKER : The House has the right to discuss it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : It is not a matter for adjournment motion.

The Hon'ble the SPEAKER : It involves a right of the House to discuss it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We do not say that we are not going to place it before the House.

Mr. BAIDYANATH MOOKERJEE : Sir, are we to wait till the dooms-day ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : My friend should not be thinking of dooms-day. He will have his chance.

Mr. BAIDYANATH MOOKERJEE : I think, I have got my chance to-day.

The Hon'ble the SPEAKER : In regard to this motion, I am not satisfied by what has been said by the Hon'ble Premier that the matter is not of urgent public importance. No doubt the last instalment of the Rules were published on the 11th of March, 1940. The Assembly session during the last Budget Session was prorogued, I think, on the 21st of March and although there was a publication of a part of the Rules on the 1st of March, the members might have very well expected that the Government would come forward with all the Rules at one and the same time. It has been said that the Rules have been put into operation. As I read section 133 of Indian Motor Vehicles Act, I find that it is mandatory upon Government to place these Rules before the House at least for 14 days and the House has got a right to make amendments and the whole intention is that only those amended Rules are to be put into operation. Therefore, how the action of the Government in putting into operation these Rules framed by them under the Indian Motor Vehicles Act is to be viewed in the light of the provisions of section 133 of the Indian Motor Vehicles Act making it obligatory upon the Government to place these Rules at least for 14 days before the House and giving the right to the House to amend these Rules is a matter of urgent public importance. In view of the fact that Government have not arranged to place these Rules before the House in this session, I hold the motion to be in order. As there is objection to leave being granted, I would ask whether the member has got the leave of the House to move the motion.

(Then more than twenty members rose in support of the motion.)

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

Adjournment motion for allotting a sum of rupees one lac by Government to the War Fund

Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir. I beg leave of the House to move :—

“ That this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the unconstitutional impropriety of the Government in allotting one lac of rupees to the War Fund from the revenues of the province in course of the current year and thus creating a new item of expenditure after annual estimate for the year had been passed by the House during the last Budget Session.”

Sir, I need not take much time of the House in convincing you that this adjournment motion is in consonance with all the requirements of the rules under which I am now seeking the permission of the House. The Hon'ble Premier has, to-day, admitted that the donation to the War Fund was made by the Government under section 150 of the Government of India Act. Sir, this is not the time for me to go into the controversy whether the donation can be made under that section but, as you will see, on reading the section, that even if an expenditure on account of the donation can be incurred, the power to incur the expenditure has been given by that section not to the Government, but to the Federal or Provincial Legislature. The Government have, however, incurred this expenditure without consulting the Provincial Assembly and, in doing so, they have committed a breach of the privilege of this House. Moreover, it is a matter of urgent public importance. Sir, in view of the awkward precedence created by the Government, I submit that the members of the House be provided a full opportunity of discussing the unconstitutional measure of the Government. At this stage, I do not wish to add anything more, but should the necessity arise to add to my remarks I shall do so after I have heard the Hon'ble Premier.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, we are going to move a supplementary demand for this amount on the 19th.

The Hon'ble the SPEAKER : In that case the hon. member will have the opportunity of discussing this matter on that day.

Mr. FAKHRUDDIN ALI AHMED : This supplementary statement was supposed to have been placed before the House to-day, but so far we have had no such supplementary statement ; and we did not know whether the Hon'ble Premier was going to include that particular item in the supplementary demands. Moreover the question is whether the Hon'ble Premier can come forward with a supplementary demand for this particular item. Should it be ruled out that the Hon'ble Prime Minister cannot bring a supplementary demand for the item, the House will be shut from the opportunity of discussing this unconstitutional act of the Government and the breach of the privilege of the members of this House. A supplementary demand in my opinion, can only be moved in respect of that item of expenditure for which an original grant was made by the House and in respect of such an expenditure which is incurred for the province. The Hon'ble Prime Minister had no authority, whatsoever, to incur this expenditure without taking into confidence the House and the plea to come forward with the supplementary demand is a mere subterfuge to avoid the censure for this unconstitutional act of the Government. We should not be deprived of the opportunity of discussing this unconstitutional act of the Government.

The Hon'ble the SPEAKER : The hon. member is not right that the supplementary statement was to be placed before the House to-day. The supplementary statement will be placed on the 14th. From what I have heard from the Hon'ble Premier and also from the hon. member, I think, that matter can be very fittingly discussed in connection with the supplementary demand that is coming before the House. Of course, as the hon. member says, if the Chair rules out then he will be deprived of discussing the action of the Government. Now, I think the objection raised by the hon. member on this score is not sound and further I may draw the attention of the hon. member to a rule relating to adjournment motions that the adjournment motion should not anticipate a discussion which has already been fixed up. Though the matter has not as yet been fixed up, yet when the Hon'ble Premier gives the assurance that he will come forward with a supplementary demand before the House, I think, this motion should not be taken up to-day. Of course, if the Hon'ble Premier does not place the demand before the House on the fixed date then I shall see whether the hon. member should have an opportunity to discuss this matter.

Mr. FAKHRUDDIN ALI AHMED : At the time of the discussion of this supplementary demand I hope, Sir, you will give us sufficient time to have full discussion on this matter.

The Hon'ble the SPEAKER : Of course the time will be fixed by His Excellency the Governor for supplementary demands and the allotment of time to different demands will be fixed by me and I shall see whether more time can be given for discussing this particular item.

Adjournment motion on account of undue influence exerted by certain Government Officers on the electorate in the recent bye-elections to the Legislature

Srijut OMEO KUMAR DAS : Mr. Speaker, Sir, the motion for which I have to seek leave of the House is this :

“That this House do now adjourn to discuss a definite matter of urgent public importance to wit, the undue influence exerted by certain Government officers on the electorate by their active participation in the recent bye-elections to the Legislature”.

Sir, this is a definite matter of urgent public importance and it is of recent occurrence and I have taken the earliest opportunity to bring it to the notice of this House.

The Hon'ble the SPEAKER : May I intervene ? Has not the hon. member tabled some questions on this subject ?

Srijut OMEO KUMAR DAS : Yes.

The Hon'ble the SPEAKER : Then is it not better to wait for those questions ?

Srijut OMEO KUMAR DAS : If I get an assurance from the Government now that they will enquire into the conduct of these officers then there may not be any occasion to discuss these questions again. Or if the Government give me an assurance that they will take up my questions for reply early.....

The Hon'ble the SPEAKER : I think no such question of assurance comes now in view of the fact that the hon. member has given notice of such questions. I may ask the Government to expedite the answering of those questions so that the hon. member may get an opportunity of knowing what

answer is given and in the light of those answers the hon. member may discuss the question and I may allow the hon. member to move the motion at some other time. No doubt this matter is of very urgent importance—I agree with the hon. member. But I would ask the hon. member to wait till the answer from the Government comes to those questions.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If my hon. friend will give me the definite allegations I will surely make enquiry.

Srijut OMEO KUMAR DAS: I had already made these allegations in my questions.

The Hon'ble the SPEAKER: Am I to take it that the hon. member does not wish to press his motion?

Srijut OMEO KUMAR DAS: Yes.

Adjournment motion on account of directions issued by the Superintendent of Census Operation, Assam, for the guidance of officers in connection with the census operation of the Province

Srijut MAHI CHANDRA BORA: Mr. Speaker, Sir, I beg leave of the House to move—

“That the Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the situation that has been created by the retrograde and objectionable features of some of the directions issued by the Superintendent of Census Operation, Assam, for the guidance of the officers and people concerned in the matter of census operations in the province of Assam, 1941.”

Sir, there has been bitter criticism against some of the instructions that have been issued by the Census Superintendent, Assam. Government must have been aware of the volume of protest, that have been raised both in the Press as well as in the platforms about the most objectionable features of some of the directions. If they are allowed to function, if the officers are allowed to be guided by those instructions, if the pernicious principles are introduced, the result would be disastrous to the national life of the people. It is a matter of urgent public importance because in recent times no matter has agitated the public mind so much as have been done by the retrograde and anomalous features. Government may take the plea that the census being a Central subject, this Government have absolutely no hand in the matter. But they cannot in this way shirk their responsibility. They have a definite duty towards the people of the Province and they should remove those objectionable features of the instructions ere long. The census operation is one in which the people of this province are vitally interested.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, my hon. friend did me the honour of writing a letter, pointing out certain defects in the instructions issued by the Census Commissioner. But before I could reply to him, I was told by certain leading and responsible gentlemen from the Assam Valley that they would like to wait on a deputation about the matter under debate. I had received the deputation at Gauhati recently and assured them that I would see that instructions are issued removing the objectionable features. The late Excise Commissioner, Rai Bahadur Durgeswar Sarma, saw me on the same subject about the submission of the deputation. He was satisfied with the action that had already been taken. I hope my hon. friend will be satisfied from that.

Srijut MAHI CHANDRA BORA: May I be favoured with copies of the instructions that have been recently issued?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will be pleased to furnish this to my hon. friend, if he wants them.

The Hon'ble the SPEAKER: May I take it that the hon. member does not wish to press his motion.

Srijut MAHI CHANDRA BORA: No, Sir. I do not press my motion.

Adjournment motion on account of appointment of more than twenty special constables from the members of the public in Bahubal Thana of Habiganj subdivision

Babu NIRENDRA NATH DEV: I beg leave to move—

“That the House do now adjourn to discuss a matter of urgent public importance, namely, the situation created by the appointment of more than twenty special constables from amongst the members of the public in Bahubal thana of Habiganj subdivision in the district of Sylhet.”

We had an experience of special constables being appointed in the Bahubal thana, more than a year back, due to communal riot there. But since then, the situation had become calm and quiet, and special constables had also been relieved of their duties. But very recently the police authorities in that thana have preferred to appoint some members from the public as special constables again. Amongst them, to my personal knowledge, there are at least two or three gentlemen who had no connection with any crime that could warrant any such measure. No specific reasons have been assigned and the matter is agitating the public mind very greatly. We, as members of the public in the subdivision, do not know of any occurrence that can be called uncontrollable by the existing police officers that are employed in that thana and it is a matter of public importance and it is agitating public mind very greatly and the step has been taken absolutely without any rhyme or reason. So I beg leave of the House to move this adjournment motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the system of enrolling special constables is as old as the Police Act itself, and is provided therein. The hon. member has admitted that, in the Bahubal thana, special constables had been enrolled since a year back. If any new gentlemen have been enrolled, it has been done by the local officers without any reference to the local Government. It is for the first time that I have heard of this. If my hon. friend had done me the honour of writing a demi-official letter, pointing out the difficulties or inconveniences I would have at once taken action. If innocent but unwilling people have been enrolled by any officer through jealousy, or over-jealousness, I would request the hon. member to give me details and I will make an enquiry. But it should be remembered that the Act had given discretionary power in this respect to local officers.

The Hon'ble the SPEAKER: In regard to this matter, I think the motion is not in order after having heard the hon. member who has tabled this motion and the Hon'ble the Prime Minister.

Adjournment motion on account of arrest without warrant and handcuffing of Babu Sasindra Kumar Datta

Babu DAKSHINARANJAN GUPTA CHAUDHURI: I beg leave to move, Sir—

“That this Assembly do now adjourn to discuss a matter of urgent public importance, namely, the situation created at the town of Maulavi-bazar by the arrest without warrant and handcuffing of Babu Sasindra Kumar Datta in a bailable offence on 14th September, 1940.”

The Hon'ble the SPEAKER : Is this a fit matter for an adjournment motion ?

Babu DAKSHINARANJAN GUPTA CHAUDHURI : The matter was represented to the local authorities, but no action has been taken.

Two cross cases were started, one by the above named gentleman and the other by a Police constable. It is an accident that the gentleman happens to be the Secretary of the Students Federation. This fact added to the fury of the Police. The gentleman, who owns a house, while he was passing in a cycle, was surrounded by 6 to 8 constables.....

The Hon'ble the SPEAKER : Still I ask—Is it a fit matter for adjournment motion ?

Babu DAKSHINARANJAN GUPTA CHAUDHURI : It was represented to the local authorities, but no action was taken on the matter.

He was surrounded by 6 to 8 constables, arrested, pushed and was suddenly put under handcuffs. No warrant was shown to him. The offence was a bailable one.

The Hon'ble the SPEAKER : This is as regards the right of a particular individual.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : While this was going on, it was thought that the reign of law had been subordinated and that a reign of terror had been substituted. It was a public nuisance. Unless the general public is protected from this sort of things—I mean the oppression of the police—nobody has any remedy. This is a matter which is agitating the public mind, and unless remedial measures are taken and unless anything is done, such things will continue and any pedestrian may be handcuffed at any moment. Thus, Sir, a serious and illegal encroachment on individual freedom was made. This matter occurred on the 14th September and this is the earliest opportunity available. Therefore I submit, Sir, that it is an urgent matter of immense public importance and that it is of recent occurrence.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, this is the first time that I hear from my hon. friend Mr. Gupta Chaudhuri that there are counter cases and if any local officer has gone, in his energy, or out of revenge, beyond his competence, it is not a matter for which Government can be censured, because Government did not authorise him to exceed his power. If this has been done, I will institute an enquiry and if it is found that powers have been exceeded, I shall see that the culprits are suitably dealt with.

The Hon'ble the SPEAKER : I hold that this motion is not in order.

The adjournment motion of Babu Rabindra Nath Aditya will be taken up at 3 p.m. to-day and the other adjournment motion of Mr. Baidyanath Mukerjee will be taken up at 3 p.m. to-morrow.

Condolence on the death of Srijut Bhuban Chandra Gogoi, Mr. P. Parida, Rai Sahib Hara Kishore Chakravarty and Mr. Neville Chamberlain

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, again it has become my painful duty to record our grief and move for condolence at the sad death of two of our members whom we have lost since we met in the Budget Session. I refer to the death of late Srijut Bhuban Chandra Gogoi and Mr. Parida.

Mr. Bhuban Chandra Gogoi was a sincere but unassuming worker for the spread of education amongst the masses. He devoted his whole life for the improvement of the Sibsagar Polytechnic Institute which he started. I have mentioned more than once on the floor of this House my great admiration for his enterprise with the idea of introducing the principle which was laid down by that great Negro reformer, Booker Washington, 'Earn while you learn'. We are all sorry that such a useful life has been cut short by the cruel hand of death.

The next gentleman Mr. Parida was one of our labour members. I had not the pleasure of meeting him for long, but since 1937, when he had become a member, I knew him and found that he was no less zealous in trying to improve the lot of his community.

While I am mourning the loss of two of our hon. members, I hope the House will bear with me if I mention the loss to the province of that venerable leader of Hailakandi, Rai Sahib Hara Kishore Chakravarty, who was a member of the old Council. A man of amiable disposition, he was simple of habits, a type of old gentry and solicitous for the improvement of the condition of the tenantry of his estate. He died full of years and full of honours. We have in our midst on the Government Benches his worthy son, Mr. Hirendra Chandra Chakravarty. It is in the fitness of things that this House will record its sense of sorrow and offer condolence to Mr. Chakravarty and his family members.

I was shocked last night, Sir, to hear on the radio that Mr. Neville Chamberlain, who till lately was the Prime Minister of Britain, passed away. We had been hearing from the newspapers that he was ill, but I never expected that the end would be so sudden. If any statesman of recent years had devoted whole-heartedly and earnestly for the cause of peace with the idea of averting war and bloodshed, it was that illustrious son of an illustrious father. He was in his own country ridiculed by a section of the people for his policy of appeasement in order to prevent the totalitarian dictators from plunging Europe, nay the whole world in carnage. It is but meet and proper for this House that we should record our sense of deep sorrow at the death of such a statesman and a prominent figure in world politics.

Srijut GOPINATH BARDOLOI: Sir, I beg to associate myself with the condolence references which have come from the lips of the Hon'ble Leader of the House. It is indeed sad that during the course of nine months we should be losing two of the members of this House. The Leader of the House has been pleased to refer to the life of Srijut Bhuban Chandra Gogoi. I had the opportunity of reading with him, and we had passed some time of our life together. From all I knew of him I will say that he was not only a perfect gentleman, a man with a firm resolve and solid determination, but he was above all an idealist. It has not been given to many of us, Sir, to suffer the sufferings which he had to bear throughout his life on account of his idealism. Deserting all idea of comfort in life, he took to constructive work and although his life had to wade through difficulties and miseries, he persisted in the pursuit of his ideal. He was a great believer in the real education of our young men, and in his life we found that however humble the work might be, so long as it was consistent with the ideal, he was always prepared to follow it. He started a very humble institution in a place called Bokota about 13 or 14 years ago. He had worked amidst great hardship and misery amongst the villagers and made this small school a success. After this he removed his field of activities to the Sibsagar town where, as the Hon'ble Premier has just now stated, he started a Polytechnic Institute. This Institute also had to pass through periods of great handicap

in many ways, but he stuck to his ideals, and although to-day the Institute is not as well as it should have been, it may be said to be an established institution. Thus, Sir, he has passed his life in following his ideals through hardship and difficulties. Lives like his are, in my opinion, very rare. It is but only fitting that this House should record its sense of sorrow at the death of this gentleman.

Next, Sir, I might not have had the privilege of intimacy with Mr. Parida, but I had come in contact with him. I can say, Sir, that he was a gentleman who acted with a degree of propriety in this House which drew the attention of many of us. We are really sorry to miss him from amongst us to-day.

Then, in reference to Rai Sahib Hara Kishore Chakravarty, I must say that I had not the privilege and honour of his acquaintance, but his son our friend, the Hon'ble Srijut Chakravarty, is here and we join with him in his sorrow. As the late Mr. Chakravaty was a member of the old Council, I think it is the duty of this House to record its sense of sorrow at his death.

Lastly, Sir, references have been made by the Hon'ble Premier to the death of Mr. Neville Chamberlain. He was, Sir, a man whose activities were the subject of great controversy during the last two or three years in the matter of European policy. Not that his action did not also concern some of us of this House. We really thought, Sir, that while Abyssinia was being surrendered to the rapacity of the Fascist Dictator, when we found that the Spanish people were fighting for their independence and nothing was done by England to help them in the hour of difficulty and dire distress, when we found that a small nation like Czechoslovakia was given over to the devouring greed of the Nazi, we really thought, Sir, that Mr. Chamberlain was not pursuing a policy which he should have been pursuing. It was said that he was pursuing a path of peace. But we felt that the path he followed was not the correct path. He had indeed to revise his opinion about the whole international politics soon after. Yet he was a great international figure; there is no doubt about it. But I feel Sir that whatever controversy there might have been regarding his views and activities, it should be hushed down before the mighty silence of the grave and it is now our duty as members of this Legislature—as the Hon'ble Premier has been pleased to suggest—to record our condolence and express our sorrow at his death. With these words, Sir, I associate myself with all that has been said by the Hon'ble Premier.

Mr. A. WHITTAKER: Sir, I would like to associate the members of the Planting Group with the condolence motion in respect of these four gentlemen. I think all of them had one common creed—a creed of service for the state and whether it was in the local sphere or in the provincial sphere or in the international sphere. I think we can most fittingly associate ourselves with the condolence motion moved by the Hon'ble Premier and the Leader of the Opposition.

The Hon'ble the SPEAKER: I fully associate myself with the sentiments expressed on this condolence motion touching on the death of four notable persons. Two hon. members of this House, one a member of the old Legislative Council and another a great statesman and politician of England and a world figure.

Mr. Bhuban Chandra Gogoi was indeed an earnest patriot who served the cause of his country very devotedly and how he struggled against odds for an institution for the amelioration of his countrymen has been fully said by the Hon'ble Premier and the Hon'ble Leader of the Opposition. It is a great loss to this province that such a man should have been taken away from our midst so prematurely.

Mr. Parida, really served his constituency well. As far as I know, since he came to this House he was afflicted with a fell disease and therefore we had not much from him so far as the work of the Legislature was concerned. But with his illness he was always present in this House and did his duty towards his constituency as best as he could.

I had the privilege of knowing Rai Sahib Hara Kishore Chakravarty first as a colleague in the old Legislative Council of this province, and then in another sphere of my activities. Although his death might not be a premature death, but there can be no doubt that this province, particularly the district of Cachar, has lost a friend and a gentleman holding distinguished position in society. He was a gentleman having great qualities of head and heart, anxious to do good to his people.

Mr. Chamberlain was really a great statesman and politician who loomed large in world politics on account of his strivings to prevent the devastation of a war. He entered into a pact with Hitler at Munich in September 1938 when he was acclaimed for his great achievement in preventing a war; but the war has come on us all the same. He was ridiculed, as has been said, for following a policy of appeasement and ultimately stress of circumstances forced him to abandon that policy and to undertake the work of conducting the war as the British Prime Minister. It is meet and proper that we should sympathise with the people of England in the great loss they have sustained by the disappearance of such a man at a time when the people of England are passing through a terrible time on account of this war. We sincerely grieve all these losses.

As a mark of respect to the departed souls we should rise in our seats and observe silence for two minutes.

(All the members present then rose in their seats and observed silence for two minutes.)

Adjournment

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

After lunch

Governor's message communicating allotment of days for the presentation of supplementary demands, voting on demands for supplementary grants, etc.

The Hon'ble the SPEAKER: I am now announcing the message from His Excellency the Governor regarding allotment of days during the present session:—

"For the purposes of section 81 read with sections 78, 79 and 80 of the Government of India Act, 1935, and in pursuance of rules 18(1), 18(2)(a) and 19 of the Assam Legislative Assembly Governor's Rules, I, Robert Niel Reid, hereby appoint the following days for the presentation to the Legislative Assembly of the Supplementary Statement of Expenditure for the year 1940-41 and for the subsequent stages thereof in the Legislative Assembly during its November Session, 1940, namely:—

Thursday, the 14th November	...	Presentation of the Supplementary Statement of Expenditure.
Tuesday, the 19th November	...	Voting on the Demands for Supplementary Grants.
Friday, the 22nd November	...	Placing of the authenticated schedule of authorised expenditure in relation to the Supplementary Demands for Grants for 1940-41.

This order shall be subject to my revision, if necessary, from time to time.

Shillong:

The 9th November 1940.

R. N. REID,
Governor."

Allotment of days for private members' business by the Hon'ble Speaker

The Hon'ble the SPEAKER : In pursuance of rule 17 of the Assam Legislative Assembly Rules I hereby allot, in consultation with the Hon'ble Prime Minister, the following days for private members' business during the present session of the Assam Legislative Assembly, 1940 :—

Tuesday, the 12th November	...	} 1. Private Members' Bills. 2. Private Members' Resolutions.
Friday, the 15th November	...	
Thursday, the 21st November	...	

Private Members' Resolutions will also be taken up on the following days, if time permits after disposal of Government business :—

Monday, the 11th November,
Monday, the 18th November,
Tuesday, the 19th November,
Friday, the 22nd November,
Saturday, the 23rd November.

This order shall be subject to my revision, if necessary, from time to time.

Statement *Re* course of Government business

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : With your permission, Sir, I desire to make a statement about the course of Government business during this session. The arrangement is, however, provisional and is subject to alteration, as usual, on account of insufficiency of time on any of the days and of other relevant factors.

2. The Government business which is to be taken up to-day is already shown in the day's agenda, a copy of which has been placed on each member's table. I need not detail it again. If the motion for taking into consideration of the Bills entered in to-day's agenda is accepted by the House to-day, we propose to have these Bills considered clause by clause on the 18th and 19th and then to move that they be passed.

3. We propose to introduce and to move for consideration of the following Bills on the 14th :—

1. The Assam Motor Vehicles Taxation (Amendment) Bill, 1940.
2. The Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940.

3. The Assam Deputy President's Salary (Amendment) Bill, 1940.

If the motion for taking these Bills into consideration is accepted by the House on the 14th, we propose to have them also considered clause by clause on the 18th and 19th and to move that they be passed.

4. On the 14th, 16th, 18th and 19th November, we also propose to have the following Bills taken into consideration clause by clause and to move that they be passed—

1. The Goalpara Tenancy (Amendment) Bill, 1939.
2. The Sylhet Tenancy (Amendment) Bill, 1939.

On the 14th and 18th November, we also propose to introduce the Assam Maternity Benefit Bill, 1940 and the Assam Forest (Amendment) Bill, 1940, respectively, and to move for their reference to Select Committees.

5. On the 16th November, we also propose to take up the following business :—

- (i) Motion for consideration of the Report of the Public Accounts Committee on the Appropriation Accounts for 1938-39 and for approval of the excess expenditure recommended by the Committee.

- (ii) Presentation of a Note on the present financial situation of the Province with reference to actuals for 1939-40.
- (iii) Presentation of the Select Committee's Report on the Assam Embankment and Drainage Bill, 1940 and, if the motion for consideration of the Bill as reported by the Select Committee is accepted by the House on that day, to have the Bill considered clause by clause on the 22nd and 23rd November and then to move that it be passed.

6. Motion for taking into consideration of the amendments made by the Assam Legislative Council on the Temporary Postponement of Execution of Decrees Bill, 1938 and consideration of further amendments, if any, to this Bill, are proposed to be taken up on the 18th November and 22nd November respectively.

7. On the 22nd November, we also propose to move a motion for amending Assembly Rule 102 and if the motion is accepted, we shall move that the draft Rule be referred to a Select Committee. If time permits, we also propose to introduce and to move for reference to a Select Committee, the Assam University Bill, 1940. Otherwise this will be done on the 23rd.

After the disposal of Government business on the 23rd November, we propose to take up any Government business which may remain unfinished on previous days and any other unforeseen business of Government.

Committee on petitions relating to Bills

The Hon'ble the SPEAKER : Under rule 112(1) of the Assembly Rules, I nominate the following members to constitute a Committee on Petitions relating to Bills for the current session of the Assembly :—

1. Kumar Ajit Narayan Dev,
2. Maulavi Abdul Aziz,
3. Mr. C. W. Morley,
4. Babu Kamini Kumar Sen.

Under the Rules the Deputy Speaker will be the Chairman of the Committee.

House Committee

The Hon'ble the SPEAKER : Under rule 126 of the Assembly Rules, I nominate the following members to constitute a House Committee for the current session of the Assembly :—

1. Babu Akshay Kumar Das,
2. Srijut Bishnu Ram Medhi,
3. Maulavi Muhammad Maqbul Hussain Chaudhury,
4. Mr. W. R. Faull,
5. Mr. Binode Kumar J. Sarwan, and
6. Srijut Khorsing Terang.

Governor's assent to Bills

The Hon'ble the SPEAKER : Information has been received from the Secretary to His Excellency the Governor of Assam that, under the provisions of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bills which were passed by both Chambers of the Assam Legislature during the February-March session, 1940 of the Assembly and the March-April Session, 1940 of the Council :—

- (1) The Assam Finance Bill, 1940, (2) the Assam Local Authorities Compensatory Grants (Charged) Bill, 1940, (3) The Assam Ministers' (Salaries and Allowances) Bill, 1940, (4) The Assam Commissioners' Powers Distribution (Amendment) Bill, 1940, and (5) The Assam Amusements and Betting Tax (Amendment) Bill, 1940.

**Presentation of Report of the Public Accounts Committee on the
Appropriation Accounts for 1938-39**

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to present the Report of the Public Accounts Committee on the Appropriation Accounts for the year 1938-39. A copy of the report has been placed on the tables of hon. members. As I have just mentioned, we shall discuss this report on a later date, *viz.*, the 16th of this month. Hon. members will then have a chance to make their remarks on the report.

Presentation of notifications under section 296 of the Assam Municipal Act, 1923

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir, I beg leave to present the following notifications under section 296 of the Assam Municipal Act, 1923 :—

- (i) No.1340-L.S.-G.,* dated the 14th March 1940.
- (ii) No.2098-L.S.-G.,† dated the 24th April 1940.
- (iii) No.5927-L.S.-G.,‡ dated the 12th June 1940.
- (iv) No.8020-L.S.-G.,§ dated the 3rd October 1940.
- (v) No.8275-L.S.-G.,|| dated the 25th October 1940.

**Message from the Assam Legislative Council *re* the Temporary
Postponement of Execution of Decrees Bill, 1938**

The Secretary to the Assembly: Sir, the following message has been sent by the Secretary, Assam Legislative Council :—

“In pursuance of rule 106 of the Assam Legislative Council Rules, I am directed to inform you that the Bill to provide for the temporary postponement of the execution of certain decrees for the relief of indebtedness of agricultural debtors, which was passed by the Assam Legislative Assembly at its meeting held on the 21st March, 1940, was passed by the Assam Legislative Council at its meeting held on the 4th April, 1940, with the following amendments, namely :—

1. In the preamble the words ‘by civil courts’ were omitted.
2. In item (i) of sub-clause (2) of clause 2, after the word ‘person’ the words ‘whose main source of livelihood is agriculture and’ were added.
3. In item (i) of the first proviso to sub-clause (2) of clause 2, after the word ‘or’ the words ‘the Assam Agricultural Income-tax Act, or’ were added.
4. In sub-clause (1) of clause 3, the words ‘passed by a civil court’ were omitted.
5. In clause 4 for the word ‘void’ the words ‘voidable at the option of the person defrauded’ were substituted.
6. The following was added as proviso to clause 4 :—
‘Provided that nothing in this section shall impair the rights of a transferee in good faith and for consideration.’
7. In sub-clause (1) of clause 5, the words ‘passed by a civil court’ were omitted.

*Appendix A.
†Appendix B.
‡Appendix C.
§Appendix D.
||Appendix E.

8. The following was added as clause 8 :—

Decision of questions arising under this Act. '8. All questions arising under this Act will be decided by the Court in which the execution proceeding is pending or the decree is executable.'

The Assam Legislative Council requests the concurrence of the Assam Legislative Assembly in the amendments."

Sir, under rule 135 of the Assam Legislative Assembly Rules, I lay on the table the Bill as amended by the Assam Legislative Council.

The Bill was already circulated to the hon. members.

The Hon'ble the SPEAKER: Now with regard to the Temporary Postponement of Execution of Decrees Bill, 1938, which has been sent to this Assembly after some amendments made by the other House, the notice of motion for taking amendments into consideration under rule 136 will have to be sent to the Secretary by the Hon'ble Minister in charge to-day.

The Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to introduce the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940.

(The Bill was introduced).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg Sir, to move that the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940 be taken into consideration. As has been stated in the Statement of Objects and Reasons, it was decided by the previous Ministry in 1939 that it was desirable to fix a salary for the Hon'ble Speaker and the Deputy Speaker on the scale adopted by certain other provinces of India. The present Ministry had only followed the lines that have been marked by the previous Ministry. This Bill is also necessitated by a certain audit objection as regards the travelling allowance of the Hon'ble Speaker and the Deputy Speaker while touring on public duty. The Fundamental and Subsidiary Rules do not provide payment of such allowances to them and therefore we have to put in a certain section in order to regularise it.

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940, be taken into consideration.

(After a pause)

Then I take it that there is not going to be any debate on this. The question is :

"That the Assam Speaker's and Deputy Speaker's (Salaries and Allowances) Bill, 1940, be taken into consideration".

The motion was adopted.

Now this Bill would come up again to be considered clause by clause on the 18th or on the 19th and I am to announce to the House that notices of amendments are to be given before 3 p. m. by the 14th of November next.

The Assam President's Salary (Amendment) Bill, 1940

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to introduce the Assam President's Salary. (Amendment) Bill 1940,

(The Bill was introduced).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg to move, Sir, that the Assam President's Salary (Amendment) Bill, 1940, be taken into consideration. The consideration of the Bill clause by clause will be taken up later on the 18th or on the 19th. As has been stated in the Statement of Objects and Reasons, it is desirable to amend the Assam President's Salary Act, 1937, in order to give power to the Provincial Government to frame rules regulating the travelling and daily allowances of the Hon'ble the President, and to place this matter on the same lines as in the case of the Hon'ble Speaker.

The Hon'ble the SPEAKER: Motion moved:
"That the Assam President's Salary (Amendment) Bill, 1940, be taken into consideration."

(After a pause)

Then I take it that there is not going to be any debate.

The question is:

"That the Assam President's Salary (Amendment) Bill, 1940, be taken into Consideration."

The motion was adopted.

In regard to this Bill also notice of amendments are to be given by the 14th of November next before 3 P. M.

The Civil Procedure (Assam Amendment) Bill, 1940

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, I beg to introduce the Civil Procedure (Assam Amendment) Bill, 1940.

(The Bill was introduced).

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I beg to move that the Civil Procedure (Assam Amendment) Bill, 1940, be taken into consideration.

The purpose of the Bill which is sought to be introduced, has been laid down in the Statement of Objects and Reasons and I do not think there is any need to dilate on those points. I beg to mention, further, Sir, that on the recommendation of the Civil Justice Committee, the Hon'ble High Court is pressing for the amendment of section 138 of the Civil Procedure Code and hence the Bill has been introduced in this Assembly.

The Hon'ble the SPEAKER: Motion moved:
"That the Civil Procedure (Assam Amendment) Bill, 1940, be taken into consideration."

Srijut GAURIKANTA TALUKDAR: Mr. Speaker, Sir, I rise to oppose the principle of the Bill. In the Statement of Objects and Reasons it has been stated by the Government that this piece of legislation is intended to give some relief to a Judge from "a laborious duty which detracts from his ability to give proper attention to the proceedings before him". Now, Sir, I am sorry that I cannot agree with the reasonings given here. First of all, I doubt the very ability of a Judge who cannot control his mind from being detracted in using his own hand in recording evidence. I believe, Sir, that an able Judge will never be detracted, and has never been detracted, by an act of recording evidence with his own hand. Sir, the object is to give relief to a Judge from a laborious task of recording evidence; but I think he does not require any such relief to be given to him because such physical exercise seldom tells upon his health or mind. On the other hand, such an exercise will save him from being a victim of drowsiness and lethargy and will keep him quite alert

and active in engaging his mind in entering into a case thoroughly and in appreciating the evidence presented before him.

Now, Sir, there is another difficulty in allowing a Judge to record evidence through the agency of a stenographer. From our personal experience, we have seen that evidence recorded by a stenographer can never be expected to be so accurate as one will expect. Then again, it can hardly be expected that the Judge will be able to remember and accurately correct the depositions of a witness after it has been typed by the stenographer after a considerable lapse of time, especially when several witnesses are examined at a stretch. But if the evidence of each one of the witnesses is to be typed and presented to the Judge for correction as soon as the deposition is taken, then, I think, it will kill a lot of valuable time and the procedure also will be highly impracticable. From these points of view it is highly desirable that a Judge should always be required to record evidence only with his own hand and not through the agency of a stenographer.

Again, Sir, in the Statement of Objects and Reasons, it has been stated that this provision will be exercised "in districts where sufficient stenographers are available". It is difficult to understand what this sentence means. Stenographers are not persons who adorn a district without being employed to do so. They can be and will be, made available in sufficient numbers whenever Government be pleased to do so. But the question is, who is to bear the burden of this sufficiency of stenographers. That is the question. Certainly it will be the poor tax-payers and none else. Then, Sir, it has been stated in the body of the Bill that this relief is to be given to specified Judge or Judges falling under certain descriptions. We do not know what kind or description of Judges will get this privilege. We should be given at least some idea about this before we are asked to support the provision. In my opinion, the proposal to give such relief to a Judge is nothing but a luxury. Even if it be conceded that it is a thing of some utility, even then, I think, it should not be undertaken at the present moment when our tax-payers are under the clutches of a terrible economic distress and when the condition of our Government is not much better off. I think, the proposal should be avoided in the interest of the person whom it is meant to benefit. For once a person gets accustomed to dictating to stenographers he will soon acquire a habit of reluctance to use his own hand, just as people accustomed to move in motor cars, find it difficult to use their legs. I know, Sir, that many big Government Officials, who had the advantage of dictating correspondence to stenographers find it very irksome after their retirement to write letters even with their own hands. So from whatever point of view we may judge, the provision for giving such relief to Judges is not a healthy one. It is not good for the Judge, it is not good for the public, nor is litigant if good for the Government from economical point of view. So under these circumstances, I oppose the Bill and request the Government to drop it.

The Hon'ble the SPEAKER: It seems no other member is going to speak. The Hon'ble Minister may give a reply.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. Speaker, Sir, I shall take up first the last point which has engaged my hon. friend and which in my mind is a vital one, *i.e.*, regarding the sufficiency of stenographers and the cost that will be involved if we are to provide for stenographers to the Judges. Sir, in this province at Sylhet we have got one District and Sessions Judge and a few Additional Sessions Judges and in the Assam Valley Division we have one Judge and another

Assistant Sessions Judge. With regard to Surma Valley, in the district courts we have got three stenographers—at present, two permanent and one temporary. In the Assam Valley Division we have also got one stenographer for each of the Judges, but unless the law is amended they cannot utilise the services of those stenographers. Although we have got expert stenographers serving in the office of the Judges, the Judges owing to the rigour of the law cannot utilise their services. Moreover, the point whether in future the Government would be forced to incur more expenditure in order to provide the Judges with stenographers has also been examined. We have been advised by our legal experts that the provisions of the Bill do not bind the Government to provide for the stenographer. Simply with a view to allow the Judges to utilise the services of the existing staff that we have agreed to introduce this Bill.

Secondly, another point raised is that how far the evidence that will be recorded by the stenographer will be accurate. It will appear from the Statement of Objects and Reasons that the stenographer will write down the evidence at the dictation of the presiding Judge and the judge himself will examine the evidence accurately recorded before he puts in his signature. If the Judges are required to write down the evidence with their own hand it is obvious that they cannot properly look into the demeanour of the witness and other proceedings. With this view the Civil Justice Committee have recommended that the Judges should be allowed to record evidence by stenographer and the Hon'ble High Court is pressing the Provincial Governments to allow them to do so by an amendment of section 138 of Civil Procedure Code as it has been provided in the Bill introduced to-day. With these few words, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: The question is:

“That the Civil Procedure (Assam Amendment) Bill, 1940, be taken into consideration”.

The motion was adopted.

**The Assam Legislative Chambers (Members' Emoluments)
(Amendment) Bill, 1940**

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
Sir, I beg to introduce the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1940.

(The Bill was introduced).

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
I beg to move that the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1940 be taken into consideration.

As stated in the statement of Objects and Reasons, that the additional amended clause has been necessitated at the instance of Audit. The revised edition of the Fundamental Rules and Subsidiary Rules contains no reference to travelling allowance to be paid to the members of the Legislature as the original Act gave no such powers to the Provincial Government. It is proposed to have a separate set of rules for the members and hence the requisite powers are sought to be taken by this Bill. Consideration of the Bill, clause by clause, will be taken up later on the 18th or 19th.

The Hon'ble the SPEAKER: Motion moved:

“That the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1940, be taken into consideration”.

(After a pause).

The Hon'ble the SPEAKER: Then I take it that there is not going to be any debate on this motion.

The motion was put and adopted.

The Hon'ble the SPEAKER: Now as regards these two Bills, namely, The Civil Procedure (Assam Amendment) Bill, 1940 and the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill 1940, I am to tell the House that notices of amendments should be given before 3 P.M. by the 14th November, 1940.

The Assam (Temporarily-settled Districts) Tenancy (Amendment) Bill, 1940

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to introduce the Assam (Temporarily-Settled Districts) Tenancy (Amendment) Bill, 1940.

(The Bill was introduced).

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move that the Assam (Temporarily-Settled Districts) Tenancy (Amendment) Bill, 1940, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister-in-charge of Revenue,
2. Srijut Rabi Chandra Kachari,
3. Srijut Kameswar Das,
4. Srijut Bishnu Ram Medhi, and
5. Khan Bahadur Maulavi Keramat Ali.

(Three members to form a quorum).

Maulavi MUHAMMAD AMJAD ALI: I propose that the name of Maulavi Ghyasuddin Ahmed be included in the Select Committee.

The Hon'ble the SPEAKER: All this discussion will arise when I put the motion.

Motion moved:

“That the Assam (Temporarily-Settled Districts) Tenancy (Amendment) Bill, 1940, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister-in-charge of Revenue,
2. Srijut Rabi Chandra Kachari,
3. Srijut Kameswar Das,
4. Srijut Bishnu Ram Medhi, and
5. Khan Bahadur Maulavi Keramat Ali.

(Three members to form a quorum)”.

Babu RABINDRA NATH ADITYA: On a point of information, Sir. There was a practice to form Select Committees by referring the matter to the leaders of the different parties. I do not know whether the Hon'ble Minister has done so and whether he has had any consultation with the leaders of different parties. Cachar is a temporarily-settled district; but no representative from Cachar has been taken. Similarly in Sylhet there are so many plots of *ilam* land.

Khan Bahadur Maulavi KERAMAT ALI: May I suggest that Babu Kalachand Roy be taken from the Cachar district?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I admit that in the formation of the Select Committee I had no time to consult the leaders of different parties. But as this legislation has been sponsored with a view to enable the Government to prepare a record-of-right for all classes of tenants on temple lands situated in Kamrup and

Sibsagar districts, I have taken only members from those districts. If, however, hon. members desire to include more names, I have no objection. But I would like very much that the Select Committee should not be unwieldy.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, I do not think that the Hon'ble Minister has replied to the point raised by Mr. Aditya. The principle laid down some time ago was that the names of members for inclusion in the Select Committee should be invited by the Hon'ble Minister-in-charge of the Bill from the leaders of the parties in proportion to the strength of the parties in the House. We on this side would like the Hon'ble Minister to follow that procedure, that is to say, he should first fix the number of members he considers desirable for the Select Committee and, then, leave the nomination of members to the party leaders. Our leader can supply the names in two or three minutes.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: As I said before, I had no time to do this. But if the hon. members of the House so desire, I can fix the number at seven, and if hon. members want to make any suggestion in addition to what has been proposed it will be considered.

Maulavi MUHAMMAD AMJAD ALI: I have proposed the name of Maulavi Ghyasuddin Ahmed to be included in the Select Committee, because the operation of the Act will affect Goalpara as well.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I have no objection.

Mr. NABA KUMAR DUTTA: I propose the name of Mr. Chanda.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir, provided the number does not exceed seven. Babu Kalachand Roy's name has been suggested by Khan Bahadur Maulavi Keramat Ali. So the number is already seven.

Srijut DEBESWAR SARMAH: Sir, as the Bill appertains ordinarily to temple lands, from Sibsagar I should like to propose the name of Srijut Sankar Chandra Barua and from Sylhet, Mr. Baidyanath Mookerjee.

(At this stage the clock struck 3 P.M.)

The Hon'ble the SPEAKER: Order, order. Now we will take up the adjournment motion. This matter will stand over for the next day.

Adjournment motion on account of promulgating a ban by Government on public procession, meeting and assembly in the district of Sylhet

Babu RABINDRA NATH ADITYA: Mr. Speaker Sir, I beg to move:

"That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the action of the Government in promulgating a ban on public procession, meeting and assembly in the district of Sylhet by their Notification No. 4997-H., dated the 28th May 1940".

Is there any time limit for speech Sir ?

The Hon'ble the SPEAKER: The hon. member is very well acquainted with Rules. Fifteen minutes' time is to be allowed to each member; in the case of the hon. mover of the motion and the Government member replying, the Speaker has right to relax the rule.

Babu RABINDRA NATH ADITYA: Very well, Sir.

It is one of the glaring instances of the abuse of the Defence of India Rules. Sir, it is one of the important elements in the administration of Responsible Government, that the Government should be responsive to public opinion; but if the public opinion is muzzled in this way the Government will lose a very important barometer in which they can study the reaction to administrative acts of Government. While this ban was promulgated we thought whether the theatre of the war was changed from the west to somewhere in the regions of the Surma Valley. Sir, we did not know what earthly reasons there were for promulgating such a ban in the district of Sylhet, while similar restrictions were not imposed even in metropolis like Calcutta.

Sir, if the Government are callous about public opinion or if the Government do not desire to study the public opinion so that they may regulate their action in the light of that opinion it is only natural that the Government which is decrying Fascism would only be taking to the technique of Fascism. Sir, the Defence of India Rules were framed only as an emergency measure for war purposes. So they should be used in so far as the purposes of the war are concerned. While asking for leave of the motion I was very much assured to learn from the Hon'ble Premier that it was not that the British Empire was fading out in Assam, nor that the foundation of the British administration was getting shaky in Assam, but because there were some socialists who were creating trouble for the landlords, the Defence of India Rules were brought into operation in the district of Sylhet. Sir, I was surprised to get such an explanation from the Hon'ble Premier. The agrarian discontent is pervading everywhere in the soil of India. The tempo is not any greater in the Sylhet district than is working in the minds of the peasantry, which cannot be suppressed. The discontent spreads because our landlords are not acting up to the spirit of the times. So, if the Government, with the War a God-sent to them, for the purpose of strangling the voice of the peasants, all on a sudden apply the Defence of India Rules I do not know what further abuses can be made of them. It, if I am permitted to say, practically comes to this that Government is taking sides with the landlords, the vested interests and trying to suppress the legitimate expression of the grievances of the tenants. If the Government have taken it for granted that the tenants are at fault in the district of Sylhet so that Government should come to the rescue of the landlords, and that also not with the help of laws and rules that are already in force but with the help new measures promulgated by the Government of India for the purposes of the War, I may say that such discontent as exists cannot be suppressed in this way. If Government resort to such Fascist methods to suppress the legitimate expression of the grievances of the tenants, it will have a subterranean tendency and sooner or later the day will come when these pent-up and accumulated grievances will burst out. However I know from the Hon'ble Premier that the object in view was the suppression of so-called socialists in their attempt to raise agrarian discontent, but he will be surprised to know that these rules are not being used for that purpose only. In the subdivision of Karimganj from which I come the annual general meeting of our Subdivisional Congress Committee was banned by the Deputy Commissioner. The object of the meeting was the election of office bearers, and nothing else. With that item on the agenda the notice of the meeting was served by the Secretary of the Subdivisional Congress Committee, but till the meeting was banned. Similar annual general meetings of the

Habiganj and Sunamganj Congress Committees were also banned. The Rathajatra procession in the Karimganj town could have been held only because I ran to the Subdivisional Officer to request him to give special sanction forthwith seeing that the license from the District Magistrate was not forthcoming. Of course the Subdivisional Officer was good enough to grant a special permission for that day.

Sir, people had to suffer immense difficulty for not getting the license from the District Magistrate in time.

Then the anniversary meeting of our late lamented friend Babu Kshirode Chandra Deb could not be held in Sylhet. Although application was duly made for permission, it was not granted owing to the absence of the Deputy Commissioner from the station. So, the anniversary day passed and the meeting could not be held. Even a religious meeting in the Karimganj Kalibari was banned by the Subdivisional Officer. A recent occurrence was the Id Day celebration at Karimganj, when a few hours before the function, a letter from the Subdivisional Officer came to the Secretary of the League asking him to see him in connection with the function which was being held without getting the permission of the District Magistrate. So, are these the instances by which the Premier can justify his conclusions that the ban was promulgated to hinder the activities of our socialist friends?

The Hon'ble Premier might argue that certain modifications have been ordered by the Government. If any relaxation has been ordered it is in the nature of a domestic arrangement between the Government and their officers; the public are not at all concerned inasmuch as these modifications have not yet been gazetted. So, if there is a prosecution for the violation of this ban and if the case is referred to the Hon'ble Judge or the Hon'ble High Court they will not look to what private arrangement existed between Government and its officers, but they will certainly look to the orders as they stand in the *Assam Gazette*. So, even if the Government did really intend to make certain modifications it was only proper that they should have been given due publicity in the official gazette. Then, even the modifications are not enough because any committee meeting can still be banned and as a matter of fact many meetings have been banned by the District Magistrate. Then the general meetings of the unregistered corporations are banned by the order. There are many unregistered associations, *e. g.*, the Pally Mangal Samity, the Village Uplift Society and many public and charitable institutions, which are not registered. The general meetings of these bodies cannot be called statutory meetings of any corporate body and as such the general meetings of these bodies are also to be under the restrictions of this order.

The Hon'ble the SPEAKER: The hon. member will get five minutes more.

Babu RABINDRA NATH ADITYA: As I mentioned earlier, Sir, even condolence meetings cannot be held without the sanction of the District Magistrate so long as this order is in force. Sir, a condolence meeting is required to be held immediately on receipt of the news of death. It is most unnatural that on receipt of the news of a death one should run to the District Magistrate and wait for 3 or 4 days and in case the District Magistrate is absent from the station he has to wait for a greater number of days,

Then assemblies of social function do also come under the restriction of these rules. If there is a social function, if the police officer is over-zealous, he can hold the person to be responsible for violation of these orders. As I said earlier, even the attendance in a bazar could be brought under the mischief of these orders because that is a public assembly in a public place and not a statutory assembly or assembly under exception and, as such, any officer can charge any one responsible for holding a bazar. So I say, it is really illusive and all-pervading as the Almighty God himself. If it is the intention of the Government to curb the activities of the Socialists why not say that they should not be allowed to hold a meeting? What has been done by the Government is that first of all came an order covering all phases of public life and then followed exception till the tail of exception becomes bigger than the main body of the rule. This is all bungling and I must say it is one of the most vital restrictions that has ever been imposed by Government against the legitimate activities of the people in the district of Sylhet. If Cachar had been lucky to be spared after the bye-election of the Labour Constituency, the people of Cachar are getting it as a reward. In this way, the day is not far off when the people of whole of Assam will be restricted in the expression of their grievances. Sir, with these words, I commend this motion to the serious consideration of the hon. members of this House.

The Hon'ble the SPEAKER: Motion moved: "That the Assembly do now adjourn".

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I rise to oppose this motion. At the very beginning, I must say that Mr. Aditya could not impress the House by his eloquence. After the outbreak of the war the political situation of the country was getting to be abnormal and so (Voices from the opposition benches—"cheer up, cheer up")...

The Hon'ble the SPEAKER: Order, order.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: So Government required some emergency power to control public meetings and processions. My friend has said that Government ought to have placed the playing card on the table that the aim of this ban was to control the Socialist but it is very difficult, Sir, to distinguish between the Socialist and a Congressman. If you go to a village, you will see that the Socialist and Congress people are almost the same everywhere. (*A voice*—we wish it were so). An abnormal situation sometime warrants emergent measures. I can cite one instance. When there was a *golmal* in Sylhet regarding the music before mosque, the Congress Premier by a stroke of pen even regulated the time of prayer.....

Mr. ARUN KUMAR CHANDA: Time of prayer? Absurd!

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: There is an instance like this and that precedent was made by the Congress Premier. He regulated meetings in Digboi also. Mr. Aditya has said that there are some over-zealous officers who sometime misuse this power. On the action of any such particular officer, the Government cannot be responsible. The Hon'ble Prime Minister has rightly said in connection with another adjournment motion that if the things were brought to his notice he would take immediate steps. If any officer was over-zealous regarding some meeting or any procession Mr. Aditya could wire to the Hon'ble Premier for redress. As a member of this House, perhaps, it was not beneath his dignity to wire so. Under these circumstances, Sir, I think, Government is perfectly right to ban such meetings and processions that are

thought likely to create unrest. Already you have said, Sir, that there will be some exceptions. Educational meetings, religious meetings, gatherings in connection with marriages are not banned and when permission is sought for a particular meeting I know Government always permit it. So under these circumstances there was no necessity of such a motion; only a reference to the Hon'ble Premier would do. With these few words, Sir, I oppose this motion.

Babu NIRENDRA NATH DEV: Mr. Speaker Sir, I support the motion. I will refer to one concrete case. Babu Purnendu Kishore Sen, the founder Secretary of the Vidyasram, a Khaddar organisation of Sylhet, is a devout follower of Mahatma Gandhi's creed and policy. For the last few months Purnendu Babu is confining his activities to Kulaura Thana. His present activities are spinning demonstration, introduction of *ghanis* and Harijan uplift work. Now Purnendu Babu in this connection has to address small gatherings of villagers. Although he is doing the work of Harijan uplift, spinning demonstration, and the like, the Superintendent of Police, Sylhet has recently warned him drawing his attention to the notification under discussion here. If even these normal activities are to be suppressed in this way, Sir, we must say the situation has become absolutely hopeless. If the villagers are to approach the Deputy Commissioner for holding panchayat meetings for deciding social questions, we must say that even war is not a sufficient excuse for passing such an order and under this condition, Sir, people cannot live for long. They will very naturally try to go back to their normal life and as has been the case in other countries, such suppression of public opinion will lead to situation which is undesirable from all points of view and true statesmanship demands that at least these normal activities should not be banned in this way and people should not be placed in such an awkward position. I hope the Hon'ble Premier will consider the matter over again and see if the officers cannot be advised to be more lenient in the application of these rules.

Babu DASKHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, the only test by which the Government of a country is to be judged—the search light which shows whether a country is governed well or not is whether there is freedom of speech, and freedom of association. These are the two valued rights, for which people have staked everything. The pages of history are full of such instances. The English people have striven for more than two hundred years for this freedom of speech, and freedom of association. Sir, it is said that we are enjoying full provincial autonomy and freedom in the provincial spheres. That means that we must have freedom of speech, that we must have full freedom of association provided we do not break the law and go beyond the law. Sir, with the outbreak of the war, the War Regulations and Defence of India Rules were promulgated. They were only meant for exceptional circumstances and exceptional cases. No one who has opposed this motion has been able to make out any case that there has been any abnormal situation. The last speaker who opposed the motion has said that abnormal situations require abnormal laws, but he has not referred to a single concrete case whereby he has been able to prove that these abnormal laws were justified. So, Sir, I whole heartedly support the motion of my hon. friend Mr. Aditya. I can cite several instances where the rules have been unnecessarily enforced. I can cite a case where a *sradh* ceremony had to be kept in abeyance, because permission had not been obtained for it. I know of a case where the prize distribution of two schools had to be kept in abeyance for obtaining permission. I know of another instance where a theatrical

performance was refused on the ground that they had got to wait for obtaining permission from the District Magistrate of Sylhet. Is it not a check on the normal life and activities of the people of Sylhet? There are several other instances of this sort. Under this notification unlimited power and latitude have been given to the District Magistrates to use their discretion, and this gives scope for irresponsible actions—there is nothing to prevent them from banning any meeting. I have no grievance with regard to any particular magistrate, but when the District Magistrates are given full power to ban any meeting, naturally they will sometimes ban meetings which are absolutely of an innocent character. The result of the introduction of this Regulation in the district of Sylhet has been that normal life of the people and the normal activities of the people have been entirely put a stop to. People cannot meet and discuss even the most ordinary questions, they cannot carry on their normal life. And everybody knows full well that when the normal activities of the people are suppressed, it is not good for anybody, either for the people or for the Government. The movement goes underneath and gives rise to unhealthy political development. I would therefore beseech the Hon'ble Premier that either the Government should.....

The Hon'ble the SPEAKER: This is an adjournment motion.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Yes, Sir. The Government should find out ways and means by which the normal life and activities of the people are restored, and if that is not done, to take a note of the public feeling, and see whether the people are not condemning these Rules as we are condemning them to-day by the motion moved by my hon. friend Mr. Aditya.

With these few words I beg to support the motion and with all the emphasis that I commad, I condemn the application of the Defence of India Rules, in the district of Sylhet. The situation in the district did not warrant this and Government mostly played to the tune of their masters I mean the British bureaucracy. This is responsible Government with vengeance!

Mr. ARUN KUMAR CHANDA: Mr. Speaker, Sir, we have so long heard the story of the scandalous operation of the Defence of India Rules in the district of Sylhet. I believe I could also contribute in some small way to this debate by stating what our lot has turned out to be in Cachar. Sir, practically the whole public life in my district has been paralysed and the situation has become absolutely intolerable. It is true we became particularly odious in Cachar after the election of my hon. friend, Mr. Ahir to this Assembly the other day. If I remember aright it was within three weeks of that event that I came to be served with an official letter of the Deputy Commissioner informing me that I could not hold a meeting of the Executive Committee of the District Congress in my private residence on a certain date. This took me by complete surprise. I could not at first understand under what law he was trying to prevent me from holding a private meeting in my own house. But the Deputy Commissioner was kind enough to refer me to the authority under which he purported to act. And upon an examination of the Rules to which I was referred, I found that they were so all-pervading that they covered nearly all phases of human life except perhaps the exercise of marital rights. (*Loud laughter*). There was cause for surprise, Sir, at that ban because it is a well known fact that the Viceroy in India is daily hotnobbing with the Congress High Command; if that is so how is it that we poor Congress workers in these remote parts are being treated in this high-handed manner? If the Congress has not been declared an illegal body, under what law could the Deputy Commissioner interfere with the normal working of my Committee and make it subservient to his will? If we were living as

citizens in a civilized country in the twentieth century, and Government had to take recourse to such drastic rules to keep us under, what greater condemnation could there be of the British Rule in India today? Yet we hear that the war is being waged in the name of independence, democracy and such rules are enforced at the advent of the war! What can however be the possible result of this? When the normal political and social activities of a people are thus sought to be curbed, when the people are prevented from giving expression to their legitimate political aspirations, discontent gradually gathers and this discontent is driven underground by sheer circumstances. It is in such an atmosphere of repression that terrorism grows and flourishes. This is no idle fantastic political theory. We have it in our own experience, Sir, that when years ago bureaucracy went mad with power and suppressed all normal expression of life what the result came to be? Terrorism shot out of the soil where the people were peaceful and law abiding to a fault. Who could accuse our people of such criminal instincts as murder and robbery? Yet we know how the brute in the man was drawn out in this very country because of the insensate policy pursued by the Government of those days. It is the action of the Government that gave terrorism the momentum it developed.

Sir, the present Government in our province lays claim to being called and looked upon as popular Government. It is an irony of fate, nothing short of a scandal and tragedy that such a Government should fail to make it possible for the people in their charge to live in a decent manner like civilized people that they are enjoying civic and political liberties which, it is our birthright, to enjoy.

Sir, this Government, I know, has developed a peculiar complex towards that political creed known as socialism. Like the proverbial village old woman who sees a ghost in every bush after dark, they too see spectre of a socialist in every Congress worker. But may I ask them, Sir, why they fight shy of socialism? Why is it such an anathema to them? There have been many socialist Governments in several civilized countries of the globe and there still are. Even in the British Isles some years ago there was some sort of a socialistic Government when Labour came into office. The skies did not come down in those countries and no revolutions took place there. But why is it that our popular Government are trying to stifle socialism in our own country and consider them such pests that they must not have even the ordinary liberties of citizenship under a civilized Government? It may be that there are some persons whom Government do not like, whom they consider as very inconvenient, almost as thorns in their sides, and they have to be put away. But why is it that for the offence of a few such undesirables and rascals, the entire population of a district or valley should be put under the iron chains of such Draconian legislation? Is not the spirit of British Law this that it is far better that ten guilty persons should escape punishment rather than one innocent should suffer?

Sir, I do not like to add to the catalogue of painful experiences recounted here by my hon. friends as the list is formidable enough. When we look round what do we find? Whether it is an innocent Hari-Sabha or a pathetic memorial meeting, every organization is being made to feel the might and odium of these Rules. The Secretary of a Hari-Sabha is hauled over live-coals for holding an innocuous religious congregation. Students are visited with wrath for carrying on activities that form an integral part of academic life. While political workers and trade unionists, are hounded out and harassed for normal political and social work, do

not the Government realise that there is no kind of statutory affection that a people can develop towards it through legislation? If one does not like a Government, is there any law or can there be any that can compel one to take to it? What then is the sum-total of the operation of these Rules? Every one that is being made to feel their might, every one that is being harassed under them, every one that is being put away under their authority is leaving a trail of sullen discontent behind and when that accumulates and bursts, then will Government realize what has been or can be the tragic result of the application of such drastic rules in the governance of a country? I consider it, Sir, a matter of great shame, a grave scandal that in these days of provincial autonomy when the reins of administration are placed in the hands of our own countrymen, such lawless laws should bind us down and reduce us to a state of utter political servitude in our own country.

Srijut LAKSHESVAR BOROAH: Mr. Speaker, Sir, my predecessors have very well dealt with the stifling effect of the administration of the Ordinance on the normal activities of life. Sir, you will agree with me when I say that the Ordinance and the Rules framed thereunder have been promulgated only with a view to control the activities of the people in such a way as not to give the enemy any chance of attack on our country. If that is the main idea, then the normal activities of the people should not be interfered with in any way. But from our experience in Assam we find to our annoyance that the normal activities are interfered with every hour and every day. You will be surprised, Sir, to learn that the condolence meeting of our late lamented friend, Srijut B. C. Gogoi, could not be held in time at Dibrugarh as the organisers had to wait three or four days to obtain the permission to hold the meeting. You will also be surprised and amused to learn that the other day only, in my town, an anniversary meeting of a literary and debating society of little children reading in classes VIII and VI, could not be held without hindrance as the boys had to pass two anxious days to obtain the permission to hold that meeting. The hon'ble members of this House will be interested further to know that the Deputy Inspector of our Hon'ble the Education Minister could not obtain the permission of Deputy Commissioner for holding meetings in connection with the Mass Literacy Campaign in my subdivision. He had to cancel his long programme last winter for not obtaining the necessary permission to hold such meetings.

This is how, Sir, the Defence of India Ordinances are administered in our province. Sir, when our provincial Government thought it necessary to promulgate this Ordinance they ought to have anticipated all these troubles. They ought to have given directions to the District Magistrates not to interfere with the normal activities of life,—social, literary, religious, etc., and my honest belief is that over zealous District Magistrates always try to make their power felt by this sort of unwarranted use of the Defence of India Ordinances. With these words Sir, I support the motion of my hon'ble friend Mr. Aditya.

Babu SHIBENDRA CHANDRA BISWAS: Sir, I rise to support the motion. In supporting this motion I simply want to say that this action of the Government in promulgating this Ordinance makes us think seriously what is the difference between a bureaucratic Government and the so-called popular Government. I support the motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, some time after I assumed charge as Prime Minister in November 1939, my attention was drawn to the agrarian trouble in the Sunamganj subdivision and I, with my hon. friend and colleague the Revenue Minister went to Sunamganj and met the representatives of both the

Zamindars as well as the tenants and officers of the so-called Kisan Sabha. During the discussions it was apparent that in that subdivision for at least three years, there had been a violent agitation amounting to a dangerous agrarian trouble between the landlords and the tenants. During the harvesting-time police aid had to be taken to enable the rightful owners of the crops to reap them. Similarly at the time of settlement of fisheries, police protection had to be given before the lessees could fish in the Mahals. We tried our level best to understand the position and to effect a compromise, but in the three hours discussion we had, we could not settle the dispute that was raging for the last 3 years. We came back with the impression that if the leaders of this agitation for a no-rent campaign were not kept under control, there will be lawlessness in this distant area of the province. If I remember aright, three months after, I had to go to Habiganj to smooth a communal dispute there and while I was returning, I was besieged at Sylhet by about 300 tenants from Ranekali while the Zemindars of that locality were waiting on a deputation before me in presence of the Deputy Commissioner. I listened to both sides and I came to learn that their trouble arose for over a year and that my predecessors in office, and notably my hon. friend Mr. Fakhruddin Ali Ahmed had gone there in his capacity as Finance and Revenue Minister to effect a compromise but although both sides put their signatures and gave their assent to a deed of agreement in his presence, neither side came to observe the terms. It was alleged that the houses of the tenants were being burnt down by the Zemindars while the latter asserted that their cattle were maimed by the refractory tenants. The affairs of Ranekali were hardly settled when similar trouble arose in another Zemindary in Sunamganj, the name of which I do not remember just now. While, Sir, this agrarian trouble of a sort of no-rent campaign was rampant in some subdivisions of the district of Sylhet, under the guise of starting a Labour Union, trouble was being fomented by certain set of agitators amongst the sweepers of the Sylhet Municipality who went on strike. This was at a time of the height of the summer season and we all know that we have not got a sanitary system of conservancy in the town of Sylhet. We also know that unless the night soil is removed daily, there is an imminent danger of an epidemic breaking out there. These difficulties of agrarian and Municipal troubles were dying down when it was found that there had been some agitators who under the guise of starting a "Forward block" of the Congress, were poisoning the minds of the people and were carrying on anti-war propaganda. I will be giving out no secret to the House if I read a part of a report which was sent to me by our local officers. The report from the local officers stated that "there has developed a sort of agitation starting at first with the criticism of the acts of local officers who under the orders and instructions worked in pursuance of their duty and they held almost daily public meetings at which speeches were delivered tending to bring Government into hatred and contempt, to excite the population and some Government servants to introduce active opposition to successful prosecution of the war, to obstruct people from following their profession and generally to stir up a spirit of disaffection and unrest".

Sir, the Police Department, at that time, had only two Stenographers to attend those meetings but the number of daily meetings was so large in diverse areas that the two Stenographers could not attend all those meetings. I read one speech particularly by which one of these agitators had actually incited the public to loot the Thana and in that speech it was mentioned that there are three lakhs of people as against 25 thana people only, and if they are all men, then they could get these 25 people by persuasion and failing that by violence. That was the trend of the speeches delivered.

Mr. ARUN KUMAR CHANDA: And you think the man sane ?.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will come to the description of your man.

When things were running to this phase, Government was compelled to use the powers that has been given to them under the Defence of India Acts and Rules. Sir, from this morning's questionings we found from our redoubtable friend Mr. Karuna Sindhu Roy that large numbers of sailors from the district of Sylhet are eking out their living by getting services in the mercantile marine of the British Empire. They had also been fighting Nazi menace on the seas—by manning merchant ships that have been converted into armed auxiliary cruisers. This was not only patriotic but this was also the only means of the livelihood of the sailors of the Sylhet district. Speeches were delivered that this is an imperialist war and therefore no one from the Sylhet district should take service as sailors. Sir, under this condition it was impossible for the Government to remain as a silent looker on the activities of such people whom I am very glad to say that the learned Deputy Leader of the Congress Party has termed as "rascals".

Mr. ARUN KUMAR CHANDA: I simply laugh at this twisting of words used by me—"Rascals" not in my opinion but in the opinion of Government.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, before promulgating the Defence of India Act, as was done in the neighbouring province of Bengal, I tried my level best to curb the mischief and to stop this pernicious agitation by means of Police Act but under section 32 of the Police Act, the punishment is a fine only and it was found that the people flouted the Government orders very frequently. I remember Sir, there were certain questions about the prosecution of certain processionists who contumaciously took out processions without taking licenses required under the Police Act. In those matters, flouting of Government orders by a particular section of people was the order of the day. Ordinary administration of Law and Order was well-nigh impossible and the normal activities of the people were jeopardised. Under those circumstances Government had to utilise the powers which they had under the Defence of India Act and Rules. My hon. friend the mover of this adjournment motion says that by this means public opinion has been gagged. I was listening very carefully to his speech if he could give me any instance in which the public opinion of the law abiding citizens has been gagged. I quite agree with him that the public opinion is a barometer by which the popularity of any measure of Government is to be gauged. Freedom of speech is one thing but abuse of that freedom is another thing. Freedom of Government would like to allow this. I am reminded here, Sir, that when my hon. friend the leader of the Opposition was holding the reigns of administration in 1938-39, he had to ban processions, etc., in the disturbed areas of Dibrugarh, Digboi and Tinsukia. Sir, if I have followed in his footsteps or adopted his principle that when matters come to such a pass that holding of meetings of an exciting nature or leading a procession with revolutionary slogans there is danger to the peace and order, it is much better that such meetings and processions should be banned or regulated. In the opinion of the Government such a state of things was continuing at Sylhet at the time when the Defence of India Rules were promulgated there. If the promulgation of these Defence of India Rules has inconvenienced some of the

peaceful citizens, I could only sympathise with them and console them by the well-known proverb when there is a jungle fire the valuable plum trees are also burnt along with reeds. Because there were nefarious agitations and their pernicious effect had to be stopped. But if these peaceful citizens are really law-abiding they will never grudge this little inconvenience. Certain instances of dislocating of prize distribution in some schools, etc., have been mentioned by various hon. members. If the organizers of these meetings had taken time by the forelock, they need not have waited for two days for obtaining sanction either for their anniversary meeting or for prize distribution.

My hon. friend Mr. Chanda with his usual eloquence has stated that as a revenge, probably, that Government introduced the Defence of India Rules in the Cachar district on the victory of their nominee in the bye-election. Well, if Government wanted to interfere in that bye-election, they would have introduced these Defence of India Rules in the Cachar district before the election took place. The very fact that these Defence of India Rules had to be extended to Cachar clearly shows that there was "something rotten in the State of Denmark" in this case in the District of Cachar. How I wish, Sir, to use the very epithets employed by him to describe the situation there. I do not say that Mr. Chanda took part in this, but some of his victorious "army" "terrorised" the people by holding meetings as if there was no law and order in the land. The normal life in the tea garden was "paralysed" and the local officers both the Deputy Commissioner and the Superintendent of Police had advised Government that situation was going beyond control and that agitators driven from Sylhet were using Cachar as jumping ground and then alone, Government was compelled to introduce those Defence of India Rules in the district of Cachar.

Sir, I have given the reason for introducing the Defence of India Rules in the districts of Sylhet and Cachar. I can assure my hon. friend that as soon as we find that the political temperature of these two districts have come to the normal, the orders of the Defence of India Rules will be withdrawn.

My hon. friend Mr. Lakshesvar Boroah mentioned about the fact that in the Lakhimpur district, where also the Defence of India Rules prevail, meetings meant to popularise the Mass Literacy Campaign were refused permission by Deputy Commissioner. Sir, it was a misunderstanding of the orders that the learned Deputy Commissioner thought that even for these meetings of Mass Literacy Campaign permission had to be taken. When the matter was represented to Government, Government set it right by ordering the Deputy Commissioner that all meetings in connection with Mass Literacy Campaign arranged by the education officers should be held without any permission.

Srijut GOPINATH BARDOLOI: I would only want to correct the Hon'ble Premier in his statement regarding action taken by us as Government at Digboi. It is quite correct to say that we had issued orders banning all demonstrations and other things of that kind. We had issued orders against the use of "Kripan" and other violent weapons by the people and this also we did under ordinary law and not under the Defence of India Act; so I quite feel it is absolutely possible to meet whatever situation there arises under such ordinary laws. The question of special laws or special Acts, I mean, the irresponsible Acts like the Defence of Indian Act did not arise in dealing with the situation. Exceptions have been

made rules by the present Government. Emergencies are always exceptions and the Defence of India Act is an exceptional legislation to meet a special situation. I therefore submit that the Hon'ble Premier is simply trying to interpret me in a manner that I did not deserve.

Srijut DEBESWAR SARMAH : That he always does.

Babu RABINDRA NATH ADITYA : I have heard with rapt attention what the Hon'ble Premier has said in reply to the charges made by various members on the floor of the House. But I am sorry to note that he has not been able to convince the House about the propriety of issuing such general orders. He has quoted from the reports of some of his subordinate staff in the district about the activities of one or two members of the public. Firstly, I doubt the veracity of the reports which are oftentimes very much exaggerated. Secondly, taking for argument's sake that one or two persons made speeches in that way, cities like Calcutta, Cawnpore, Lucknow, Allahabad and Bombay, would have greater justifications for adopting such measures. In those cities the organisations of Kishan Sabha and Labour Unions are much stronger than in this place. Circumstances according to the Government of those places did not justify such an order in those Provinces although Congress Governments have been substituted there by the Advisers of the Governor. Here the exaggerated reports of events and speeches called from some irresponsible officers can not supply a correct basis for issuing a ban in Sylhet and subsequently in Cachar over all meetings and processions. Sir, the Hon'ble Premier said that I could not give any instance of how public opinion was choked in the districts of Sylhet. Perhaps he did not follow my speech. I cited several instances in which normal expression of life was muzzled. I cited the case in which our Congress Committee meeting was banned. I cited one example in which a religious meeting in Karimganj Kalibari was banned. I cited the instance how local officials interfered with a condolence meeting in Sylhet. I also heard from Mr. Lakshesvar Borooah that in the district of Lakhimpur a condolence meeting could not be held because necessary permission was not available. The Hon'ble Premier tried to justify himself by offering a valuable piece of advice that timely application to the Deputy Commissioner would save a lot of trouble. But instances are not rare where application was made but because of the absence of the Deputy Commissioner from the station, permission could not be obtained. If it was the intention of the Government to check certain activities of certain people, it was only fair straightaway, to hit those activities instead of trying to do things in a round about way. Sir, as I have said the instances that the Hon'ble Premier took pains to collect in justification of his act of promulgation of such an order of a general character, may be available under all climes and at all times.

As a result of the Government notification, very few meetings were held in the districts of Sylhet and Cachar during these months. As a matter of fact we could not go to our constituencies and discuss about their grievances so that they might be brought to the notice of proper authorities for redress. Whenever we go to our constituency to know the grievances of the people there are the activities of the Criminal Investigation Department officers to terrorise people and then the apprehension of violation of the orders under the Defence of India Rules. We naturally expect that after hearing all the circumstances narrated by the hon. members on the floor of this House, the Hon'ble Premier would agree to a relaxation of that rule. If he consults his own barometer to take a reading of the temperature of the district, I say, he is liable to have a misleading reading of the temperature of the country.

With these few words, I hope I shall have the fullest support of the House in such a vital question that is affecting the people of the districts of Sylhet and Cachar in the normal activities of life.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. In his peroration, the learned mover said that he made an offer to me to see that the relaxation of the rigours of these Defence of India Rules be made so that the ordinary life of the people may be restored. Sir, he mentioned at the time of asking leave of the House that he had written a letter to Government pointing out the effect of these rules which were hampering the normal activities of a peaceful citizen. I did not like to read out his letter to the Chief Secretary, but now that I have been faced with this charge, I have no other alternative but to place that letter before the House. He writes: "May I refer to the Government Notification No.4997-H., dated the 28th May, 1940, published in the Assam Gazette dated regarding restrictions on the holding of meetings, etc., in the Sylhet district for the clarification of some expressions used therein. Leaving aside the question of the propriety or legality of such a general notification by virtue of the powers under section 2 of the Defence of India Act, I would like to know the implications of the words 'public procession, meeting or assembly'. Whether religious processions like Rathajatra, funeral procession, assembly in mosque for saying prayers or in the public temple for worship, social functions, marriage processions, Kirtan party, assembly in cinema and theatrical shows and in the playgrounds or other non-political gatherings are hit by the mischief of this notification is a question which is puzzling the public mind throughout the district. I shall therefore be highly glad if you would please specify the nature of the public gatherings on which the Government have proposed to impose the restrictions."

My hon. friend was told that these peaceful meetings would not be hit by this notification, and the Deputy Commissioner has got powers under paragraph 4 of the notification to exempt, by general or special orders, meetings of a peaceful nature. Sir, this is sufficient relaxation of the rigours of the Defence of India Rules. My friend says that I wanted to read the political temperature of the people by reading the reports of the police and subordinate officers. If I cannot trust the local officers I don't know whom I can trust. My hon. friend has placed his side of the case before the House, but I have also to see the other side of the picture and then come to a judgment. I have already mentioned that from the reports of the speeches delivered by some of the speakers at some meetings, there could not have been the least doubt that what was aimed at by those speakers was a socialistic revolution and the overthrow of the present system of Government. This was openly told, the people were exhorted not to aid the British Government in this War. not to volunteer for services even on payment. Things of this sort could not be allowed. Of course, I respect the principle of my hon. friends opposite who think that as this War has been declared by the British Government without consulting Indian opinion they should not support War activity. But there should be equal respect for the other side; there are people equally patriotic in India who think that the freedom of India is bound up with that of the British Empire. If the empire loses this War, India will be under the heels of the Dictators. This Ministry therefore wanted to curb the activities of a nefarious kind by introducing the Defence of India Act and the Rules in the districts of Sylhet and Cachar.

The Hon'ble the SPEAKER: The question is "That the Assembly do now adjourn".

The Assembly divided.

Ayes—42

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| 1. Kumar Ajit Narayan Dev. | 22. Srijut Lakshesvar Borooah. |
| 2. Babu Akshay Kumar Das. | 23. Babu Lalit Mohon Kar. |
| 3. Mr. Arun Kumar Chanda. | 24. Srijut Mahadev Sarma. |
| 4. Mr. Baidyanath Mookerjee. | 25. Srijut Mahi Chandra Bora. |
| 5. Babu Balaram Sircar. | 26. Mr. Naba Kumar Dutta. |
| 6. Srijut Beliram Das. | 27. Babu Nirendra Nath Deb. |
| 7. Srijut Bepin Chandra Medhi. | 28. Srijut Omeo Kumar Das. |
| 8. Babu Bepin Behari Das. | 29. Srijut Paramananda Das. |
| 9. Srijut Bishnu Ram Medhi. | 30. Srijut Purandar Sarma. |
| 10. Babu Dakshina Ranjan Gupta Chaudhuri. | 31. Srijut Purna Chandra Sarma. |
| 11. Srijut Debeswar Sarmah. | 32. Babu Rabindra Nath Aditya. |
| 12. Srijut Gaurikanta Talukdar. | 33. Srijut Rajani Kanta Barooah. |
| 13. Srijut Gopinath Bardoloi. | 34. Srijut Rajendra Nath Barua. |
| 14. Srijut Haladhar Bhuyan. | 35. Srijut Ram Nath Das. |
| 15. Babu Harendra Narayan Chaudhuri. | 36. Srijut Sankar Chandra Barua. |
| 16. Srijut Jadav Prasad Chaliha. | 37. Srijut Sarveswar Barua. |
| 17. Srijut Jogendra Chandra Nath. | 38. Babu Shibendra Chandra Biswas. |
| 18. Srijut Kameswar Das. | 39. Srijut Siddhi Nath Sarma. |
| 19. Babu Kamini Kumar Sen. | 40. Srijut Sonaram Dutta. |
| 20. Babu Karuna Sindhu Roy. | 41. Mr. Fakhruddin Ali Ahmed. |
| 21. Srijut Krishna Nath Sarmah. | 42. Babu Sanat Kumar Ahir. |

Noes—50

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

Noes.—50—*conld.*

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

The motion was lost.

Extension of time for tabling amendments to the Goalpara and the Sylhet Tenancy (Amendment) Bills, 1939

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir. I want a minute's time, to say something with regard to the amendments to the Sylhet Tenancy and Goalpara Tenancy (Amendment) Bills. The circular inviting amendments was received by us so late that we could not submit the amendments in time. So will you kindly give us some more time to give notice of amendments?

The Hon'ble the SPEAKER: With regard to this matter, I may tell the hon. members that originally we wanted to put down these two Bills for the 18th but the Hon'ble Premier said that the 18th would be so late a day that it would not be possible for the Bills to be finished on that day. Therefore we changed the date to the 14th instant. We accepted his suggestion, but now we find that the hon. members could not be timely informed of this change of date so that they might send in their amendments in the time fixed. I am thinking of altering this date. I think the Hon'ble Premier will have no objection if we fix these two Bills for the 16th.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the Secretary of the Assembly has drawn my attention to the difficulty that has been found by some hon. members to put in their amendments. From our experience of these Bills in the Budget session, we are sure that it will take much longer time than two days, and therefore I requested you to take up these Bills from the 14th. Either you under your powers can reduce the number of days for notice so that we can take up the Bills on the 14th, or the other alternative will be to take them up on the 16th. I would however prefer that they be taken up on the 14th, so that there may be some chance of the Bills being passed in this session.

The Hon'ble the SPEAKER: I may point out my difficulty. If I accede to the request of the Premier to keep these Bills for the 14th then it really means some strain on the Assembly staff, because the amendments

are to be scrutinised, and then I myself have to scrutinise them to see whether they are in order or not and whether the previous sanction of His Excellency the Governor is required with regard to these amendments.

To-day is the 11th, so if they be taken up on the 14th we get only the 12th and 13th, and it will not be possible to scrutinise them in that time. I am ready to suspend the Rule requiring three days' notice, but there is this difficulty.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: If the amendments that we submitted during the last session are accepted that will meet the case.

The Hon'ble the SPEAKER: The hon. member knows that these amendments have lapsed, but even if those amendments are to be tabled I do not know whether any other amendments by other hon. members will not be tabled. How can I depend on the assurance of the hon member that only those amendments will come up?

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: I do not know whether any other hon. member will send any amendments. I am speaking for myself.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA. Mr. Speaker, Sir, my suggestion was made as I think that more than two days will be required to finish these Bills, but if you find some obstacle about amendments we can have them on the 16th.

The Hon'ble the SPEAKER: Then the Bills will be taken up on the 16th, and the hon. members will co-operate with us in seeing that the Bills are passed in this session.

Maulavi JAHANUDDIN AHMED: We have some objection to the Bills being taken up on the 16th, because from our experience in the last Budget session we find that it will not be possible to finish the Bills in two days.

The Hon'ble the SPEAKER: The Bills will be taken up on the 16th and I will see that they are finished in this session.

ADJOURNMENT

The Assembly was then adjourned till 11 a.m. on Tuesday, the 12th November, 1940.

SHILLONG:

The 6th December 1940.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

APPENDIX A

The 14th March 1940

No. 1340-L.-S.-G.-In exercise of the powers conferred by section 296(2) (i) of the (Assam Municipal Act, 1923), (Assam Act I of 1923), as subsequently amended, and in partial modification of the orders contained in this Department Notification No.3277-L.S.G., dated the 13th June 1938, so far as it relates to the substitution of the words "Central Government" for the words "Governor-General in Council" in rule 3(1), the Governor of Assam is pleased to make the following further amendments to the rules for the election of members of Municipal Boards published with the Notification No. 656-L.S.-G., dated the 13th February 1937, as subsequently amended :—

Amendments

Add the following as clause (9) at the end of rule 1(a) :

(9) A "prescribed date" is the date with reference to which all electoral qualifications are to be applied and tested and with reference to which Electoral Rules of a Municipal Election are directed to be made up and revised from time to time ;

Add the words "and the prescribed date" after the word "elections" in the opening line of rule 2(1).

Add the following as clause (iv) at the end of rule 2(1) as subsequently amended) :—

(iv) In the case of the prescribed date by an order issued 15 days before the publication of the notice fixing the date of the election as required by the preceding clauses of this rule.

Insert the words "and the prescribed date" after the word "election" wherever it occurs in rule 2(2).

In rule 3(1) delete the words "with the approval of the Governor-General in Council".

In rule 3(2) the words "is at the time of publication of the Register under Rule 16 and" shall be omitted and for the words "date of such publication" the words "prescribed date" shall be substituted.

In rule 3(2) (i) for the words "date of such publication" the words "prescribed date" shall be substituted.

Substitute the following for rule 4 :—

4. At the first election held in a municipality being a municipality which had previously been a notified area constituted under Chapter XII of the Act, every person of the full age of 21 years being a British subject or a subject of any State in India shall on registration in accordance with the provisions of rules 5-16 inclusive be entitled to vote if he (i) has been for a period of not less than 12 months immediately before the prescribed date resident within the limits of the area which has been declared to be a municipality and (ii) would have been entitled to vote at an election held with reference to the same prescribed date for the Town Committee of the notified area if such area had not been declared to be a municipality.

4A. When an area not previously included within the boundaries of a municipality or notified area is included in a municipality every person of the full age of 21 years being a British subject or a subject of any State in India who has resided in such area for a period of not less than 12 months immediately preceding the prescribed date and who has been duly registered as a voter in accordance with the provision of rules 5-16 inclusive shall be entitled to vote at the first election held in the municipality after the addition of such area if, immediately prior to the addition of the area to the municipality, he was qualified under the rules

- (d) He shall himself accompany or depute some person to accompany any officer authorised by Government or the Board or Town Committee to inspect the market when inspecting the market.
- (e) He shall report to the nearest officer authorised under sections 11, 15 and 16 of the Assam Pure Food Act, 1932, when any putrid fish, flesh, fruit, vegetables or other articles of food or drink are exposed for sale in the *Hat*.
- (f) He shall ^{Provide and}_{maintain} a latrine and a urinal within the *Hat* for the convenience of the public, and shall cause it to be cleaned to the satisfaction of the Board or Town Committee.
- (g) He shall publish and keep published on a notice board the fees leviable under the orders of competent authority and shall not levy any excessive or unwarranted fees. Without prejudice to the generality of the other conditions of this lease, the Board or Town Committee shall be at liberty to cancel this lease immediately in the event of the levy by the lessee of excessive or unwarranted fees, and that in addition to, and not in substitution for, any other penalties to which the lessee may thereby become liable.
- (h) He shall keep order in the open market or cause it to be kept and shall abide by all the lawful directions of the Board or Town Committee.

2. After the last paragraph *add* the following proviso:—

Provided also that in lieu of cancellation the Board or Town Committee may direct the sum deposited as security or any portion thereof to be forfeited, and it shall be forfeited accordingly to the Board or Town Committee and the lessee shall forthwith deposit such further amount as shall restore the sum to be deposited to the said sum of Rs.

S. P. DESAI,

*Secretary to the
Govt. of Assam in the Edn. & L.S.-G. Deptts.*

APPENDIX C

The 12th June 1940.

No. 5927-L.S.-G.—In exercise of the powers conferred by section 296(2)(i) of the Assam Municipal Act, 1923 [Assam Act I of 1923], and in partial modification of the orders contained in this Department Notification No. 203-L.S.-G., dated the 14th January 1925, so far as it relates to fixation of the number of members to be elected from Wards Nos. II and VI of the Karimganj Municipality, the Governor of Assam is pleased to increase the number of elected members of the said wards of the said Municipality by one each.

This rule shall have effect from the date of the next general election in the Karimganj Municipality.

This cancels Notification No. 3573-L.S.-G., dated the 27th May 1940.

S. P. DESAI,

*Secretary to the
Govt. of Assam in the Edn. & L.S.-G. Deptts.*

APPENDIX D

The 3rd October 1940.

No.8020-L.S.G.—In exercise of the powers conferred by section 296(2) (i) of the Assam Municipal Act, 1923 (Assam Municipal Act I of 1923) as subsequently amended and in modification of this Department Notification No.203.L.S.-G., dated the 14th January 1925, the Governor of Assam is pleased to make the following rule for the division of the Gauhati Municipality into wards and for fixing the number of members to be elected for each of such wards of the said Municipality.

The Gauhati Municipality shall be divided into 11 wards within the following boundaries:—

WARD No. I

North—The Brahmaputra.

East—From the north-east corner *dag* No. 1929 and along the eastern sides of this *dag* and *dags* Nos. 1932 and 1940, up to the south-east corner of *dag* No. 1942.

South—From the south-east corner of *dag* No. 1942 and along the southern boundaries of *dags* Nos. 1942, 1973, 2115 and 2114 and Bhubon road.

West—From the junction of Bhubon road with Strand road and along the western boundaries of *dags* Nos. 2069, 1811 and 1810 up to the Brahmaputra ... 2

Number of
elected
member for
each ward

WARD No. II

North—From the junction of Bhubon road with the Strand road and along the southern boundaries of Ward No. I up to the south-east corner of *dag* No. 2115.

East—From the south-east corner of *dag* No. 2115 and along the eastern boundaries of *dags* Nos. 16 and 53 up to the junction of Nabagraha road with Kamala Kanta Bhattacharjee road.

South—Along the southern side of Kamala Kanta Bhattacharjee road, eastern side of the Manick Chandra road between its junctions with the former and the old Sweepers' road and then along the southern side of the latter to Lamb road.

West—From the junction of the old Sweepers' road with Lamb road and then along the western sides of *dags* Nos. 2195, 2165 and 2159 up to Bhubon road ... 2

WARD No. III

North—The Brahmaputra.

East—Along the western boundaries of Ward Nos. I and II and eastern sides of Lamb road and Sorania road up to the north-east corner of *dag* No.400.

Number of
elected
member for
each ward

South—From the North-East corner of *dag* No. 400 and along the southern boundaries of *dag* No.1758, Manipuri road and eastern side of Md. Shah road up to its junction with the Shillong road.

West—From the junction of Shillong road with Md. Shah road up to the puccaghat on the Brahmaputra along the eastern side of Donovan road and western side of *dag* Nos.1712, 1592 and 1587. 2

WARD No. IV

North—The Brahmaputra.

East—Along the western boundary of Ward No. III.

South—Shillong road between its junction with Danavan road on the east and Lakhtokia road on the west.

West—From the junction of Shillong road with Lakhtokia road and along the western sides of *dag* Nos. 1475, 1474, 1469, 1375, 1347, 1260, 1221 and 1222 up to the Brahmaputra 2

WARD No. V

North—The Brahmaputra.

East—Along the western boundary of Ward No. IV.

South—Along the northern side of the portion of Assam Trunk road between its junction with Lakhtokia and Fancybazar roads.

West—From the Assam Trunk road and along the eastern side of the Fancibazar road up to the river. ... 2

WARD No. VI

North—The Brahmaputra.

East The western boundary of Ward No. V.

South—Northern side of the Assam Trunk road between its junction with Fancibazar road and Kedar road.

West—From the junction of Assam Trunk road and Kedar road and along the eastern side of Kedar road upto the river on the north. ... 2

WARD No. VII

North—The Brahmaputra and the western boundary of Ward No. VI of Assam Trunk road-Kedar road-Athgaon road.

East—From the junction to Bharalu river along the western boundary of Athgaon road, Someswar road and Kumarpara road.

Number of
elected
member for
each ward

South—Southern side of Bharalu river.

West—Western side of Bharalu river up to the Brahma-putra ...

2

WARD No. VIII

North—Southern boundaries of Ward Nos. VI, V and IV and then along the northern side of Md. Shah road up to its junction with Lokra road.

East—From the junction of Md. Shah road and Lokra road south-wards to Bharalu river along the eastern edge of *Dag* No. 59.

South—Southern side of Bharalu river.

West—Eastern boundary of ward No. VII

2

WARD No. IX

North—Southern side of the Assam Trunk Road.

East—The western boundary of Ward No. VII.

South—Along the southern sides of *Dag* Nos. 111, 122, 73, 75, 76, 77, 63 and 62.

West—Along the western sides of *Dag* Nos. 40 (ka), 131 (ka), 48 (ka), 53, 59 and 61

1

WARD No. X

North—Along the southern boundary of Ward No. III. From the south-west corner of *dag* No. 1749 to the junction of Sarania road with Railway line.

East—From the aforesaid junction to Bharalu river along the eastern side of Sarania road.

South—Southern side of Bharalu river up to a point opposite the Lokra road.

West—Lokra road up to the southern boundary of Ward No. III

2

WARD No. XI

North—Southern boundary of Ward No. II.

East—From the junction of Kamala Kanta and Nabagraha roads southwards up to the south-east corner of *Dag* No. 36.

South—From the south-east corner of *Dag* No. 36 and along the southern side of *Dag* No. 98 and north of the railway line up to Sarania road.

West—Along the eastern boundary of Ward No. III between the railway line and old Sweeper line road.

2

S. P. DESAI,

Secretary to the
Govt. of Assam in the Edn. & L.S.-G. Deptts.

APPENDIX E

The 25th October 1940.

No.8275-L.S.-G.—In exercise of the powers conferred by section 296 of the Assam Municipal Act (Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following amendment :—

Add the following at the end of rule 10 of Part III of the rules published with Notification No.1041-E., dated the 8th March 1924—

“Where the alterations or repairs relate to roads, drains, etc., maintained by the Public Works Department the Board shall be responsible to the Public Works Department for the work being of the required standard”.

S. P. DESAI,

*Secretary to the
Govt. of Assam in the Fdn. & L.S.-G. Dep'ts.*

