



**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
Thursday, the 14th November 1940

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten
Hon'ble Ministers and 89 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

**Number and names of Babus whose services were terminated
by the Tea Companies**

Mr. ARUN KUMAR CHANDA asked :

*64. Will Government be pleased to state—

- (a) The number and names of Babus whose services were terminated on a month's notice by Tea Companies in the province of Assam during the last 3 years ?
- (b) What was the period for which each had served before his services were dispensed with ?
- (c) What was the amount of pension, bonus or gratuity or Provident Fund money granted in each case ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

64. (a), (b) & (c)—The information is not available to the Government and Government cannot compel the Tea Companies to furnish the information asked for.

Mr. ARUN KUMAR CHANDA : Is it no concern of Government to find out what the lot of a number of Indians is who are serving in the tea gardens and are left to the tender mercies of the Planters ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : As regards the information asked for, Government has got no statutory right to get it from the Companies.

Mr. ARUN KUMAR CHANDA : Was any request made to the Indian Tea Association ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : If the hon. member so desires, we shall ask the Indian Tea Association for the information.

Mr. ARUN KUMAR CHANDA : Then on what basis has the Hon'ble Minister said that the information is not available ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: We have not got that information at our disposal.

Srijut RAJENDRA NATH BARUA: May I know, Sir, whether any attempt was made at all ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: I have already said that we have no statutory right to compel the Companies to give that information. So we did not attempt to get it.

Declaration of Sankar Dev Tithi as a public holiday

Mr. ARUN KUMAR CHANDA asked :

*65. (a) Are Government aware that there is a strong feeling in the Assam Valley in favour of the declaration of Sankar Dev Tithi as a public holiday ?

(b) If so, do Government propose to meet the wishes of the public in the matter ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

65. (a)—The Tithi is already notified as a holiday under the Executive orders in the Assam Valley. No request has been received for alteration of its status. Since 1937, Assam Valley Hindus serving outside the Valley have been granted holiday on this Tithi.

(b)—Does not arise.

Mr. ARUN KUMAR CHANDA: What is the difficulty about declaring it as a public holiday all over the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Because the Hindus of the Surma Valley do not observe this *tithi* at all.

Mr. ARUN KUMAR CHANDA: There are many functions which are not observed in this Valley also whereas these occasions are public holidays here. Why not extend that consideration to this holiday also ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In respect of the holidays that are granted in both the Valleys, the festival for which they are granted are observed in both the Valleys, although there may be difference in degree or detail in regard to ceremonial observance. But so far as the *tithi* of Sankar Dev is concerned, it is only observed in the Assam Valley by the Assamese Hindus. Such Hindus are to be generally found in the indigenous population of the Assam Valley.

Srijut RAJENDRA NATH BARUA: Is it not a fact that the residents of Shillong observe this holiday ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: From the year 1937 they have also been granted the holiday.

Mr. ARUN KUMAR CHANDA: In view of the place occupied by Sankar Dev in the history of Assam, should not Government consider sympathetically the advisability of granting this holiday as a public holiday all over the province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That suggestion will be considered.

Sanction of dearness allowance to Government servants drawing less than Rs. 30 per month

Mr. ARUN KUMAR CHANDA asked :

*66. Will Government be pleased to state—

(a) What is the estimate made by Government in the matter of increase in the prices of food-stuffs and other necessaries of life consequent upon the war ?

(b) Whether Government propose to sanction any dearness allowance to those Government servants who are drawing less than Rs.30 per mensem ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

66. (a) & (b)—The hon. member's attention is drawn to Government Resolution No.5652-F.(a), dated the 4th October 1940, published at page 1434 of the *Assam Gazette*, dated the 9th October 1940. The Provincial average price of common rice on which the dearness allowance is based has not as yet reached the level of 8 seers to the rupee.

Names of Trade Unions in Assam

Mr. ARUN KUMAR CHANDA asked :

*67. Will Government be pleased to give the names of Trade Unions now in existence in Assam with the dates of their origin and names of office-bearers for the current term ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

67.—The list of Unions with the head office and date of registration in each case is laid on the table.

It is not possible to give the list of present office bearers, since only four of the Unions have made any attempt to furnish the Annual statement for the last year, and in no case was this return in order. Government receive no information except through the return due for each year up to March in the month of July.

List referred to in reply to starred question No. 67 asked by Mr. Arun Kumar Chanda

Name of Union	Head Office	Date of registration
The Shillong Drivers and Mechanic Association.	Shillong	... 5th December 1938.
A. R. and T. Company, Limited, Labour Union.	Dibrugarh	... 29th March 1939.
The Upper Assam Tea Company, Limited, Labour Union.	Dibrugarh	... 27th April 1939.
The Rajmai Tea Company, Limited, Labour Union.	Dibrugarh town	27th April 1939.
Sylhet Cachar Cha Bagan Mazdoor Union.	Sylhet	... 27th April 1939.
Surma Valley (Shillong) Motor Workers Union.	Zindabazar, Sylhet.	6th May 1939.
Greenwood Tea Company, Labour Union.	Dibrugarh	... 6th May 1939.
The Makum (Assam) Tea Company, Limited, Labour Union.	Margherita	... 30th May 1939.
Assam Government Press Industrial Employees Association.	Police Bazar, Shillong.	7th August 1939.
Shillong Municipal Workers Union.	Thana Lane, Shillong.	10th August 1939.
Surma Valley Dock Mazdoor Union.	Central Road, Silchar.
Assam Provincial Shop Employees Association.	Navajuga Press, Shillong.	13th July 1940.

Occupation of Circuit Houses by officers of the Provincial Services

Mr. BAIDYANATH MOOKERJEE asked :

*68. (a) Are Government aware of the difficulties experienced by Government officers when transferred to a new station where Dâk Bungalows are not available for their being already occupied or for any other reason ?

(b) Do Government propose to consider the advisability of allowing at least the officers of the Provincial Services to occupy Circuit Houses where Dâk Bungalows are not available, for short periods until they are able to make their own residential arrangements ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

68. (a)—Government have had no representations on the point.

(b)—The answer is in the negative. The purposes for which Circuit Houses are provided are laid down in the rules and do not cover such occupation. They provide however for a reference to the Commissioner if any case is made out for occupation of a Circuit House in circumstances not provided for, and the Deputy Commissioner should be approached in any such case as is mentioned by the hon. member.

Mr. BAIDYANATH MOOKERJEE : What about the subdivisinal towns where there are no Deputy Commissioners ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Then the Subdivisinal Officer should be approached.

Post of Under-Secretary to the Government of Assam

Mr. BAIDYANATH MOOKERJEE asked :

*69. Will Government be pleased to state when D. Das, Esq., I.C.S., was relieved of his charge as Under-Secretary to the Government of Assam ?

*70. Will Government be pleased to state why the claims of S. N. Moitra, Esq., I.C.S., and S. K. Dutt, Esq., I.C.S., for appointment as Under-Secretary were overlooked in this connexion ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

69.—On the afternoon of 14th June.

70.—The claims of the officers mentioned were considered with all the possibilities. Government cannot undertake to discuss the reasons for particular postings.

Area of land disforested at the Zamira Forest Reserve in Hailakandi

Maulavi MUZZAROF ALI LASKAR asked :

*71. Will Government be pleased to state—

(a) The area of land disforested at the Zamira Forest Reserve in Hailakandi-Cachar, for settlement with the people ?

(b) The number of applications received from the people of Cachar for settlement of land at Zamira ?

- (c) The total number of signatories in those applications ?
 (d) The number of families that can be provided with the area disforested ?
 (e) The quantity of land proposed to be given to each family and individual in the area disforested ?
 (f) The names of villages the inhabitants of which have been selected for granting settlement of land at Zamira ?

*72. Do Government propose to disforest the plains portion of the same Reserve on the East Bank of the Katakhal River at Gharmura to provide the landless people of Cachar ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

71. (a)—5,514 acres.

(b)—5,473.

(c)—13,383.

(d)—Out of the total area disforested only 1,067 acres of land along the Dhaleshwari river has been found fit for ordinary cultivation. 134 families have been provided with 1,015 acres of land leaving 22 acres as streams, 3 acres for camping ground or other public purposes and 27 acres for paths. The remaining 4,447 acres consist of hills with narrow strips in between and unfit for ordinary cultivation.

(e)—The area of land settled with each family and individual varies from 20 to 25 bighas (*i.e.*, about $6\frac{1}{2}$ to $8\frac{1}{4}$ acres).

(f)—The following are the villages, the inhabitants of which have been selected for granting settlement of land at Zamira :—

(1) Karricherra (2) Baldabaldi (3) Chiparsangan (4) Nityanandapur (5) Rajyeshwarpur (6) Paloicherra (7) Bakrihaor (8) Kalinagar (9) Mohanpur (10) Narainpur (11) Algapur (12) Ratanpur (13) Gangpar Dhumkar (14) Lakhirband (15) Bandukmara (16) Dakshinsonapur (17) Nischintapur (18) Purbakittarband (19) Bhatirkupa (20) Chandpur (21) Narainpur (Saraspur) (22) Chandrapur (23) Bishnupur (24) Niyamatpur (25) Dakshin Jashnabad (26) Mamaḍpur (27) Nitainagar (28) Purbasonapur (29) Barjurai (30) Jhalanacherra Grant (31) Bhajantipur (32) Appin (33) Sahabad (34) Dhalaimolai (35) Podmarpar (36) Brajapur (37) Dhalidahar (38) Alaicherra (39) Rangpur (40) Harishnagar (41) Rampur (42) Bishnughar (43) Boalipar (44) Hailakandi Town (45) Barband (46) Manipur (47) Lalpani (48) Paikan (49) Nizfulbari (50) Matijuri (51) Madhabpur (52) Kanchanpur (53) Katlicherra (54) Syedband (55) Umednagar (56) Lala (57) Kapnarpar.

72.—The feasibility of the proposal is under examination.

Arrest and externment of one S. K. Chatterjee from Shillong

Babu KARUNA SINDHU ROY asked :

*73. Will Government be pleased to state—

- (a) Why one S. K. Chatterjee has been arrested and externed from Shillong ?
 (b) Whether it is a fact that he has been wrongly arrested and externed and subsequently released ?
 (c) If so, will Government be pleased to state who is responsible for such actions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

73. (a)—A man representing his name to be S. K. Chatterjee was arrested under warrants pending against K. K. Chatterjee in several other provinces who was reported by the Police of those provinces to be moving under the *alias* of S. K. Chatterjee and other similar names. He was not externed but was sent under warrant to the nearest Court where his presence was thus required to answer charges—Rangpur.

(b)—So far as this Government are aware it appears from a report of the Rangpur police that this man was not the man who was wanted there under the name of K.K. Chatterjee and he was discharged, but immediately arrested on a report of a police officer of Ranchi, whose papers showed that the man was wanted at Ranchi, Bombay, Benares, Darjeeling, Calcutta and Lahore. He subsequently developed signs of insanity and appears to have been released for the purpose of detention in hospital.

(c)—The question does not arise.

Mr. ARUN KUMAR CHANDA. Is it a fact that two more young men Messrs. Sushil Rudra and Kiriti Chaudhury have been externed from Shillong ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Does that question arise, Sir ?

The Hon'ble the SPEAKER : No, that question does not arise.

Number of ministerial officers in the offices of the Public Works Department, Central Assam Division

Maulavi BADARUDDIN AHMED asked :

*74. Will Government be pleased to state—

- (a) The total number of ministerial officers in the offices of the Public Works Department of the Central Assam Division ?
- (b) The number of Muslim ministerial officers in the said Department ?
- (c) How many of them are permanent and how many are temporary ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

74. (a)—Seventeen (including one purely temporary post sanctioned for one year at present. Of these 11 are employed in the Divisional office, 2 in Tezpur Subdivisional office, 2 in Mangaldai and 2 in North Lakhimpur Subdivisional offices).

(b)—Two. Both temporary.

(c)—Thirteen hold permanent posts and 4 temporary posts.

Maulavi BADARUDDIN AHMED : Do Government consider that the proper representation of the Muslims has been given in that Department ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : So far as the appointments are concerned, the Muslims have not got their proper share in this division.

Maulavi BADARUDDIN AHMED : Will Government take necessary steps to give proper representation to the Muslims in that office ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I can assure the hon. member that when any vacancy will occur this question will be considered.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Eviction of immigrants occupying lands within the Assamese lines**Srijut MAHI CHANDRA BORA** asked :

53. Will Government be pleased to state—
- (a) If any instructions have been issued to the district authorities to stay eviction of immigrants occupying lands within the Assamese lines without previous reference to Government ?
 - (b) Whether it is a fact that instructions have been issued recently to the district authorities for their guidance in the matter of encroachment of the lands within the Assamese lines by immigrants and that the authorities have been asked to treat them as confidential ?
 - (c) If so, will Government be pleased to lay on the table, copies of instructions, resolutions and circular letters issued, if any, in the matter, by Government ?
54. Will the Hon'ble Revenue Minister be pleased to state—
- (a) If waste lands and lands within the Assamese lines in the district of Nowgong have been recommended to be included within the Development Schemes proposed by Government ?
 - (b) The areas and the places in the district, so recommended ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

53. (a), (b) & (c)—Instructions were issued to the Deputy Commissioners in order to explain more fully the policy outlined in their Resolution of 21st June 1940, to secure a uniform course of action in all districts, and to provide for a reference to Government being made in doubtful cases. These instructions were confidential and it is not proposed to lay on the table.
54. (a) & (b)—Government have as yet received no proposals for Development Schemes in any district.

Questions re present clerk in the Sub-Deputy Collector's office in the Garo Hills**Mr. BENJAMIN CH. MOMIN** asked :

55. Will Government be pleased to state—
- (a) The qualification of the present clerk in the Sub-Deputy Collector's office in the Garo Hills district ?
 - (b) The qualifications required of a candidate for the clerkship in the said Sub-Deputy Collector's office ?
 - (c) The native home of Santi Gopal Biswas, a clerk in the Sub-Deputy Collector's office in the Garo Hills district ?
 - (d) For how many years, the said Babu Santi Gopal Biswas was staying or living in the Garo Hills ?
 - (e) Whether the said Babu Santi Gopal Biswas has any qualification to be called himself as resident in the Garo Hills ?

- (f) If so, when has he secured the requisite certificate entitling him as a resident of the district ?
- (g) When such a rule for qualifying foreigners as residents and giving them Government services has been framed in the Garo Hills district ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

55. (a)—Government understand that the clerk is a matriculate.
- (b)—The qualification ordinarily required for a clerk in a district office is the matriculation.
- (c)—There appears to be no clerk of that name in the Sub-Deputy Collector's office, as reported by the Deputy Commissioner.
- (d), (e), (f)—Do not arise.
- (g)—There is no rule of the nature suggested.

Abolition of the post of second Garo Petition Writer

Mr. BENJAMIN CH. MOMIN asked :

56. Will Government be pleased to state—
- (a) Why the post of the second Garo Petition Writer at Tura Court has been abolished ?
- (b) Whether Government propose to sanction again the post of the said second Garo Petition Writer, in view of the inconveniences of the public ?

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

56. (a)—The post has not been abolished.
- (b)—The vacancy will be filled up by the Deputy Commissioner when it is clear that there is sufficient work to justify this.

Selection of Jurors

Babu KARUNA SINDHU ROY asked :

57. Will Government be pleased to state—
- (a) If any improvement has recently been made in the matter of the selection of Jurors ?
- (b) Whether it is a fact that at present, the selection of persons for serving as Jurors is made by local thana officers ?
- (c) If so, do Government propose to make amends to defects which may be found out, after an enquiry in the matter ?

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

57. (a)—Government are informed that in the Surma Valley a considerable improvement was effected in 1937 by fixing a standard for qualification.

(b)—No. The selection is made by the Judge and the Deputy Commissioner sitting together and they take into consideration names submitted by Sub-Deputy Collectors.

(c)—Does not arise.

Deputation of Rankeli Krishan representatives before the Hon'ble Premier

Babu KARUNA SINDHU ROY asked :

58. (a) Is it a fact that the Hon'ble Premier received a deputation of Rankeli Krishan representatives at Sylhet while he went there last ?

(b) If so, will Government be pleased to state—

(i) What grievances were placed before the Hon'ble Premier by them ?

(ii) Whether the grievances have been redressed by now ?

(iii) If not, why not ?

59. Will Government be pleased to enquire and state what is the present condition of the tenants of Rankeli ?

60. Is it a fact that Maulavi Abdul Hamid, an *ex-M. L. C.*, with other tenants have courted imprisonment, by refusing to give an *ad interim* bond ?

61. Will Government be pleased to state—

(a) If they are still in jail ?

(b) If not, why and when they have been released ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

58. (a) & (b) (i)—The Hon'ble Premier did not receive any formal deputation from Rankeli Krishans, nor was any proposed by them

While Hon'ble Premier was halting for the night at Sylhet Circuit House on his return journey from Habiganj on 1st May 1940, a crowd of some 150 people assembled in the compound. Hon'ble Prime Minister went out and met them. As every one in the crowd wanted to talk simultaneously it was not possible to ascertain anything definite as to their grievances. So he asked the assembled people, who said they were *Krishans* from Rankeli side, to put their grievances in writing and hand the paper over to him. No such document has reached the Hon'ble Premier neither at Sylhet that night nor since at Shillong.

(ii) & (iii)—In view of the above, these questions do not arise.

59.—A compromise has since been effected.

60.—Yes.

61. (a)—No.

(b)—They were released on bail on 16th May 1940 on furnishing sureties.

Filing of objection before the Election Magistrate against the entry of certain names in the voters' list of the Dibrugarh Municipality

Srijut RAJANI KANTA BAROOAH asked :

62. Is it a fact that Maulavi Jalaluddin Ahmed of Dibrugarh filed an objection before the Election Magistrate, against the entry of the names of Maulavi Lutfur Rahman, the present Vice-Chairman of the Dibrugarh Municipal Board and his brother Dr. Abdulla, in the voters' list of the Dibrugarh Municipality ?

63. Is it a fact that the Magistrate allowed the objections and removed the names of Maulavi Lutfur Rahman and Dr. Abdulla from the voters' list of the Dibrugarh Municipality ?

64. Is it a fact that the District Magistrate of Dibrugarh set aside the aforesaid order of the Magistrate disallowing the objections and enlisted Maulavi Lutfur Rahman as a voter of the Santipara Ward and Dr. Abdulla as a voter of the Amaraguri Ward of the Dibrugarh Municipality ?

65. If the reply to question 64 above is in the affirmative, will Government be pleased to state—

(a) Under what provision of the Assam Municipal Act, the District Magistrate passed the above order ?

(b) Whether Maulavi Lutfur Rahman and Dr. Abdulla preferred claims for insertion of their names in the voters' list as required by rule 9 of the Rules for election of members of Municipal Boards under the Assam Municipal Act of 1923, or under any other provision of the said Act ?

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

62.—Yes.

63.—Yes.

64.—Yes.

Mr. NABA KUMAR DUTTA Is it a fact that Maulavi Jalaluddin Ahmed of Dibrugarh filed an appeal before the Hon'ble Minister against the order of the District Magistrate ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Yes, it is a fact.

Mr. NABA KUMAR DUTTA : May I know what order has been passed by the Hon'ble Minister on this appeal ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : The order was to the effect that the action of the District Magistrate was not in conformity with the law.

Mr. NABA KUMAR DUTTA : Is it a fact that in spite of this order, the District Magistrate passed an order to enlist the name of Maulavi Lutfur Rahman in the final voters' list ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Government have no information, Sir.

Mr. NABA KUMAR DUTTA : Is it not a fact that Government sent wire to the District Magistrate directing him to scratch out the name of Maulavi Lutfur Rahman from the final voters' list ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Government have asked the District Magistrate to take certain course of action.

Mr. NABA KUMAR DUTTA : May I inquire whether the name of Maulavi Lutfur Rahman will be in the final voters' list ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Most probably not.

Mr. NABA KUMAR DUTTA : May I inquire whether the name of the voter can be scratched out from the final voters' list ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: If the voters' list is prepared by the Magistrate according to law, it cannot be altered.

Mr. NABA KUMAR DUTTA: May I enquire whether it is the opinion of the Government that the name of Maulavi Lutfur Rahman should be scratched out from the voters' list?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: It is a matter of opinion, Sir, and it depends on the revising authority.

Mr. BAIDYANATH MOOKERJEE: Who was the revising authority in this case, Sir?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Mr. U. C. Roy was the acting Magistrate.

Mr. BAIDYANATH MOOKERJEE: Is it a fact that the revising authority is the final authority so far as the electoral rolls are concerned?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Magistrate is the final authority so far as the final electoral rolls are concerned.

Mr. NABA KUMAR DUTTA: Sir, is it a fact that the order of the District Magistrate should be final in this connection?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: No, Sir. It is the order of the Magistrate who is acting under the rules for the preparation of the final electoral rolls.

Srijut LAKSHESVAR BOROOAH: What has been the order of the Government with regard to the retention of name of Maulavi Lutfur Rahman in the voters' list?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The order of the Government is to the effect that the inclusion of the name of Maulavi Lutfur Rahman in the final electoral roll by the District Magistrate was not in conformity with the law.

Mr. NABA KUMAR DUTTA: Is it a fact that inspite of this order his name has appeared in the final list?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Government have no information.

The Hon'ble the SPEAKER: Order, order. Next question.

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

65. (a)—The District Magistrate considered that since rule 15 of the Revised Municipal Election Rules does not say that the orders of the officer acting under the rule are final an appeal to the District Magistrate was not barred if the merits of the case justified relief.

(b)—Government have no information.

Transfer of Sylhet from Assam

Srijut KAMESWAR DAS asked:

66. Will Government be pleased to state—

(a) Whether they have taken any steps for the transfer of Sylhet from this province?

(b) If so, what are those steps?

(c) If not, do Government propose to take any steps and when and how?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

66. (a)—No.

(b)—Does not arise.

(c)—Government do not propose to take any steps at present. Their action and attitude to the question will depend upon future circumstances which cannot now be foreseen.

Certain illegalities in the last Audit Report of the Tezpur Municipality

Srijut OMEO KUMAR DAS asked :

67. (a) Has the attention of Government been drawn to the last Audit Report of the Tezpur Municipality ?

(b) If so, will Government be pleased to state, if any steps have been taken to remove the illegalities mentioned in the Report ?

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

67. (a)—Yes.

(b)—The Examiner, Local Accounts, Assam, has been asked to submit Board's replies to certain paragraphs of the Audit certificate together with his comments thereon.

Srijut OMEO KUMAR DAS : When did Government ask the Examiner, Local Accounts, to submit their replies ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : I cannot give the information off-hand, but all I can say from my memory is that it was done in July last.

Srijut OMEO KUMAR DAS : Have not Government received the replies yet ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : No, Sir, not yet.

Adjournment motion on the outbreak of typhoid fever in the town of Barpeta

Srijut GHANASHYAM DAS : Mr. Speaker, Sir, I beg leave of the House to move :

“That this House do now adjourn to discuss a definite matter of urgent public importance to wit the panic that has been created in the town of Barpeta by the outbreak of typhoid fever and the negligence of Government to cope with it”.

Sir, even in a short period of 30 days the town of Barpeta has been infected with typhoid fever and within a short period of 25 days nearly 300 people are laid down with this disease and within this period nearly 35 patients have died. I think, the public had informed the Government but Government had taken very little action to cope with the disease and a panic has been created in the whole town. The peculiarity of the cases is this that in the majority of the cases the children have been affected to add to the misery of the panic.

Government have appointed an Assistant Surgeon in Barpeta who has been recently promoted from the rank of Sub-Assistant Surgeon. I do not say he is a bad physician, but people have no faith in him as an Assistant Surgeon. Recently, I have been told, that one Health Officer has been engaged there, but he is doing practically nothing. Only he has injected or vaccinated say about 700 people.

The Hon'ble the SPEAKER : The only point is the negligence of Government in this matter.

Srijut GHANASHYAM DAS : I am coming to that, Sir. The Government is not giving proper attention to the people who are suffering from this virulent disease. The step taken so far by the Government is not sufficient. It is quite inadequate to cope with the disease.

The Hon'ble the SPEAKER : I think, this will do.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Did the hon. member bring the fact to the notice of the Government ?

Srijut GHANASHYAM DAS : The public had informed the Government.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I can sympathise with my hon. friend who has just spoken, but I am afraid his adjournment motion does not fall within the four corners of our rules. The disease has been in existence for 30 days in the Barpeta town. My hon. friend is not the only representative from Barpeta in this House. If it was a fact that a great panic has been created by the inroads of this dreadful disease, the other hon. members from Barpeta who are present in this House from the very first day could have brought this matter to the notice of the Government. But the case of my hon. friend has been set at naught by his own admission that Government has taken steps as soon as they received representation about the prevalence of this disease of typhoid in the town of Barpeta. Immediately we deputed a Public Health Assistant Surgeon to the spot. That he has not been able to cope with the disease is no fault of Government. If my hon. friend would only give me time, I would send another man to implement what has been done. I would therefore request him to withdraw his adjournment motion. Moreover it is not in order.

Srijut KAMESWAR DAS : Fault has been found for not moving the adjournment motion earlier because there are some other members in this House from Barpeta. The information which I can give to the Hon'ble Premier is that the disease is taking a very serious turn and is very fast extending in its scope and intensity in the last few days. Of course in Barpeta the disease was in existence from before but the seriousness was not as great as it is to-day. So my friend the mover is not a date too late to move the motion.

Srijut GHANASHYAM DAS : One thing has not been answered. I said that the people have no faith in Mr. Biswas as an Assistant Surgeon.

The Hon'ble the SPEAKER : The Hon'ble Premier has said that the matter should have been brought to the notice of Government. Does the hon. member propose to press the motion ?

Srijut GHANASHYAM DAS : In view of the assurance given by the Hon'ble Premier that Government will take adequate steps to cope with the disease, I do not propose to press my motion and I withdraw it

The Hon'ble the SPEAKER : The hon. member has withdrawn the motion. Therefore it is not necessary for me to decide whether the motion is in order or not.

Presentation of Supplementary Statement of Expenditure for the year 1940-41

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:
Mr. Speaker, Sir, under provisions of Section 81 of the Government of India Act, 1935, I beg to present to the House a Supplementary Statement of Expenditure for the year 1940-41. Since the House voted the annual Budget in March last, it has been brought to the notice of Government that further expenditure had to be incurred on very many beneficial projects and also on other matters which the Ministry deemed necessary to incur further expenditure. Hon. members have been supplied with the list of such expenditure which will be placed before the House for the purpose of getting their sanction or vote and every demand has been fully explained in the Explanatory Note. But as usual, I will give a very brief account of this expenditure. In one case at least it is only to regularise the procedure and it is not an additional expenditure.

The first demand that I will place before the House on a subsequent date is needed on account of Government of India's refusal to allow their officers of the Central Income-tax Department to operate the Assam Agricultural Income-tax Act from 1st of July 1941. On an earlier occasion I had mentioned that when the Assam Legislature passed the Assam Agricultural Income-tax Act, the then Ministry requested the Government of India to lend the services of the Central Income-tax Officers on payment of Rs.15,000 annually for the purpose of assessment and collection of agricultural income-tax. The Government of India accepted this arrangement of the Assam Government for a period of one year only. When I assumed office in November 1939, I found myself faced with the problem that either we should request the Government of India to allow their officers to serve our purpose for another year and also to reduce the payment of the financial arrangement of Rs. 15,000 to the Centre, as no assessment could be taken for want of the rules. The Government of India have been good enough to accede to our request and claim payment for six months of 1939-40. They accepted our request to lend the services of their officers till 30th June 1941 only. We are, therefore, faced with the necessity of having our own officers to operate the Agricultural Income-tax Act, so that the province can assess and collect revenue through a staff of its own. We have already had to have an Assistant Commissioner of Income-tax at the instance of the Centre. In addition to this officer, we propose to have two Income-tax officers, one for the purpose of assessment and collection and the other for the purpose of survey, inquiry and refund. The appropriate clerical staff, as economical as could be made, has been provided in the estimates, and hon. members will find that the demand for the current year is only a small sum of Rs. 3,350.

The next item of expenditure for which we are coming up for the vote of the Assembly is in the Revenue Department and, as has been said in the explanatory note, has been necessitated by the fact that the religious institutions which were established by the previous kings of Assam and which have enjoyed either *lakhiraj* and *nisfakhiraj* tenure are being mismanaged, in certain cases, by Managers, who are known in the case of Hindus as Dolois and in the case of Muslims as Khadem or Mutawwali. Government have therefore been compelled to approach the Legislature with a Bill for framing a record-of-rights, so that if those Managers of religious institutions fail to perform satisfactorily their duty, Government might step in and realise revenue from the tenants direct, paying a share to the

temple and retaining its own share. Recently, in Kamrup, it was found that the Manager of a temple endowed by the Ahom Kings, having collected rent from the tenantry, did not pay Government revenue for a space of seven years, and as a last resort the District Collector recommended to the Government that temple lands should be sold in order to realise the arrears of the past seven years. Government prevented that action of the Deputy Commissioner, holding that for the fault of the Manager who is there temporarily, the wishes of the donors of this endowment should not be frustrated. Therefore it has been proposed to have a record-of-rights of that temple. With that view, *viz.*, expenditure on staff, we have come up before the House with this demand.

The second item of this demand is for a small sum of Rs. 5,000 for providing communication and water supply for the Barpathar Development area. Hon. members may remember that during the Budget Session my hon. friend Mr. Fakhruddin Ali Ahmed, who has just stepped in the House said that it would be sound investment to spend money in providing communication and water supply for the Barpathar Development area. In this, Government will be able to settle waste lands ; that will bring considerable amount of revenue. We have taken his suggestion into consideration and we propose to make a small beginning. We want the vote of the House for the small sum of Rs. 5,000.

The next item of expenditure that could not be foreseen at the time — and though foreseen, provision could not be made at the time of passing the last Budget — is in the Education Department. Circumstances have arisen out of the Mass Literacy Campaign, and also to take over Mission schools in the Hills into direct Government control, a sum of Rs.74,532 has become necessary. The details have been printed at page 4 of the Demands, so I need not dilate on them.

The next item is for a small sum of Rs.2,200 for the purpose of taking over or rather helping the Santal Mission of Northern Churches who have established a leper colony at Santipara in the district of Goalpara on a plot of Government land settled with the Mission free of revenue. The Mission was, in the past, receiving the major part of its foreign contribution from Norway and Denmark. As these countries have come under the occupation of the Germans, the Mission has been cut off from its main source of income. They are finding great difficulty in continuing their humanitarian work in the Leper Colony. Government propose to give aid to these people so that they may be able to carry on their splendid work.

The second item under this head is required to enlarge the Tuberculosis Clinic at the Dibrugarh Civil Hospital, the building of which is being provided with the munificence of Dr. R. M. Das of Santi Tea Estate in the Lakhimpur district.

Such help needs Government encouragement. We want to provide a health visitor and also a microscope for the Clinic.

The Agricultural Department also comes in for a share of extra expenditure and that for the purpose of carrying on that much-needed cattle-improvement operations. As the hon. members are aware that with a grant from the Government of India, this Government undertook to buy bulls and issue them to the villagers. The scheme was originally for a period of five years, and the scheme continued up till September 1940. For issue of bulls to villagers, we have got 90 bulls to maintain and to keep these we require ten stockmen. As this is a very beneficial measure, designed to improve the grade of our cattle, we want this small sum of Rs.4,260, so that this measure may be continued till the end of the current financial year.

The Hon'ble Miss Mavis Dunn representing the Industries Department has also come for a share. But to be frank she is not getting anything ; it is only a paper transaction. Government started the Sericultural Development Scheme with contributions from the Indian Council of Agricultural Research. When the last Budget was framed we had not heard that they were making further contribution. This Government wants to continue the Development Scheme. We have since heard that the Council of Agricultural Research is coming to our aid, and we are receiving the money needed. So, this demand is necessary only to regularise the expenditure.

The seventh item of expenditure is in the Public Works Department. Hon. members coming from the district of Sylhet may have noticed two temporary *katcha* sheds in the compound of the District Judge's Court. There was a recent storm which has created havoc with one of the sheds. The Public Works Department has declared one of the sheds as unsafe for occupation. It is intended that those two sheds may be put on a semi-permanent footing.

The last item of expenditure is the sum of a lakh of rupees which this Ministry contributed to the Home Government for the purpose of the prosecution of the war. I have explained the reasons fully though briefly at page 7 of the printed document which is before the hon. members. We, the Indians, have been agitating for a long time for attaining independence. In certain quarters, undiluted independence was thought to be fraught with danger when the law of the jungle has replaced the International Code of Law. Therefore even amongst the highest political thinkers in India Dominion Status of the Westminster variety is thought to be a suitable political advance for the Indians, and we all expect that sooner or later — and I hope the sooner the better — we are going to attain that Dominion Status. (*Voices* :— What a hope ? Not in your life-time).

The Hon'ble the SPEAKER : Order, order.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Then the hon. members must have read in the Press that all the Dominions (*A voice* :— You also had it in 1919)..... I expect better treatment, at least from my hon. friend who once adorned this Bench.

Mr. FAKHRUDDIN ALI AHMED : I want to remind the Hon'ble Prime Minister of the pledges given in 1919.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I remember, Sir, as I was a full-fledged politician at the time while my hon. friend was a student and not even in his teens (*laughter*).

All the Dominions forming the British Commonwealth have come liberally to the aid of the British Government and have passed through their different Parliaments substantial sums for the prosecution of the war. The present Ministry of the Assam Government thought, as a gesture of good will and sympathy for the British Government, that we, the provinces of India should also go to their aid. England found herself fighting a ruthless enemy all along at the time of the collapse of France and overrunning of that country by the German hordes. At the time when England was in sore need, if not of material help, of moral support at least, the Assam Ministry, as I have already said, as a gesture of our sympathy and moral support (*A voice* :— In an immoral cause :) made this contribution of one lakh of rupees to the British Exchequer. Compared to the daily expenditure of over nine crores of rupees of the British Government for the prosecution of the war, our contribution of a lakh of rupees cannot be said to be of any material help. But it was only a moral support. The Ministry took legal opinion whether such a contribution could be made, and when it was found that it could be made, the contribution of a lakh was made at that dark hour of England's fight for freedom.

The Hon'ble the SPEAKER: The voting on these Demands would take place on the 19th. In regard to that matter I am to make a statement to this House, and I hope the hon. members will give me the necessary help that I want.

In connection with the voting on the supplementary demands for grants I would like to draw the attention of the hon. members to rule 18 of the Assembly (Governor's) Rules. Under sub-rule (2) of this Rule His Excellency has already allotted 19th November for voting on the supplementary demands for grants. Subject to this limits and to the limit prescribed by sub-rule (3) of rule 18 it will be for the House to fix specific hours for discussion on the supplementary demands for grants, if they so desire. Hitherto this was done only in the case of demands for grants and as the numbers of cut motions on the supplementary demands for grants were not too many, it was not thought necessary to fix specific hours for that purpose. In order to facilitate matters and to expedite work, I suggest that if the House so desire, the Leaders of various Parties may meet in a conference in my room to-day, say, at 4-15 P. M. to discuss the time-table prepared by me and to come to a definite understanding in this matter. I may here also tell the House that if our business is finished before 4-15 P.M. to-day then the conference will take place immediately after that.

I should also draw the attention of the hon. members to the time limit imposed by Assembly Rule 100 for giving notices of motions to refuse or reduce supplementary demands for grants. It must be borne in mind that sufficient time must be given to the Secretary to examine the cut motions and to prepare, print and circulate them to hon. members. Of course there will be no time for the motions to go through any process of admission; the question whether any motion is out of order or not will be left to be decided on the floor of the House. Under the rules, notices of cut motion, if any, should reach the Assembly Office at or before 3 P. M. on the 15th November, 1940.

Srijut DEBESWAR SARMAH: To facilitate our discussion in the Party may we have an idea as to the provisional allotment of time for discussion, Sir?

The Hon'ble the SPEAKER: On the 19th we have also got other items of business. Now I propose that this matter should be finished at least by 3 P. M. so that other matters may be taken up; but this will be discussed in the conference with the Leaders of the Parties, where I shall point out some of the difficulties in the matter and get a decision from them as to how the time-table should be settled.

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

The Hon'ble the SPEAKER: We are now to discuss the motion of the Hon'ble Khan Bahadur Maulavi Sayidur Rahman that the Assam (Temporarily-Settled Districts) Tenancy (Amendment) Bill, 1940 be referred to a Select Committee consisting of some members. Now when this matter was adjourned there were some suggestions as to the names of persons to be taken in.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker Sir, on the last day when this matter was under discussion I omitted to mention that this particular legislation has been brought forward with a particular purpose. It was mentioned by the Hon'ble Premier only

this morning that the collection of revenue from temples in Kamrup District has been very unsatisfactory and it is only with a view to improve the collection of revenue from the temple land in that district that it was thought necessary that a record of rights has to be prepared for all classes of tenants. The existing provision provides for preparation of records of rights from only the occupancy and privileged tenants. So amendment of the Assam (Temporarily-Settled Districts) Tenancy Act has become absolutely necessary, and, I may tell the House that a Special Officer has already been appointed to prepare this record of rights and unless the law is amended it will be difficult to prepare the record of rights for all classes of tenants. It is for this reason, Sir, that when I made the proposal for the formation of the Select Committee, I thought it proper to include three members from the Kamrup district and I may inform the House that I gave adequate representation to the Opposition. But as a desire has been expressed from all quarters of this House for an enlarged association in the Committee, I am quite ready and willing to increase the number to nine. In that case five members will form a quorum. A suggestion has already been made from this side of the House that two names should be added, *viz.*, that of Maulavi Ghyasuddin Ahmed and Babu Kalachand Roy. I accept this suggestion. As regards two other members, I request the Leader of Opposition to give two names.

The Hon'ble the SPEAKER: Three other names were also suggested, such as, Mr. Chanda, Sj. Sarveswar Barua and Mr. Mookerjee.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I request the hon. Leader of the Opposition to suggest two names from that side of the House to make a total of nine.

Srijut GOPINATH BARDOLOI: I am obliged to the Hon'ble Minister for Revenue for asking me to nominate two members from our Party to the Select Committee. I think it is settled that we accept the principle of having nomination in Select Committees by the Leaders of Parties. We had followed that principle, I suppose, during the first regime of Sir Muhammad Saadulla's Ministry and we as Government had also followed that practice and I wish that the same procedure was followed now. Yesterday we found that the names that were suggested to the Select Committee were done without consulting the Leader of the Opposition. It was decided in our Party, Sir, that the members of our Party would not sit in any Committee in which the Leader was not consulted and the names were not submitted by the Leader. I give this out for information of the hon. Maulavi Abdul Aziz in connection with his Bill. I suppose, accordingly the members who were nominated would refuse to sit in the Committee.

In so far as the suggestion of the Hon'ble Minister for Revenue is concerned, I wholeheartedly agree. We agree to the proposition of having the proportion of seats of 2 to 3 in a committee of 5, 3 to 4 in a committee of 7 and 4 to 5 in a committee of 9. In the suggestion of names which have been made in his proposition the Hon'ble Revenue Minister had already taken 2 names from our Party. I wish, he had consulted me and let me propose the names before he had done so. All the same I have no objection to the two names being put in. The two other names I venture to suggest are Mr. Gauri Kanta Talukdar from Gauhati and Mr. Arun Kumar Chada from Silchar. I think this will constitute the Committee as desired.

The Hon'ble the SPEAKER: The hon. Member may now move his motion.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
Mr. Speaker, Sir, 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,
5. Khan Bahadur Maulavi Keramat Ali,
6. Maulavi Ghyasuddin Ahmed,
7. Babu Kalachand Roy,
8. Srijut Gauri Kanta Talukdar, and
9. Mr. Arun Kumar Chanda,

Five members to form a quorum.

The Hon'ble the SPEAKER: 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,
5. Khan Bahadur Maulavi Keramat Ali,
6. Maulavi Ghyasuddin Ahmed,
7. Babu Kalachand Roy,
8. Srijut Gauri Kanta Talukdar, and
9. Mr. Arun Kumar Chanda,

Five members to form a quorum.”

Srijut SIDDHINATH SARMA: Mr. Speaker, Sir, I do not rise to oppose this motion. But if this Bill is passed into an Act without further modification, it will only arm the landlords or the Managers of the temples to realise rent from their tenants. The speedy realisation of rent does not necessarily mean the speedy payment of the same by the landlords and Managers of the temples to the Government. The main purpose of this Bill, as I understand it from the Statement of Objects and Reasons stated in the Bill, is to save the defaulting estates pertaining to temples or other religious institutions, specially in Kamrup and other districts, the Managers of which do not regularly and timely pay their land revenue. There is no provision in the Bill that the Manager of the temple or any religious institution will pay his land revenue realised from the tenants in time so that the estate will not be sold for arrears of land revenue. Unless in this Bill provision is made for this purpose, the object of the Bill will not be achieved. As an instance of this nature I can cite the case of Pingaleswar temple in the District of Kamrup which has been referred to by the Hon'ble Premier in presenting the supplementary demands. An application has been submitted to the Hon'ble Premier that the Doloi has already realised greater part of the rents from the tenants, and I am told that the Paiks produced the receipt to him at Gauhati. But the Doloi did not pay the land revenue to the Government and the estate of this temple was sold, though the sale has been stayed by the Government for the time being. Now, in this Bill, as it appears to me, there is no provision which will compel the Manager of a temple or religious

institution that the rent realised by him will be paid to the Government in time, it only gives power to the Managers of the temples and other religious institutions to realise the rent from their tenants in time. So I would suggest that the Select Committee will consider this case and see that provision is made to make the Manager or the Dolois of such institutions to pay the land revenue realised from their tenants in time to the Government to save the estate pertaining to temples and religious institutions. Instances of this nature are not rare. The case of Baneswar temple in the District of Kamrup has also been referred to in this application referred above. So, Sir, I would have had no objection even if some provision was adopted in the Bill by virtue of which Government might collect the rent for the satisfaction of Government revenue. But the amended Bill as it stands at present will only increase the power of the landlords and Managers or Dolois of the temple for speedy realisation of their rents, from their tenants without any corresponding obligation to pay the same in time to the Government. With these few words, I support the motion.

Srijut GAURI KANTA TALUKDAR : Mr. Speaker, Sir, I am glad to find that Government have at last realised the difficulties which the Dolois and Managers of public religious institutions have been undergoing so long in realising rents from their tenants. Sir, since I came to this House I have been repeatedly bringing the difficulties of these Managers of temples and Satras to the notice of Government. In the Second Session of the first Assam Legislative Assembly that met in August, 1937, I, by my unstarred question No. 1007 (a) and (b) brought to the notice of Government how valuable landed properties of public religious institutions endowed by the Assam Rajas were being lost for arrears of land revenue. Government were pleased to state in reply:—"The present Government have not so far taken the matter under consideration, but as the hon. member has brought it to their notice they will consider what can be done". Then, again, Sir, finding that nothing had been done, in December session of 1938, by my unstarred question No. 781 (a) and (b), I brought to the notice of Government the same difficulties which the Managers of temples and Satras had been undergoing. In reply to my question the Government said "such default is due partly to the fact that the Dolois or Managers of these institutions have no power to realise rents from defaulting tenants except through dilatory channels of civil court. Government are considering remedies". Finding that no remedy was forthcoming, I again reminded the Government in the last Budget Session by my unstarred Question No. 657 the urgent necessity of finding out some remedies and enquired whether Government had found out any. In reply Government said, "The matter is under consideration".

Now, after so many years, I find that Government have been pleased to come forward with a piece of legislation.

Now, Sir, let us see what this piece of legislation is really aiming at. Under the existing Tenancy Act of 1935 there are provisions for preparing record of rights of privileged and occupancy tenants, but there are no provisions for preparing record of rights of other tenants, such as non-occupancy tenants. Now the present Bill wants to include a provision enabling Government to prepare record of rights for all classes of tenants.

The second object is to make the Certificate Procedure under the Bengal Public Demands Recovery Act applicable to all classes of tenants. Under the existing law, Sir, this summary procedure is available only in cases of raiyats who are called privileged and occupancy raiyats. As far as I have been able to understand, this Bill intends to make the Certificate

Procedure equally applicable to all classes of tenants, including under tenants. Now, whether this remedy of recovering rents according to the Certificate Procedure under the Bengal Public Demands Recovery Act is going to be worse than the disease, it is difficult to say. For we have got no experience of the workings of that Act. But we have heard that the tenants of the districts of Goalpara and probably Sylhet are trying to avoid it as far as possible, because it is not working in the best interests of the tenants. We cannot complain about that, because the existing Assam Tenancy Act has already made this provision in the year 1935. If we find that it does harm to our tenants, then certainly we shall have to fight against it. Whatever the ultimate effect might be, the present proposal aims at including all classes of tenants within the purview of this procedure. I do not know whether this procedure will be useful for landholders other than Managers of public religious endowments.

We shall have to wait and see what lies in the womb of future as to the effect due to the application of the summary procedure. But the most important provision that has to be made for making such summary procedure applicable and which is the condition precedent is that there should be prepared record of rights of the tenants from whom rents are meant to be realised. These record of rights, if properly prepared, will be to the benefit of the landlords and tenants, for each of the parties will know their respective rights and responsibilities. Now the most important question will be when and how these record of rights are going to be prepared. We have heard that the Government have decided to put the proposal into practice soon and as a matter of fact they have already started the operation from this month of November. But the vital question is: who is going to bear the heavy expenditure of preparing the record of rights? The Government proposal is that they will bear the expenses to the extent of 40 per cent. and the remaining 60 per cent. shall have to be borne by the landholders and their tenants. It has also been suggested that 40 per cent. will be the portion of the landholders and 20 per cent. of the tenants. I do not know whether this adjustment of expenditure for preparing the record of rights will be equitable and desirable. In the first place we shall have to see where do these public religious endowments stand as regards their pecuniary condition. As we all know, most of the temples of Kamrup are in a most lamentable pecuniary condition. In most cases revenues for 4 or 5 years and in some cases even for 10 years have fallen into heavy arrears, and it is with very great difficulty that the Managers of temples are carrying on the daily functions of worship etc. They have not been able to repair any of their temples—not to speak of improving them. We also find that in most cases the temples are in dilapidated conditions. Similarly the conditions of the tenants are not better, if not worse.

Khan Bahadur Maulavi KERAMAT ALI: Does the hon. member oppose or support the motion?

Srijut GAURI KANTA TALUKDAR: I am supporting the principle and I am finding out the difficulties which may affect the tenants and the landlords.

Khan Bahadur Maulavi KERAMAT ALI: I understand that the hon. member is in the Select Committee and I hope he will be able to place all these things before that Committee.

The Hon'ble the SPEAKER: He can give an idea of the points here for the other hon. members of the House and also other members of the Select Committee for being apprised of his views in advance,

Srijut GAURI KANTA TALUKDAR: What I wanted to say is if the temple authorities be asked to contribute to the expenditure to the extent of 40 per cent., whether will it be possible for those institutions to contribute? If they are not able to do so, then the records of rights will not be prepared and things will be as they are. What I mean to say is, if Government is really anxious to give relief to these religious institutions and to do justice to the tenants, they shall have to come forward with a decision to incur the expenditure from Government coffers.

With these words, Sir, I support the Bill and request the Government to see that it is carried on in the best interests of the landlords as well as of the tenants.

Srijut LAKSHESVAR BOROAH: Sir, as was stated by Srijut Siddhinath Sarma, I too do not rise to oppose the Bill, but only to make a humble suggestion for acceptance by the Select Committee. Many of the members know that our native Kings granted *Lakhiraj* as well as *Nisf-khiraj* lands for temples and *satras* in Upper Assam as they did in the case of temples in lower Assam. The object of the Bill will be appreciated, if the same facilities proposed to be afforded to the Managers of temples in Lower Assam areas are also extended to the *satradhikars* of *satras* in Upper Assam holding *Lakhiraj* and *Nisf-khiraj* land for maintenance of their *satras*.

Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir? I do not want to take a long time of the House over this matter. I only want to make a few suggestions. In view of the financial circumstances of the Government, I whole-heartedly support the proposal that has been given by Mr. Talukdar that instead of saddling the Managers, Dolois or trustees of the temples or *Satras*, or *Sanghas* or *Imams* or trustees of the Muhammadan trust property, the entire cost for the preparation of the record of rights should be borne by the Government because the condition of all these Managers or the Matawallis of the endowed properties are very bad and they are not in a position to pay anything towards the preparation of the record of rights and that is the reason why no Matawallis or Dolois came forward and applied to Government for the preparation of the record of rights, although the Act is in force for the last five years.

My second submission is that this proposed amendment has saddled the non-occupancy *raiya*s and under *raiya*s with extra liabilities. As it appears under the present Temporarily-Settled Districts Tenancy Act, they have not been given any substantial right as has been given to the privileged tenants and the occupancy *raiya*s. Under the present amendment as contemplated in clause 5, the non-occupancy *raiya*s and under-*raiya*s are also liable to pay a portion of the cost for the preparation of the record of rights. This is an extra liability which has been imposed on them by the present Bill and is likely to cause great hardship to them.

Thirdly, if the procedure of the Public Demands Recovery Act is followed, then under the present amendment, it is doubtful if the sale of the privileged *raiya*'s holding in an estate pertaining to religious institutions can be restricted in such a way that the land does not pass to a person of different religious persuasion. This aspect of the matter will have to be taken into consideration. With this submission, I support the principle of this Bill.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, the point which has been raised by the hon. member who had just spoken will be thrashed out in the Select Committee of which he is a member. All I can say about the cost of the operation is that the cost will be realised after the expiry of the preparation of the record of rights and not now. As regards the objection that the under-

raiyats are to be saddled with a portion of the cost, I like to say that this point will also be further considered. The suggestion of my hon. friend Srijut Laksheswar Barooah that the benefit of this should go to the Satras of Upper Assam, will also be considered in due course. I agree with my friend Mr. Sarma when he says that this amending Bill does not provide against the mismanagement of the temples. I am obliged to Mr. Talukdar for stating before the House that he has been asking the Government repeatedly to go into this question and I take this opportunity of laying before the House that Government is not sitting idle over this matter. A Sub-Deputy Collector was deputed to go into the whole question and he submitted a report, dated 11th September 1939. In that report he said that a survey be made and a record of rights be prepared and maintained by Government. As regards the legislation he said that it cannot be undertaken unless and until a fuller report is made. So I beg to submit that the present Bill is only a preliminary step against the mismanagement that is complained of. As regards the legislation, Government have carefully considered the report of the Sub-Deputy Collector and have come to the conclusion that an Endowment Act on the lines of the Madras Act II of 1927 as amended by Act XII of 1935 and the Orissa Hindu Religious Endowment Bill of 1938, will have to be introduced later on, after the record of rights is completed. The proposed legislation will naturally take a long time and it is moot point to consider whether some non-official member of this Hon'ble House interested in the matter should not come forward with a legislation of this nature. Sir, with these few words, I again commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: The question is: "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,
 5. Khan Bahadur Maulavi Keramat Ali,
 6. Maulavi Gyasuddin Ahmed,
 7. Babu Kalachand Roy,
 8. Srijut Gaurikanta Talukdar and
 9. Mr. Arun Kumar Chanda.
- Five members to form a quorum".

The motion was adopted.

The Assam Motor Vehicles Taxation (Amendment) Bill, 1940

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg leave of the House to introduce The Assam Motor Vehicles Taxation (Amendment) Bill, 1940."

The Hon'ble the SPEAKER: I do not think that this prayer for leave is objected to.

The question is: "That leave be granted to introduce the Assam Motor Vehicles Taxation (Amendment) Bill, 1940.

The motion was adopted".

The Secretary to the Assembly then read out of the title of the Bill).

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to move that the Assam Motor Vehicles Taxation (Amendment) Bill, 1940 be taken into consideration.

Mr. Speaker, Sir, I need not take much time of the House in moving this motion. The Assam Motor Vehicle Taxation Act, 1936 was passed when the Indian Motor Vehicles Act of 1914 was in force. Later on the Indian Motor Vehicles Act of 1939 was enacted and that necessitated certain amendments just to fall in line with the new Act. There is no material change in the enactment itself. As stated in the statement of objects and reasons, the amendments proposed are only to cure inconsistencies between the old and the new Act. I, therefore, hope that this motion will be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Motor Vehicles Taxation (Amendment) Bill, 1940 be taken into consideration,"

Then I take it that there is not going to be any debate on this motion. I am putting the question.

The question is: "That the Assam Motor Vehicles Taxation (Amendment) Bill, 1940 be taken into consideration."

The motion was adopted.

The Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to introduce the Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940.

After a pause

Sir, I beg to move that the Bill be taken into consideration.

Section 69(1)(a) of the Government of India Act lays down that a person shall be disqualified for being chosen as, and for being, a member of a Provincial Legislative Assembly or Legislative Council if he holds any office of profit under the Crown in India other than an office declared by Act of the Provincial Legislature not to disqualify its holder.

In the Assam Act III of 1938, it was provided that a person shall not be disqualified for being chosen as or, for being, a member of either Chamber of the Assam Legislature by reason only of the fact that he holds any of the following offices, namely, (3) officer in the Army in India Reserve of officers or officer, non-commissioned officer or other member of the Indian Territorial Force, (4) Members of the Auxiliary Force in India.

The Government of India in their letter dated 14th May, 1940 insisted that Members of the Legislative Assembly and Members of the Legislative Council who have been called up for service in the Army in India Reserve of Officers, Indian Territorial Force or other branches of His Majesty's Naval, Military or Air Force may have their disqualifications removed by an enactment. Such an enactment, it was pointed out, would render the member, whose seat has become vacant, eligible for re-election. India undertook to exempt the sitting members of the Legislatures who have been called up, from the operation of rule 332 of the Regulations, for the Army in India. That is a provision for normal times, not when the nation is at war.

Bengal accordingly amended the Bengal Legislature (Removal of Disqualifications) Act of 1937, by an amending Bill in 1940.

The Hon'ble the SPEAKER: They have not yet amended.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: They are seeking to amend by an amending Bill.

The Hon'ble the SPEAKER: A Bill was passed by the Upper House but when it came to the Lower House the Opposition raised some objections and the Bengal Government withdrew it and have now published a fresh Bill to be introduced.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: But an ordinance to that effect has been promulgated in Bengal.

Our Act III of 1938 was modelled on the Punjab Legislative Assembly (Removal of Disqualifications) Act of 1937.

Now the intention of the proposed Bill is that it should secure two distinct objects:—

(1) To remove the disqualifications of those included in items 3 and 4 of the Schedule of the Act and also of those in other branches of His Majesty's Naval, Military or Air Force who may be given to hold an office of profit either when actually called to active service or when kept in waiting for the purpose. This will obviously be applicable to the sitting members in particular.

(2) To remove the ineligibility of any such officer, say on reversion from active service but still kept in reserve with an office of profit, for seeking election or re-election, if he is granted the necessary exemption by the Military Department, under rule 332 of the Regulations for Army in India.

The amendments proposed seem to cover both the above mentioned cases by the words "whether called up in service or not". The present provisions in Act III of 1938 only cover the Army in India Reserve of Officers, the Territorial Force and the Auxiliary Force. They leave out the Indian Army, the Navy and the Air Force and quite a number of Territorial Forces. A comprehensive legislation is therefore required if persons who have been accepted for war duty or national service (e.g., technical personnel required for the ordnance factories who are not soldiers or enrolled) as under the National Service Ordinance of Europeans or the National Service (Technical Personnel) Ordinance for Indians, are not to suffer disabilities. The point is that persons may receive a warning notice or be technically called up for service even though their civil life is not at the time interrupted. It is therefore proposed not to penalise members of the Legislature who have undertaken liabilities for the prosecution of the war.

There is no knowing now-a-days when any country may not have to call up its last resources, like the Home Guard in England or the Civic Guard in Assam to protect the country and it would be most undesirable if a factory worker, a Home Guard or a Civic Guard is to give up his seat in the House each time he is asked to fulfil his duty. It is for these reasons that this Bill has been brought forward. With these words, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved: "That the Assam Provincial Legislature (Removal of Disqualifications) (Amendment) Bill, 1940 be taken into consideration."

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, the amendment of the Assam Provincial Legislature (Removal of Disqualifications) Act has been necessary for reasons of war as is apparent from the Statement of Objects and Reasons of the amending Bill. Therefore our approach to this question would be from two directions.

First of all whether we can really subscribe to the principles underlying this amendment, namely, whether we can associate ourselves consciously with all war measures of Government and secondly, whether this amendment is really necessary in the interest of the people.

Sir, as we all know it is a well-known fact that this war has been forced on the people of India against their wishes. British imperialism even in its hour of gravest trial has not hesitated to ride roughshod over the feelings and aspirations of the Indian people. So the only conclusion that we can draw with regard to this war is that this is an imperialistic war and it is meant to perpetuate imperialism and slavery in India. Even the Leader of the Muslim League, Mr. Jinnah, knocked at the door of British Imperialism and tried to test its sincerity and found the British Government wanting. So he had in his utter despair to observe that the British Government was unwilling to part with power in India. So from every quarters it has been observed that this war is not meant for implementing the aspirations of the Indian people and on that ground we cannot subscribe to any of the measures which go to help Britain in its war.

The second ground is whether it is really necessary to have persons in Legislatures who have been called up for active service—whether it is necessary to retain their services in the Legislature; whether they will be able to render any useful service in the cause of Legislation when they have been called up for active service. Sir, India has not yet been so poor in brain that people with military capacity have become so very essential for legislative purpose. Legislators of the highest calibre are still available in India. We can dispense with the services of those veterans who are required for the technique of war. That is why we are reluctant to requisition the services of military people within the precincts of this House. That will be a bad day for India when Marshal Petains and Marshal Weygands would be required to take over legislative and administrative responsibilities of this country. That is why for practical purposes and also on questions of principle we are compelled to record our emphatic protest against the principles of this Bill.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, the Hon'ble Minister-in-charge has, to some extent, explained the purpose of coming forward with this amending Bill. We can and should have no objection if he or persons of his way of thinking merely claim freedom to go to war to help Britain in her Imperial effort to maintain and perpetuate the slavery of this country and the domination of other subjected nations; but, Sir, we have objection that they should do so at the cost of the poor people of the province and the country, a vast majority of whom are opposed to this imperial war. Our objection to this Bill, to-day, in addition that it is against the spirit of Government of India Act, 1935, is on account of the fact that if any of the hon. members chooses to join the British forces—Army, Air or Navy—he will also be entitled to get the salary as a member of the Legislature without performing any duty here and attending to the requirements of the constituency. If the Hon'ble Minister-in-charge of the Bill, however, makes it clear, on the floor of the House, that he would bring an amendment which will have the effect of not providing salary to a member joining the British Forces, in the Navy, Air or in the Army, we, on this side of the House, may not stand in the way of the Hon'ble Minister. As far as we are concerned, our attitude towards the war is perfectly clear.

We have it now from the British Prime Minister and other higher authorities in England that this war is waged for no other purpose but for the self preservation and protection of England. Sir, if this is the sole purpose of the war, and if Ireland, which is the neighbour of England, can remain neutral without feeling that her liberty is in danger and without feeling the necessity of helping England in this war, I personally see no reason and justification why the British Government should have dragged this country into it without consulting her people. We heard our Prime Minister saying to-day that in contributing one lac of rupees to the war fund he had done nothing more than given a proof of their moral support because he felt and believed that this war is being waged by England for the protection of freedom, liberty and democracy. Indeed it is a moral support for an immoral cause. Sir, if, as stated by my Hon. friend, Sir Muhammad Saadulla, the purpose of the British Government in waging this war is no other than the preservation of civilisation and the protection of freedom of thoughts and expression and liberty of actions of the people of the world, how can the British Government justify their policy with regard to this country? We have heard the same sentiments expressed by the British statesman that latterly those have been confined within the corner walls of Europe. Our help in the war has been sought not as equal partners but that which is exacted from a slave country. We talk of freedom, but have we the liberty to express our thoughts freely regarding this war? Sir, we can have no objection to the Hon'ble Prime Minister or his satellites holding that view and expressing it in favour of the participation in this war; but we claim that he and the Government should give us the same liberty of action and freedom of expression of our opinion to which he is himself entitled to. We on this side of the House claim that we are entitled to express our opinion regarding this war as we like and we must be given this freedom without any hindrance on the part of the Government. After the Hon'ble Premier has expressed his views and after we have expressed our views on this war, Sir, let the country judge and let it take such a course as it considers best in its interest. The highest and the lowest officials alike are being utilised for the purpose of coercing people to contribute towards war fund, but if we on the other hand, simply give expression to our views that this war is an imperial war and India should have nothing to do with it, we are prevented from giving such expression of our views at pains of imprisonment. Is this the kind of freedom that we are asked to look forward by Sir Muhammad Saadulla?

During the last Session, my hon. friend, Mr. Whittaker, speaking on the Ministers' Salaries Bill, said that we had the right to grudge, and the higher the salary we paid to our Ministers the more right we shall have to grudge. He felt very proud to say that India was one of the countries where the right to grudge had been preserved. For that right he said he was even prepared to give his life. Sir, only ten months have passed since such a fine sentiment came out from the lips of my hon. friend Mr. Whittaker, but what have we witnessed in this country during the last six or eight months? The right to grudge of which he felt so proud that it was preserved in this country, has now been snatched away from us by the Defence of India Rules. British Government have even surpassed Hitler in this respect. Has Mr. Whittaker taken any action? Has he shown any willingness on his part to fight for the preservation of that right of grudging, of which he was so proud of ten months ago? (Mr. Baidyanath Mookerjee:—Why do you

take the literal meaning?) I am sorry, Sir, I am not so privileged a person as my hon. friend Mr Mookerjee and I cannot therefore help attributing literal meaning.

Sir, what I wish to say is this. Our attitude with regard to this war is very clear. We are as much opposed to Nazism and Fascism as we are opposed to British Imperialism. We want to resist British Imperialism with as much vigour as we would do resist Hitler and Mussolini should they at any time come to this country. By taking this attitude against British Imperialism we have made it clear—and I want to reiterate it here—that we have no enmity against the British people who, we believe, have themselves become a victim in the hands of a few people at the helm of this capitalistic and imperialistic Government (*Hear, hear*). Sir, we know it very well that the large majority of the people of England are weary of Empire and if they had any freedom in the matter they would like to see India free. But the English people, who work as advisers here of the capitalistic and imperialistic regime are drunk with the wine of imperialism and refuse to adapt themselves to the changing circumstance. What advice they are giving to-day is merely for the close preservation of their privileged rights and benefits ignoring that there are to-day more powerful forces at work than the might of their Empire before which all these things must one day crumble down. How far their short-sighted policy is in the larger interest of the people of England will only be told when the history of these events is written. Sir, we want to make it clear that if the British Government are really engaged in this war to bring about an order based on freedom and co-operation, as is alleged by some members, they should change their attitude and their policy with regard to India and should cease to look upon us as mere chattels to do their will. The mere expression of sentiments and those also confined to Europe will not do. Did we not hear those very sentiments in 1919 when the Hon'ble Premier remarks, I was a mere school boy? But the facts are so glaring and so well-recorded that no one can dispute them. At that time too England proclaimed that she had gone to war to protect the smaller Nations and for the preservation of liberty, freedom and democracy. But what did we actually see? Soon after the war was over, India witnessed the Jalinwallabag, the Rowlett Act and that in the name of freedom and liberty many of her sons and daughters, of whom she can be well proud of, were sent behind the prison bars for no other purpose but for reminding the British Government of the pledge given by her. It took England 14 or 15 years to give consideration to that pledge before this blessed Provincial Autonomy was granted to India, an Autonomy under which the provinces and India have been denied the right to judge and to say whether they would participate in the war which was not of their seeking! When England's neighbour, Eire having more in common with Britain than this country, had the right to declare with impunity that Eire would take no part in this war, India was being denied even that right. General Hertzog, in South Africa, can proclaim that he was opposed to the participation of South Africa in this war without any action being taken against him; but, if poor Jawaharlal Nehru expresses the similar opinion that India had nothing to do with this war, he is removed from our midst and put behind the prison walls for four years. Is this the liberty, is this the prelude to the freedom of which my Hon'ble friend the Premier was talking to-day and which is promised to us by our masters? Sir, the Hon'ble Premier may rest well satisfied with such promises as he may have notions

and ideas about the freedom of his own country different from those we have. But if this is the sample of freedom and "new order" about which so much is said, we have no doubt as to what we shall ultimately get when England emerges as a full blooded Fascist State. Further, I call it a mockery for a slave as Sir Muhammad is, to say that he has of his own free will given help with men or money in War which is being fought.....

Mr. A. WHITAKER : On a point of order, Sir. Is this relevant to the motion that is being discussed? The contribution will be discussed in connection with the supplementary demand.

The Hon'ble the SPEAKER : He may incidentally refer to it. He cannot dilate too much on this.

Mr. FAKHRUDDIN ALI AHMED : You must have noticed, Sir, that I have referred to the contribution of money only once. I hope I am entitled, at least in this House, to give expression of my opinions as I like...

The Hon'ble the SPEAKER : So far as these are relevant to the discussion of the motion before the House.

Mr. FAKHRUDDIN ALI AHMED : Finally, I wish to add, Sir, that the matter we are considering now is of a more serious nature than what appears from the face of the Bill. The question of principle is involved therein as it cuts at the spirit of the constitution. We can have no objection whatsoever, if any of our friends in this House are willing to co-operate with the British Government in this war. Every one should have the freedom to take such a course as he likes. But we certainly have objection to any thing being done at the cost of the poor people of the province on whom the will to help this war is being imposed without their free consent. As I can see from the amending Bill, which has been introduced by the Hon'ble Minister, such members of this House, who may go and join the Army, the Navy, or the Air Force, will also be entitled to draw salaries as members of the Legislature. We on this side of the House for these reasons, take a very serious view of the matter though we can have no objection to our friends, if they so choose of their own free will, joining the war and thereby becoming Captains, Majors, Colonels and Generals in the Army, the Air or the Navy.

Adjournment

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

After lunch

Mr. BAIDYANATH MOOKERJEE : Mr. Speaker, Sir, I like to say only a few words relating to this Bill. Sir, I do not find any reason why an hon. member of this House who won't get an opportunity of serving his constituency should get any allowance from the exchequer of the province. On the one hand his constituency will remain unrepresented in this House during his absence on service and on the other hand the provincial exchequer shall have to pay his salary. Sir, it may so happen that most of the members may be required to serve. The majority of members may remain absent from this House in that case. What will happen at that

time? We also should consider that side of the picture. The Government must go on and the Legislature must be there to function. So if this Bill is passed by this House, there may arise a great difficulty and the constitution may come to a standstill. So I hope the hon. members, specially the lawyers, I mean those who generally deal with constitutional law, will take up this point and discuss this matter on the floor of this House.

Mr. A. WHITTAKER: Mr. Speaker, Sir, on first looking at this Bill I thought it was a very simple matter though a somewhat technical one—removal of disqualification. Having listened to the several speeches made, I have been struck by one very important omission from most of the statements. I think every one or nearly every one of the speakers from the Opposition Benches, should have prefaced his opening remarks by the wireless announcement “this is Berlin calling”. I think many of the remarks would have been considered helpful by the Nazi tyranny against which the British Commonwealth is now fighting.

There are four main attacks on this Bill. The first one is that it is an imperialistic war which the British and the Commonwealth is fighting and, therefore, it is not the concern of this House.

The second criticism was that no member of the Defence Forces should serve as a legislator as he can render no useful service.

The third was that there was no shortage of men qualified to serve in this House on account of the War and the fourth point was that as a sop to Government the Opposition might agree to the Bill if it would ensure that no member of the Defence Forces would draw pay as a legislator.

With regard to the alleged imperialistic war, I wonder if such words as “slaves” and “freedom” have any of their ordinary meaning for members of the Opposition. This war is not an imperialistic war. I should like to suggest that this war is the war of common men, it is fought by common men and will be won by common men. It is a war of common men fighting for something which is dearer than life. (Voices from Congress Benches: Not for India).

The Hon'ble the SPEAKER: Order, order.

Mr. A. WHITTAKER: If the members of the Opposition will allow me, Sir, I shall show that it is not a war concerning Europe alone but India also. The frontiers of India have shifted to the Suez Canal, Indo-China and to Singapore. From these hard geographical and strategical facts there is no escape either for Indians or Europeans. And since members of the Opposition are so fond of using the words “imperialistic power” I should like to suggest that the building in which we are now sitting is only within three hours' bombing distance by aeroplane of a greater imperialistic power than Britain, namely Japan.

The criticism of the present war comes ill from the Opposition who have never made any secret of their detestation of the failure of the so-called imperialistic power of Britain for not rushing to the defence of Manchuria, Abyssinia and Albania. That same Opposition clamoured for the re-opening of the Burma Road. Yet when this same power has at last called a halt

to Fascist and Nazi aggression, the Congress Party refuse to face the logic of their previous criticism and condemn this war as being no concern of India.

Mr. ARUN KUMAR CHANDA : A thorn to take out a thorn.

Mr. A. WHITTAKER : Mr. Chanda may have his parables, Sir, but I think the facts I am giving are too difficult for explanation by any parable. I repeat that this war is a war waged by common men. The second point made by the Opposition is that there is no shortage of men who can take up the duty of legislators. Sir, I am proud to belong to a community which is suffering from a serious shortage of men for duty as legislators because a large proportion has joined for service in the defence of India.

I should like to suggest that persons who are prepared to defend their country are probably able to make contributions to the debates of this House of greater value than some of the speeches we have listened to.

Thirdly, Sir, I think it comes ill from the Congress Benches to object to the payment of salaries. We have all heard of one of the great objections to the suspension of the Constitution under section 93 and the consequential loss of salaries by members.

There has been a practical illustration of the need for this Bill. A member of the Upper House has joined the Royal Indian Navy and is at the moment patrolling the Indian seas, guarding the trade routes to India and helping to maintain the volume of trade and commerce which is important for maintaining the standard of living in India from which we all benefit. So far as the members of my Group are concerned, in most cases it will be impossible for a member who has been called up for Military, Naval, or Air Service, to fulfil his duty to his constituency, and in ordinary circumstances I can assure this House that he would resign. But there may be cases in future in which members who are carrying on their ordinary occupation and are serving in the Auxiliary Force, will be called up to put in some months of active service. In that case it should not be necessary to ask them to resign and to seek re-election at the end of those months. I think this Bill is a very simple matter and has only acquired to-day's importance as a forum for the anti-war views of the Opposition. Fortunately these, I know, Sir, are not shared by a majority of this House.

Srijut DEBESWAR SARMAH : Mr. Speaker, Sir, I should have very much liked to speak on the subject of the war and India's contributions to it on the 19th rather than to-day, but the observations made just now by the hon. Leader of the European Group has compelled me to say a few words. He has made certain statements which cannot go unchallenged from my party. I hope and trust we shall have a full and free opportunity to give vent to our feelings on the motion of the supplementary demand on the 19th, and that Bill being fixed only for one day I would make a submission that one day would be insufficient for a full dress debate.....

The Hon'ble the SPEAKER : It is not in my power to allow more time.

Srijut DEBESWAR SARMAH : Yes, Sir, I am coming to that. I would beseech the Hon'ble Premier to approach His Excellency for an additional day if needs be.

Now, coming to this Bill, I would oppose it on more than one ground. Undoubtedly the imperialistic war to which help is sought to be given through this Bill is the main point, but for us Indians, for us Assamese, who pretend to think that we have Provincial Autonomy, it has a far deeper and greater significance than contribution of a lakh of rupees to the imperialistic

war itself. I will come to this point later, I will first deal with the points raised by the hon. Mr. Whittaker. He started by saying that it has been said by the nationalists in press and platform that it is an imperialistic war. Might I request him to say if it is not an imperialistic war what war is it? He is beautifully vague and he has very nicely imitated the Secretary of State in describing what the war is. He says it is a war of the common man. Might be it is a war of the common men of Great Britain, whom one might call dupes of democracy—(I do not know where I read the expression, but I have seen it somewhere). At the present moment the people of Great Britain are fighting for their very existence; there may be men who are sacrificing their everything for their homeland, because if Great Britain goes down it goes down once and for ever. They ought to fight for it—it is natural that they will try to safeguard their homeland. A certain hon. member of the European Group is smiling when I am saying this. His own people in England are living like rats in holes under the floor for fear of the Nazi bombs and he sitting secure and comfortable here is jeering at us. It is very nice for men like these to be bossing over coolies in the plantations and turning away people from tea garden thoroughfares; but let them remember the plight of their own people in their own country. It is very well for the Europeans in India to try to drag the slaves in bondage to help them in their struggle for existence. I hope, Sir, I may not be found fault with when I say that we are all slaves in our country—some of us are slaves in bondage, and some are slaves in revolt—that is the only difference and my hon. friend the Revenue Minister seems to be satisfied to be a slave in bondage, and he has been dragged to move this Bill. It has been said that India lies within a range of 350 miles from enemy bombing station and can easily be bombed.....

Mr. A. WHITTAKER: I did not say 350 miles. I said within three hours' bombing distance by an aeroplane.

Srijut DEBESWAR SARMAH: It has been said that India is within a range of three hours' run of enemy bombers. Well, it may be three hours' or thirty hours' run, how does it matter so long as our white masters do not deliberately drag the war to India? Indian India is not at war with anybody. India cannot help Britain if she does not satisfy Indian aspirations. The Secretary of State for India unequivocally stated that Great Britain was fighting for democracy in Europe. She is not fighting for democracy in India. Even if Great Britain had stated "well after the war we will give India Dominion Status of Statute of West Minister variety" some Indians would have been satisfied although Congress demand is for complete independence of India. There is undoubtedly a large body of men in this country who will be satisfied with Dominion Status of the Statute of West Minister variety. With such an assurance Great Britain might have made out some sort of a case for seeking Indian help to prosecute the war. But the Secretary of State openly declared that they were fighting for their very existence, and that they were fighting for democracy in Europe. In that case how we in India are to profit by it? Mr. Lloyd George said in the last Great War that Great Britain was fighting for defending and preserving civilisation against barbarism. The British politicians say that they were fighting for the cause of democracy. What was the result of the last war—the Treaty of Versailles. But what did we profit by it? We all know this and I do not dilate on this. It has been said that we are to contribute for our defence. What are we to defend? Let us examine this point fairly and squarely.

Go to any Assamese village to-day in November—you will find what is called the *Kartik Mahar Akal*—“কাতি মাহীয়া বাকাল”—you will find that 60, 70 or even 90 per cent. of the villagers have nothing to eat ; if you come to the villages you will find little children moving about without clothes on their backs jumping and shivering in the cold. This is the picture what you will see in any Assamese village. Such being the case, what are we to defend ? Are we asked to defend our starvation, are we asked to defend our poverty ? If we are asked to defend our starvation and to defend our poverty, we are sorry we cannot be a party to the game. We are not here to say that we will be contributing what is left to us for prosecuting this war which is being fought for the existence of the Britishers and the British Imperialism.

Sir, my friend Mr. Whittaker did not reply to my friend Mr. Fakhrudin Ali Ahmed on the points raised. If Great Britain could extend the hand of fellowship, nay more, extend the citizenship of Great Britain to the French people, what prevents her from assuring—even if India is backward and cannot be given the same citizenship—that India will be given freedom after the war which she so fervently desires means putting her well on the path to that freedom ? It goes very hard for our people to say that we ought to contribute to this war and that we ought to make all sorts of sacrifices for the furtherance of this war. If you want to extract contributions at the point of the bayonet that is a different matter, but why make a show of voluntary contribution from India ? I really fail to see why the Indians should contribute towards the war and why the Hon'ble Minister should come forward with such a Bill which cuts at the very root of our constitution. Anyhow I am coming to this point later on.

Now, Sir, the analogy of the independent countries cannot be applied to the circumstances of dependencies where the people are slaves. In independent countries, taking for example Great Britain, a member of Parliament may be released on such terms as may be deemed fit to serve as a member of the auxiliary force or any of the military forces. Since his very existence is in jeopardy he will naturally do his level best for his country. But our people certainly cannot have the same sentiment for this war as the people of Great Britain. Now if the members of the Legislature are to receive emoluments from certain other departments of Government also, it can very easily be imagined how these members who are drawing their salaries from elsewhere will devote their minds to their work here in the Legislature. Will a member serving in the Military on remuneration have the same frame of mind as one who is not a servant of the Executive ? Will he be able to come here with an open mind and deliberate on a matter independently ? After the experience that we have had for these three and half years, I submit, Sir, we cannot assume that a man who is employed in a Government Department will be able to bring an unbiased mind into the House to deliberate on a subject—he will echo his master's voice.

It has been further said, Sir, that there is shortage of men in certain businesses. I suppose Mr. Whittaker referred in this connection to the European community. Am I to understand that the Europeans are unwilling to go and join up or are we to understand that the Europeans are being held up here for legislative purposes and therefore cannot join His Majesty's forces ? (*Hear, hear.*) What is the reply, Sir ? If that is so, if the sons of Britain are to be tied down to Legislatures or tea factories and if they cannot be released for defending their hearths and homes, I must say it is a bad day, a sad day for Britain.

Mr. A. WHITTAKER : Sir, may I reply on the point of shortage in my group ? The industry with which I am associated has already given more than 30 per cent. of its working strength. A larger number of men of military age have joined His Majesty's forces in India, and for that reason we are at present feeling difficulty in sparing men from this industry for the longer sessions of the Assam Legislature.

Srijut DEBESWAR SARMAH : Sir, Mr. Whittaker's explanation adds strength to my point here again. They have given 30 per cent. Can they not think of giving, say, some 20 per cent. more ? Why not ? There is the question of distrust again. They do not trust the Indians and are not willing to take them, Sir. A European Manager in a European plantation would not take an Indian as an Assistant. Who does not know that the European Manager of a tea estate takes all the work from the Indian Mohorars. If hon. Mr. Whittaker will think on this matter calmly and dispassionately he will find that their prestige will go. The question is entirely one of taking in outsiders. Here, Sir, is an opportunity where Indians might have been usefully taken into confidence and trained up to the standard. They would not do that.

Another point, Sir. I do not refer to any individual person, but I cannot refrain from saying one thing. In all parties there are members varying degrees of efficiency. In the European party also there may be some who may be easily replaced, even if 40, 50 or 60 per cent. of the members of the community are taken away. The number of people for the Legislature would not be wanting.

I have already replied to my hon. friend's other point, *viz.*, standard of life. I would not have dwelt on it much, had it not been for the fact that it is a creation of the Britishers. An exceptionally small percentage of Indians like my friends Messrs. Baidyanath Mookerjee and Naba Kumar Dutt, might keep to their standard, but that is not the general level. What is the standard of the large masses of the people of India ? Systematic foreign exploitation has left them with no standard. A handful of coarse rice and vegetables from the road-side poverty and illiteracy constitute their standard. We have been reduced to this condition by 150 years of British rule. I wish my hon. friend had not raised this question, as, if I deal on this subject in detail, we might find ourselves in unpleasant discussion.

Mr. Whittaker says it is a simple matter—this Bill. Is it really so ? The Legislature was created to legislate for the province. This is said to be an autonomous province with a popular Government. Now, if a large number of members of this Assembly take up some salaried job under the Executive, is the spirit of autonomy, is the spirit of the Government of India Act, retained ? It cuts at the very root of the theory of Government that is established under the Government of India Act, 1935. If the Government of India Act has done one thing for this province, overwhelmingly more than anything else, it is this, it has demoralised our public life. Let us not apportion the blame to anybody, let us not go into details. Those who care to know anything about Assam since the inauguration of the Government of India Act know well that public life and political activity in this province has gone down a great deal.

Maulavi JAHANUDDIN AHMED : We are ourselves responsible and nobody else.

Srijut DEBESWAR SARMAH : I bow down to my friend and I agree with him. Some of my European friends may have said that 'it is your doing'. But instead of that, a friend of mine and of the same pigment of the

skin has given this reply. But, is it not a fact that since the inauguration of the Government of India Act many things have taken place here and we cannot afford to shut our eyes to that aspect of the matter? The Government of India Act has given us so-called Provincial Autonomy and this Legislature is functioning under that Act. If the members of this Hon'ble House take salaried jobs under the Executive, how will they behave? Have we not got the good old saying that morning shows the day? We have seen much; out of five years, three and half years have passed and we have all understood how things are moving. Therefore, Sir, if this Bill is passed, it cuts at the very root of Autonomy—the very spirit which is being sought to be introduced by the Government of India Act. It has also been urged that if one takes some other extra service with emoluments, his work as a legislator will not hamper. I cannot agree with that because I find that if one wants to pay attention to his constituency properly, effectively and efficiently, he will not be able to take up any other work, not even his private affairs. I am not speaking of the fortunate European members of this Assembly, but I am talking of the Indian members. They will have no time to look after their own affairs not to speak of doing any legislative affair. When one will go for any military service, he will hardly have any interest in the legislative affair of the country. Therefore, Sir, I trust that all the members of the Assembly including the Members of the Cabinet should rise in one voice against this Bill because by this Bill the very spirit of the Act itself and the progress sought to be introduced under the Government of India Act, 1935, will be jeopardised.

Mr. F. W. BLENNERHASSETT: Mr. Speaker, Sir, I do not wish for a moment to reduce this debate to the level of a dog-fight between the community which Mr. Debeswar Sarmah represents and the one to which I belong. I regret, however, to see that he has chosen this opportunity to launch yet one more attack against our community which we certainly do not deserve. It appears to me that he is incapable of allowing any opportunity to attack us to pass, and anything against us which comes into his head first he is incapable of keeping there. He just has to let it out.

There are one or two points which he has raised which I feel must be answered and it is my duty to do so now. In the course of his remarks he asked "if this war is not an imperialistic war then what kind of a war is it?"

Srijut DEBESWAR SARMAH: On a point of information, Sir.

The Hon'ble the SPEAKER: Order, order. He is not giving way and so the hon. member will please take his seat.

Mr. F. W. BLENNERHASSETT: My answer, Sir, is this. For the first time in the history of the world, civilisation stands at a forkroads; not a cross-roads. It has the choice not between four paths but between two only, namely the path of freedom and the path of perpetual slavery. We, Sir, for our part have taken the path which leads to freedom and we take our stand now on the grounds of liberty. We are fighting, Sir, for the liberty of the entire world. (*Cries of "No, no" from the Congress Benches.*)

This statement, Sir, has been reiterated and again reiterated by all the responsible Statesmen of all the countries who are concerned with us. The answer to the question which Mr. Sarmah asked is that this war is not an imperialistic war but a war for the preservation of civilization.

At a later stage in his speech Mr. Sarmah referred to what he was pleased to call "the starving condition of the people" which he says we may witness in any village in Assam. We dispute that, but even suppose it were the case, I wonder whether he can visualise the starvation which faces Europe this winter on account of Hitlerism? Hitler has overrun the majority of the countries of Europe and the population of those countries are under his heel. His rule has resulted in a shortage of food and there is not, though there should be, enough food to go round. This winter, Sir, numerous dwellers in Europe will be faced with starvation. Let Mr. Deveswar Sarmah consider that well.

Next, Sir, he spoke about democracy. He said, Sir, that we were dupes of democracy. All I can say.....

Srijut DEVESWAR SARMAH: On a point of personal explanation. When I was speaking about dupes of democracy I meant the common class people of Great Britain who are pawns in the game of the capitalists and the plutocrats of whom Mr. Blannerhassett may be one.

Mr. F. W. BLANNERHASSETT: My reply to that is, Sir, that I rejoice in boasting that I am a member of the common class. Mr. Debeswar Sarmah has referred to class distinction. May I point out to him that class distinction has disappeared in Great Britain and that they all stand on one common ground, together in one common cause and they belong to one common class? In any case, Sir, if the common people of England are the dupes of democracy all I can say is that they find that position well worth fighting for and they are willing to go on fighting for it.

I would also like to point out to Mr. Debeswar Sarmah that this country has been and will be again offered Dominion Status at the end of the war. We cannot possibly at this juncture give our attention to the biggest war which has ever been waged in the history of the world as well as to the reconstruction of the Indian Constitution, nor is it right or fair that we should be expected to do so.

Later Mr. Debeswar Sarmah referred to what he was pleased to call "the last war" and he said that all that came out of it was the Treaty of Versailles. I will say that the war he calls the last war is still going on, for the job we undertook was not finished and it is to finish that job that we have undertaken this present task and we hope, in fact we know, that instead of producing an end to it like the Treaty of Versailles, we shall produce from it a treaty based on the brotherhood of man and unity throughout the entire world. A school-boy it was who said that the war he called the "last war" was declared roughly 25 years ago and that since then we have had two minutes' peace per year every eleventh day of November. That, Sir, was called a howler. In fact, it was the truth. It is this unpeaceful peace which we have resolved to terminate at any cost.

Then, Sir, Mr. Debeswar Sarmah raised the question of Europeans joining up. He asked why no more had gone than have and he said that at least 50 per cent. might go. Mr. Whittaker has told us that already 30 per cent. of our European staff have gone. He did not say that no more were going. The point is that at the moment the organization set up for training recruits cannot absorb more men. When it can and when places are available, more will go, upto, who knows—may be 50 per cent., may be 75 per cent. or more. We should all of us like to go on active service. With reference to the European members of this House, it is only fair to say that most of us were either disabled in the war called the last war, or are age-barred, on account of which we cannot go. We wish we could, but our hearts are with those who have gone and we are with them in spirit. I hope this will satisfy Mr. Sarmah on that point.

Then, Sir, he said that we had all refused to take in Indians to replace Europeans who have gone on active service, and that we were not opening our industry to them. I say straight away, Sir, that that is not a correct statement. Lots of us have already taken Indians to replace Europeans and as time passes no doubt more of this will be done.

I do not propose to deal with those other points which Mr. Debeswar Sarmah raised on matters of Indian politics. It would be a needless waste of time to do so. My prime object is that I should endeavour on behalf of my community to put a different aspect of the case from that which Mr. Debeswar Sarmah has presented, and I submit my remarks to him for his most serious consideration.

Srijut GAURIKANTA TALUKDAR: Mr. Speaker, Sir, I intend to contribute only one point on this debate and it is this. Our hon. friends of the European group seem to think that we the Congress people do not feel for Great Britain. I can tell them, Sir, that they are mistaken there and they should not go with that idea. The Congress have always been anxious to help Great Britain as much as it lies in its power and as an evidence of this intention the Congress from the very beginning of this war have declared that they are very unwilling to embarrass the British people in their war and that is why the Congress have refrained from starting mass Civil Disobedience in spite of constant provocations given by the British Government. By taking that attitude of not embarrassing Great Britain, the Congress High Command and Mahatma Gandhi have even incurred great displeasure of a large section of our people. But what has been the result of this friendly attitude of the Congress? Have Great Britain changed their attitude towards the people of India to the slightest extent? No. We have been declared to be a belligerent power without consulting the nation. Even the people of Ireland who live close to British Isles have not joined the war. But we have been made belligerents as soon as the war began on the high sounding ground that it was a war for preserving democracy. We wanted to test the sincerity of this contention and demanded a declaration from the British Government that they would give India democracy which meant nothing else than independence—after the termination of the war. But what do we find? Have the British Government even conceded to this demand? No. My hon. friend Mr. Blennerhassett says that the British Government have offered Dominion Status to India. When the leaders of the Liberal Party have been demanding the Government of Great Britain to make a clear declaration that they will grant Dominion Status to India

of the Statute of Westminster pattern, will Mr. Blannerhassett tell us whether the British Government have responded to it? No. Of course some of their officers have at times been pleased to state that their intention is to give India Dominion Status, but have not been pleased to say when that Status will be conferred and of what quality the Status will be. There they are beautifully vague. Lest they may be deemed to be apathetic towards Great Britain in her own trials and tribulations, the Congress at Poona, went, up to the point of incurring the displeasure of our most revered leader, Mahatma Gandhi and at Poona extended the helping hand of India, even sacrificing the principle of non-violence. But how was that friendly offer treated? It was treated with sheer scorn and contempt. They preferred use of the gun in squeezing out of India of her men and money to accepting the voluntary and friendly co-operation of India in their struggle for existence. And in furtherance of that arrogant policy they have taken all possible steps to gag the people of India from saying what they feel and think in respect of the prosecution of the war. The easiest weapons used are the Ordinances and the Rules framed under them. Even our beloved Pandit Jawarharlal Nehru has not been allowed to remain outside the jail. He has been convicted and sentenced to a monstrous sentence of imprisonment for four years. Is this not the response that Great Britain has made to the demand of the Indian people even in this hour of struggle for her existence? I ask my hon. friend Mr. Blennerhassett to tell us with his hands on his breast whether their Government have responded to the offer which the Congress offered in the spirit in which it was made? Sir, I expect an answer from the European group. We have heard high talks that Great Britain has been prosecuting this War for the preservation of freedom and liberty and for independence of the people of the world. But what are the actual facts? Has not the Secretary of State for India been saying in most unambiguous terms that this war is fought to protect independence and right of self-determination of the different races of Europe? And we have all been convinced that this war is nothing but a struggle between two sets of Imperialist powers to establish their supremacy to dominate over the less powerful and peaceful nations of the world. So they should not say that they have been fighting for the liberty and freedom of mankind. They should be ashamed of saying so. It is a false assertion. It is not even a fight between, and for the benefit of the common people of the two sets of the belligerent nations. The common people are really the dupes of the capitalists and plutocrats of fighting nations who are carrying on the war in their own interest and at the cost and sacrifice of the common people. All these commoners are nothing but slaves at the will of the capitalists who are the real war mongers. Now who is suffering in the front? Who are suffering in the country? Certainly not the so-called patriotic leaders—either of England or of Germany, but the poor people who are either labourers or peasants. It is only these common people who are starving and who are being deprived of their heads and limbs. The capitalists are protecting themselves under some comfortable underground shelters and merrily going on—putting on the common people to untold miseries.

The Hon'ble the SPEAKER: I hope the hon. member will finish.

Srijut GAURIKANTA TALUKDAR: Sir, what we wanted to say is that one must not go with an idea that the Congress refrained from launching Mass Civil Disobedience for fear of suffering and sacrifice. On the contrary he should realise that the Congress did so, with a view not to

embarass the British Government. But the Government have misused this attitude and even scornfully rejected the sincere offer of Congress co-operation. Under these circumstances can any self-respecting Indian co-operate with the Government and help this war after they have been so much insulted and humiliated ? They have been telling our people that the contribution that are being made by some of our people to the war fund is voluntary. The other day in an answer to a question one of the Hon'ble Ministers said that our school boys of 9 or 10 or 11 years of age had voluntarily contributed to the war fund. If so, why don't you give the people the freedom of speech so that they may prove to the world whether these contributions are voluntary or obtained under coercion. I say, we are being compelled to contribute as slaves shall have to obey what the master bids to do.

Babu SHIBENDRA CHANDRA BISWAS : Sir, I rise to oppose this Bill. I must say that the war which the British people are fighting is to preserve democracy in Europe and to tighten imperialism elsewhere. So, though we do not like Fascism or Nazism and though we wish to see British people become victorious in this war, still we cannot take any part in it. If we take part in it it will mean that we are willing to perpetuate our slavery for ever. In this time of international trouble if our status would have been improved, if we could be called partners of the British people, I think every Indian irrespective of caste or creed would not hesitate to join this war. But in these circumstances it is very degrading for the Indians to take part in this war. So I oppose this Bill.

Srijut MAHADEV SARMA : মাননীয় সভাপতি মহোদয়, যি মূলনীতিক ভিত্তি কৰি এই সংশোধনী আইন আমাৰ সভাত উপস্থিত কৰা হৈছে, সেই মূলনীতিৰ মই ঘোৰ বিৰোধিতা কৰোঁ ; আৰু এই বিৰোধিতা কৰাৰ ঘাই কাৰণ দুটা। এটা হৈছে যে ভাৰতবৰ্ষই বৰ্ত্তমানে মহাত্মা গান্ধীৰ নেতৃত্বত জগতত অহিংসাবাদৰ এটা নতুননীতি প্ৰবৰ্ত্তন কৰিব খোজে আৰু সেই অহিংসাবাদৰ দ্বাৰা আজি পৃথিবীত যি ধ্বংসলীলা আৰম্ভ হৈছে সেই ধ্বংসলীলাৰ এটা সমাধান কৰিবলৈ তেখেতে চেষ্টা কৰিছে। ভাৰতীয় কংগ্ৰেচ মহাসভাই মহাত্মা গান্ধীৰ সেই আদৰ্শত অনুপ্ৰাণিত হৈ এই অহিংসাবাদৰ জৰিয়তে পৃথিবীৰ মানুহবিলাকে কেনেকৈ নিজৰ ভিতৰৰ সমগ্ৰ বিৰোধ আৰু বাজ্যালিপ্সা প্ৰভৃতি অন্তিম প্ৰলোভনৰ পৰা হাত এৰাই জগতত সুখেৰে, শান্তিৰে আৰু আনন্দেৰে বাস কৰিব পাৰে, তাৰ এটা পন্থা অবলম্বন—এটা পন্থা উদ্ভাবন কৰি মহাত্মা গান্ধীৰ এই আদৰ্শ জগতত স্থাপন কৰিব পাৰে, তাৰ কাৰণেই মহাত্মা গান্ধীক সমৰ্থন কৰিছে আৰু তেখেতৰ নেতৃত্বত সেই আদৰ্শবাদ গ্ৰহণ কৰাৰ ফলত আমি বৰ্ত্তমানে এই যুদ্ধবিৰোধী মনোভাৱ গ্ৰহণ কৰিবলৈ বাধ্য হৈছোঁ। এই উচ্চ আদৰ্শবাদ এৰি দিলেও, আজি আমাৰ বৃটিছ গভৰ্ণমেণ্টে ভাৰতীয় লোক সকলক যেনেভাবে ব্যৱহাৰ কৰিছে, সেই ব্যৱহাৰে জা গীয়তাবাদী ভাৰতবৰ্ষৰ অন্তৰত বৰ আঘাত কৰিছে। আজিৰ নিচিনা দিনতো, আজিলৈকে ১১০ বছৰৰ শাসনৰ পিচতো ভাৰতীয় লোকসকলক হেঙুলিলাকে এটা জাতিৰ মৰ্য্যাদা দিবলৈ কুণ্ঠিত। বিভিন্ন আৰু সাময়িক কাৰ্য্যপদ্ধতিৰ জৰিয়তে কংগ্ৰেছৰ বোণে ভাৰতীয় লোক সকলে নিজে এটা জাতি

বুলি প্রতিষ্ঠিত কৰিবৰ কাৰণে চেষ্টা কৰিছে। সেইটো কিন্তু বৃটিছ বাজনেতিক সকলে গ্রহণ নকৰিলে আৰু যুদ্ধ ঘোষণাৰ লগে লগে ভাৰতবৰ্ষৰ লোক সকলক তেওঁবিলাকে যুদ্ধৰত জাতি বুলি গ্ৰহণ কৰি যাবতীয় কাৰ্য্য আৰম্ভ কৰাৰ ফলত কংগ্ৰেছ মহাসভাই তাৰ প্ৰতিবাদ স্বৰূপে অতি সামান্যভাৱে এটা দাবী কৰিলে যে ভাৰতীয় লোক সকলে যদি এই যুদ্ধত ধনে প্ৰাণে সহায় কৰিব বা সৈনিক হিচাবে যোগদান কৰিব লাগে তেনেহলে তেওঁবিলাকে এই যুদ্ধৰ বাহিৰে উদ্দেশ্য ঘোষণা কৰক। বৰ ছুখৰ কথা যে বৃটিছ গভৰ্ণমেণ্টে ভাৰতীয় লোক সকলৰ আশাস্বৰূপে কোনো ঘোষণা আজিটলৈকে কৰা নাই। যি সকল লোকে ভাৰতীয় বাজনেতিক পৰিস্থিতিৰ বিভিন্ন স্তৰৰ সম্বন্ধ ৰাখে, তেওঁবিলাকে, কিন্তু কংগ্ৰেছ মহাসভাই এই যুদ্ধবিৰোধী মনোভাবত উপস্থিত হ'বলৈ বাধ্য হৈছে, সেইটো সহজে বুজিব পাৰিছে। আনকি সিদিনা পৰ্য্যন্ত মহাত্মা গান্ধীয়ে অহিংসা ভাৱে প্ৰণোদিত হৈ মাত্ৰ সামান্য freedom of speech মনোভাব প্ৰকাশ কৰিবৰ ক্ষমতা আনিবলৈ গৈ সেই ক্ষমতা যেতিয়া নাপালে, তেতিয়া ভাৰতীয় লোক সকলৰ পক্ষে এটা আত্মমৰ্য্যাদা সম্পন্ন জাতিৰ পক্ষে কোন পন্থা গ্ৰহণ কৰিবলৈ বাধ্য? আমি ভাবিছিলোঁ যে ভাৰতীয় লোক সকলক যদি এটা জাতিৰ মৰ্য্যাদা বৃটিছ গভৰ্ণমেণ্টে দিয়ে আৰু সিবিলাকে যদি প্ৰকৃতপক্ষে তেওঁ-বিলাকক equal partner সম্বন্ধ লোক বুলি জাতিৰ মৰ্য্যাদা দিয়ে, তেতিয়া ভাৰতবৰ্ষই অতি আনন্দেৰে ভাৰতবৰ্ষৰ যথাসৰ্ব্বস্ব যোৱাৰ পিচতো যি বাকী আছে তাকো দিবলৈ প্ৰস্তুত হৈ তেওঁবিলাকক সহায়তা কৰিব; কিন্তু বৃটিছ গভৰ্ণমেণ্টে দিয়াতকৈ নিদিয়াটোহে ভাল বুলি বিবেচনা কৰিলে। মহাত্মা গান্ধীয়ে কৈছে যে এটা well constituted well organised গভৰ্ণমেণ্টে ভাৰতীয় প্ৰজাসকলৰ পৰা তেওঁবিলাকৰ ইচ্ছাৰ বিৰুদ্ধেও হয়তো বা লাখ লাখ টকা হাজাৰ হাজাৰ মানুহ তেওঁবিলাকৰ যুদ্ধৰ নিমিত্তে নিব পাৰে; কিন্তু এই নিধা আৰু এটা জাতিয়ে স্বইচ্ছাই দিয়াটোৰ ভিতৰত আকাশ পাতাল প্ৰভেদ নহয়নে? আজি যদি ভাৰতীয় লোক সকলৰ আশাৰ প্ৰতি দৃষ্টি ৰাখি এই জাতিৰ সম্মান অলপো দিলেহেতেন তেনেহলে আজি এনে সাধাৰণ কথাটোত বিৰোধী মনোভাব প্ৰকাশ কৰিবৰ প্ৰয়োজন নহলহেতেন। বন্ধুত্বভাৱে আগ্ৰহেৰে সৈতে তেওঁবিলাকক যথাসৰ্ব্বস্ব দিও বিপদকালত সহায় কৰিবলৈ আমাৰ ইচ্ছা হ'লহেতেন। কিন্তু এটা জাতিক বিশ্বাসৰ চকুৰে হুঁতুলাই ঘূৰাৰ চকুৰে যেতিয়া চায় তেতিয়া নিজজাতিৰ প্ৰতি নিজৰ প্ৰতি সম্মান থকা এটা জাতিয়ে কোনো কাৰণে কোনো আদৰ্শ কোনো উদ্দেশ্য নোহোৱাকৈ এই যুদ্ধত গৈ সহায়তা কৰিব পাৰে? সেই কাৰণে যি নীতিৰ ওপৰত নিৰ্ভৰ কৰি আজি এই যে প্ৰস্তাৱ কৰা হৈছে যে এই বাবস্থাপৰিষদৰ মেম্বাৰ থাকিও তেওঁবিলাকে যুদ্ধত যোগ দিবলৈ পাৰিব, আমি সেই বিধানৰ বিৰোধিতা কৰোঁ।

দ্বিতীয়, ভাৰতৰক্ষা Defence of India সম্পৰ্কে বহুতে বহুত কথা কৈছে। আমি ভাৰতত কি ৰক্ষা কৰি গাছো? আমি ভাৰতত ৰক্ষা কৰিছো নিজৰ কঙ্কাল! নিজৰ

অস্তিত্ব বক্ষা কৰিবলৈকো আমি অপাৰগ হৈছো। কাৰণ, আজি ১৫০ বছৰীয়া শাসনে যিবিলাক বিধান কৰিছে, সেইবিলাক বিধানৰ পৰা আমি নিতান্ত পঙ্গু হৈ পৰিছো। সৰ্ব্বোপৰি, আমাৰ সাহ-পিত, বল-বুদ্ধি, একো নাই। Arms Act প্ৰণয়ন কৰাৰ ফলত আমাৰ জাতিৰ শৌৰ্য্যবিৰ্য্য যি আছিল সকলো ধংস হৈ গল। আজি কিহেৰে আমি সহায়তা কৰিব লাগে? কাজেই তেওঁবিলাকে যি ভাবে ভাৰতবৰ্ষ শাসন কৰি আমাক যি অৱস্থাত পেলাইছে, সেই অৱস্থাত আমাৰ পক্ষে সহায়তাই বা কি আছে? সেই কাৰণে যদি কোনো স্বদেশ প্ৰেমিক লোকে নিজৰ দেশৰক্ষাৰ কাৰণে যুদ্ধ কৰিবলৈ যায় আৰু আমাৰ ইয়াবলগত সম্পৰ্ক ছেদ কৰি আতৰ হৈ গলে আমাৰ কব লগীয়া একো নাই; কিন্তু ইয়াত সম্পৰ্ক ৰাখি যদি কোনোবাই বৰটোপৰ আগত মৰিবলৈ যায় তেন্তে আমাৰ তাত আপত্তি আছে আৰু আমি তাৰ প্ৰতিবাদ কৰো। শেষত, আমাৰ লগৰীয়া কোনো বন্ধুৱে মুকলৈ বৰটোপৰ আগত মৰিবলৈ আগবাৰি যাওঁতেও আমি অৱশ্যে তেনেকুৱা সন্মতি দি পঠাবলৈ নিতান্ত নাৰাজ—সম্পূৰ্ণ সম্পৰ্ক ছেদ কৰি গলে আনন্দ পাওঁ। সেই কাৰণে ইয়াৰ পৰা কোনো যাবৰ গন কৰিলে সকলো সম্পৰ্ক শেষ কৰি গলেই ভাল।

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, after this heated and full-fledged debate I do not think that I need make a long statement in reply. This motion has been opposed on principle and on merits. To those who opposed this motion on principle I need say little. I am amused to find that this motion has afforded an excellent opportunity to the Opposition to spread anti-war propaganda inside this House. They have indulged in vilifications which I am sure they would not have been allowed to indulge in outside this House. It is no secret that we fundamentally differ in principle (*A Voice*:—Who are 'we'?). There are two sides in this House (*A Voice*:—You don't differ in fundamentals. You are also Indian, we believe). Those who are soaring in the empyrean heights of independence may not see eye to eye with those who believe in British connection. Mr. Fakhruddin Ali Ahmed was pleased to ridicule us as slaves, but Mr. Debeswar Sarmah has corrected to say that we are all slaves and that there can be no discrimination in the hierarchy of slaves.

Mr. FAKHRUDDIN ALI AHMED: On a point of personal explanation, Sir. I never said that only my Hon. friend was a slave. I said all of us, including myself, were slaves.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: So, as we respect the views of the Opposition in this matter we hope they will also have due regard for our views.

On the merits, Mr. Fakhruddin Ali Ahmed wanted to know whether the members who are called up for service will forego their salaries as members of this Legislature. I cannot conceive that gentlemen who are offering their lives as a sacrifice for the country would condition to accept salary from this House. If any assurance is needed, I can assure him that the members of the European Group at least will not think of drawing their salaries if they are called up for service. They will surely join after resigning their seats. As an example, I can cite the case of Mr. Munday who has already resigned his seat in the Assam Legislative Council.

Babu RABINDRA NATH ADITYA : On a point of information, Sir. What authority has the Hon'ble Minister got to give assurance on behalf of the European Group ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : As I said before, this legislation is a permissive legislation. It is an enabling legislation for those only who are willing to help in the prosecution of the war and to do their duties. It does not mean that all the members of the House or the majority of them are going to be called up for service or aid in the prosecution of the war. It is a legislation enabling those who have already joined in for service to seek re-election. It is only with this object in view that this Bill has been introduced. I think, I need not say anything more. I leave it to the House to give their full consideration to what I have said, and to lend their support to this motion.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : On a point of information, Sir. May I know if any of the Cabinet Ministers are going to join this War ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : No, Sir. There is no such proposal now.

The Hon'ble the SPEAKER : The question is :

"That the Assam Provincial Legislature (Removal of Disqualifications Amendment) Bill, 1940" be taken into consideration.

The Assembly divided.

Ayes—51—(contd.)

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| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 16. Maulana Abdul Hamid Khan. |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 17. Khan Bahadur Hazi Abdul Majid Chaudhury. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 18. Maulavi Abdur Rahman. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravatty. | 19. Maulavi Syed Abdur Rouf. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 20. Maulavi Md. Abdus Salam. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 21. Maulavi Dewan Muhammad Ahbab Chaudhury. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 22. Maulavi Muhammad Amjad Ali. |
| 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. | 23. Maulavi Badaruddin Ahmed. |
| 9. The Hon'ble Miss Mavis Dunn. | 24. Maulavi Ghyasuddin Ahmed. |
| 10. The Hon'ble Srijut Rupnath Brahma. | 25. Maulavi Jahanuddin Ahmed. |
| 11. Srijut Jogendra Narayan Mandal. | 26. Khan Bahadur Maulavi Keramat Ali. |
| 12. Srijut Joges Chandra Gohain. | 27. Maulavi Muhammad Maqbul Hussain Chaudhury. |
| 13. Babu Kalachand Roy. | 28. Khan Bahadur Maulavi Mufizur Rahman. |
| 14. Maulavi Abdul Aziz. | 29. Maulavi Namwar Ali Barbhuiya. |
| 15. Maulavi Abdul Bari Chaudhury. | 30. Maulavi Naziruddin Ahmed. |
| | 31. Mr. A. F. Bendall. |
| | 32. Mr. F. W. Blennerhassett. |
| | 33. Mr. N. Dawson. |
| | 34. Mr. W. R. Faull. |

Ayes—51—(concl'd.)

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| 35. Mr. E. B. Sim. | 44. Srijut Dhirsingh Deuri. |
| 36. Mr. P. Trinkle. | 45. Rev. L. Gatphoh. |
| 37. Mr. C. W. Morley. | 46. Mr. C. Goldsmith. |
| 38. Mr. R. A. Palmer. | 47. Maulavi Sheikh Osman Ali Sadagar. |
| 39. Mr. A. Whittaker. | 48. Rev. J. J. M. Nichols-Roy. |
| 40. Mr. Benjamin Ch. Momin. | 49. Srijut Karka Dalay Miri. |
| 41. Srijut Bhairab Chandra Das. | 50. Srijut Khorsing Terang. |
| 42. Srijut Bideshi Pan Tanti. | 51. Srijut Rabi Chandra Kachari. |
| 43. Srijut Binode Kumar J. Sarwan. | |

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

The motion was adopted.

The Assam Maternity Benefit Bill, 1940

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Mr. Speaker, Sir, I beg to introduce the Assam Maternity Benefit Bill, 1940.
(After a pause)

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, I beg to move that the Bill be referred to a select committee consisting of the following members:—

1. Khan Bahadur Maulavi Keramat Ali,
2. Mr. A. Whittaker,

3. Srijut Bhairab Chandra Das,
4. Mr. A. F. Bendall,
5. Srijut Jadav Prasad Chaliha
6. Mr. Arun Kumar Chanda,
7. Babu Sanat Kumar Ahir,
8. Mr. Baidyanath Mookerjee, and
9. The mover, (*i.e.*, the Hon'ble Minister-in-charge of Labour).

Four members to form the quorum.

Sir, the other day in dealing with Mr. Chanda's Bill I explained the reason why we were introducing this Bill, and therefore I need not repeat it now.

The Hon'ble the SPEAKER : Motion moved :

“ That the Assam Maternity Benefit Bill, 1940, be referred to a Select Committee consisting of the following members :—

1. Khan Bahadur Maulavi Keramat Ali,
2. Mr. A. Whittaker,
3. Srijut Bhairab Chandra Das,
4. Mr. A. F. Bendall,
5. Srijut Jadav Prasad Chaliha,
6. Mr. Arun Kumar Chanda,
7. Babu Sanat Kumar Ahir,
8. Mr. Baidyanath Mookerjee, and
9. The mover (*i.e.*, the Hon'ble Minister-in-charge of Labour).

Four members to form the quorum ”.

Mr. ARUN KUMAR CHANDA : Mr. Speaker, Sir, on the last occasion when this Bill came up before the House, I assured my Hon'ble friends that I would make the opinion of my party known to day in respect of the objections taken by the Government of India to my Bill. In view of the assurance that Government of India have undertaken to initiate legislation to confer maternity benefit upon labour employed in mines and oilfields, etc., my party has advised me to withdraw my Bill. Therefore, it is a matter of academic interest whether the Bill in the form in which I brought it up before the House is in the competence of the law-making powers of this House. On the last day, the Hon'ble Speaker was also pleased to throw out a hint that in the circumstances that had arisen, matters would be very much simplified if I withdrew my Bill. Well, Sir, I have no desire to complicate matters in this House. It would be squeamish on my part if I were to hang on to my Bill for the sake of priority in legislation. My whole object is to secure some benefit for a class of women who have so far been neglected and exploited at the same time. In this connexion, I may remind the House that this is indeed a very belated piece of legislation. Bombay moved in this matter so far back as 1929. Since then, most of the provinces have followed up. Even Indian States have not lagged behind ; but it is a matter of shame that Assam which employs such a large number of female labour and depends upon it for its prosperity should not have turned its attention to this matter earlier. I think, therefore, this is a very happy occasion that the Assam Government has at long last moved in this direction. Anyone who has been inside a tea garden and has seen the rickety children roaming about must have been impressed with the need

for arranging for an adequate measure of care and nourishment for their mothers. It is very sad to contemplate that the society as we have constituted it still makes it necessary for women to drudge for their bread at a very critical stage in their lives. It behoves us therefore to afford them some relief as will help them to bear their burden with greater ease. The result of this will be reaped as much by the employers as employees. As the Bill is going to a Select Committee and I have been offered a seat on it, I shall have ample opportunity, then, to air my own views in the matter and vent my feelings. I do not, therefore, go into the details of the Bill and satisfy myself for the present with lending my support to the principles involved in this Bill.

Babu SANAT KUMAR AHIR: মাননীয় সভাপতি মহাশয়, Maternity Billএর সমালোচনা করিতে গিয়া দুই-চারিটা কথা বলিতেছি। গর্ভপূর্ণমেন্ট পক্ষ হইতে উপস্থাপিত বিলে দৈনিক আয়ের তিন মাসের গড়পড়তা হিসাবে সাহায্য দিবার কথা বলা হইয়াছে। কিন্তু এই গড়পড়তা ঠিক নয়, কারণ সকল দৈনিক আয় সমান নয় আর বৎসরের সব সময় আয়ের পরিমাণ ও সমান থাকেনা; আর যদি তিন মাস আগে কেহ অসুস্থ হইয়া থাকে তা হইলে, তাহার আয়ের পরিমাণ ঠিক করা কঠিন হইবে। সুতরাং এই ব্যবস্থা ঠিক হইতে পারেনা। অনেকগুলি ভারতীয় চা-বাগানে মজুর মেয়েদের এসময় অতিরিক্ত খরচের জন্য ৬ টাকা হারে দৈনিক আয় যাহা তাহাই দিয়া থাকে। আরও তাহার উপর দুধ ও অন্যান্য ডাল্জারি সাহায্য যেমন অনেক সময় রোগীর অবস্থা খারাপ থাকিলে বাগানের খরচায় তাহাকে সরকারী হাসপাতালে রাখিয়া চিকিৎসা করানো হয়, গর্ভপূর্ণমেন্টের এই বিলে তাহাদিগকে আনুসঙ্গিক খরচের জন্য অতিরিক্ত টাকা, দুধ, পথ্যাদিও আবশ্যিক স্থলে সরকারী হাসপাতালে রাখিয়া চিকিৎসার ব্যবস্থা করা কর্তব্য। বিলের এক স্থানে বলা হইয়াছে যে ৯ মাস কাল বাগানে না থাকিলে কোন রমণীকে এই বিলের সুযোগ দেওয়া হইবেনা। সুতরাং এই ৯ মাসের মধ্যে, অর্থাৎ গর্ভবতী হওয়ার পরেই যাহাতে কোন নারী শ্রমিককে বাগান হইতে তাড়াইয়া দেওয়া না হয় তাহার ব্যবস্থা এই বিলে করিতে হইবে। এই ৯ মাসের মধ্যে যদি গর্ভবতী স্ত্রীলোক দুই এক মাসের জন্য আঙ্গীয় কুটুম্বালয়ে যায় তাহাও যেন বাদ দেওয়া না হয়।

প্রত্যেক বাগানে শিক্ষিতা ধাত্রী রাখিবার জন্য ব্যবস্থা যাহাতে বাধ্যতামূলক হয় তাহারও এই বিলে ব্যবস্থা করিতে হইবে। যখন কোন মেয়েকে গর্ভবতী বলিয়া জানিবে তখন হইতেই তাহাকে কাজের জন্য বেশী চাপ দিতে পারিবেনা তাহার ইচ্ছামত কাজ করিবার সুযোগ দিতে হইবে।

১২ সপ্তাহ পর্যন্ত তাহাকে এই বিলে প্রস্থাবিত সাহায্য দিতে হইবে। বিল সম্বন্ধে মোটামুটি এই কয়টি কথা সঙ্ক্ষেপে বলিলাম। আশাকরি সিলেকট কমিটির বৈঠকে এসমস্ত দোষত্রুটি সংশোধনের ব্যবস্থা হইবে।

Mr. C. GOLDSMITH: Sir, May I request that one member for Labour from the Lower Assam Valley *viz.* Mr. Sarwan be added to the list of members in the Committee as this Bill mainly pertains to tea gardens and labour?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: Sir, with regard to the number of members of the Select Committee, it was our original intention to limit the number to 7. I did not think it advisable to have an unwieldy Committee, and therefore I suggested that 4 members should be taken from the Government side and 3 from the Opposition and I asked the Leader of the Opposition for names of three members. He pointed out to me that it would be advantageous to have 4 from the Opposition and 5 from the Government side. I agreed to that and accordingly formed a list of 9 members. If we go on increasing the number, there is the danger of its becoming too unwieldy. If the House so desires we can reconsider about the number.

The Hon'ble the SPEAKER: When the principle is settled that the Bill should be referred to a Select Committee, the Member-in-charge should consult the Party Leader and take the names. I have no reason to think that principle was not followed in this case.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It has been followed, Sir.

The Hon'ble the SPEAKER: So I would request the hon. members not to make suggestions that this or that particular member should be taken into the Committee when that principle has been accepted. If any suggestion is to be made by any member, then that suggestion should be made to the Party Leader and that Leader should take up the question. So I would say that, when the principle of consulting the Party Leader is accepted, I think it would be improper to suggest new names on the floor of the House.

Srijut OMEO KUMAR DAS: Sir, I will be failing in my duty if I do not rise on this occasion to express my views on the Bill having been interested in the welfare of labour. I have to thank the Hon'ble Minister for having brought this Bill. In the Statement of Objects and Reasons he has admitted that Acts have been passed by several provinces for this purpose. Bombay took a lead in the matter in the year 1929 and the Central Provinces in 1930 and it was the Central Legislative Assembly which threw down such legislation in 1925, just a year before my Hon'ble friend Mr. Abdul Matin Chaudhuri entered it. We know that, even before this Bill was introduced here in some establishment the practice of conferring maternity benefits already exist and tribute must be paid to those establishments for having devoted their attention for the well being of their labour forces. In spite of this, there should be legislative provision for the grant of maternity benefits to the women employed. I do not attach any importance to the argument that compulsion in the matter will make the employers to reduce the benefits voluntarily conferred to the minimum fixed by law. Pioneers in the field of welfare of workers are not deterred by the enactments, compelling others to follow them.

Now coming to the provisions of the Bill itself, the first provision I would comment upon, is sub-clause (1) of clause 3 which runs "no employer shall knowingly employ a woman in any employment during the four weeks immediately following the day of her delivery". This and sub-clause (2), cover almost same ground. One should indicate the four weeks preceding the day of delivery.

Again in clause (1) 4 I cannot understand the portion "subject to the provisions of this Act, a woman shall not be required to work under an unemployed."

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI: It is a printing mistake.

Srijut OMEO KUMAR DAS : Then again in clause 4, sub-clause (2), there is a provision for alternative benefits. I have to suggest that this provision may lead to difficulties. There are benefits of great importance which the worker is unable to secure for herself, such as housing, adequate sanitation, medical attention, educational facilities, etc., and the whole scheme of alternative benefits may defeat the purpose of the Bill itself. A working woman may be deprived of the money benefit she is entitled to by the grant of these benefits. Though final control in this matter rests with the Provincial Government, still this will lead to difficulties in future, and I have to suggest deletion of this clause. It is advisable to remember that there is danger in giving to welfare what should go to money benefit.

Again regarding the provision in the second proviso to clause 4(2), qualifying period of nine months excludes from the scheme those women labourers who might be recruited from other provinces and who after arrival might undergo confinement. The Royal Commission on Labour noted in their report that the qualifying period required for other industries could be safely dispensed with in the case of plantation labour. Supposing such a woman arrives six months before her confinement being recruited from her home district she will be excluded from the benefits under this legislation.

Again, clause 5, regarding procedure of payment of maternity benefit may lead to difficulties. It prescribes the production of a certificate signed by a registered medical practitioner certifying that a woman is expected to be confined within four weeks, etc. There are in some establishments unqualified medical practitioners though they may be nominated under this enactment as registered medical practitioners by the employer with the approval of the Inspector; this also may lead to abuse. Then as regards Inspectors, I like to suggest that the Women Inspectors who are qualified in medicines and trained in welfare work should be appointed. If this matter of inspection is placed as is usually done through the Factory Inspector and the Deputy Commissioner, then the object of the whole Bill may be frustrated because these officers are over-burdened with other duties and their work may be superficial. Official supervision of health and welfare of the labouring population in various industries were noted by the Royal Commission on Labour to be unsatisfactory in Assam. With these few criticisms, I support the Bill.

Mr. N. DAWSON : Mr. Speaker, Sir, I just want to mention one or two points, which have been brought forward by the hon. member who has just spoken. He expressed the fear that gardens which are already paying benefit in excess of what may be provided under this Bill may be tempted to reduce it. I am sure, Mr. Speaker, that this fear is entirely groundless. I cannot visualise a Manager of any tea garden being so petty as to reduce benefit already bestowed on his labourer. (*Hear, hear*).

One other point he has brought forward is about women recently recruited into Assam. So far as the tea industry is concerned, it agrees that women newly imported into Assam should be included and that during their first year of importation they should qualify for benefit even though they have not completed nine months work.

That is all I have to say, Mr. Speaker.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Mr. Speaker, Sir, I have got very little to add. I am very thankful to Mr. A. K. Chanda for the attitude which he has taken with regard to this Bill and for his willingness to serve in the Committee. Indeed I am thankful for the co-operation he has offered. We all have common object in view of giving maternity benefit to women labour in Assam and in the Select

Committee, by our general endeavour, we will try to do so. Babu Sanat Kumar Ahir and Srijut Omeo Kumar Das have raised certain points and I am sure that these points will receive due consideration when they will come up before the Select Committee.

The Hon'ble the SPEAKER : The question is :

"That the Assam Maternity Benefit Bill, 1940 be referred to Select Committee consisting of the following members :—

1. Khan Bahadur Maulavi Keramat Ali,
2. Mr. A. Whittaker,
3. Srijut Bhairab Chandra Das,
4. Mr. A. F. Bendall,
5. Srijut Jadav Prasad Chaliha,
6. Mr. Arun Kumar Chanda,
7. Babu Sanat Kumar Ahir,
8. Mr. Baidyanath Mookerjee, and
9. The mover (*i.e.*, the Hon'ble Minister-in-charge of Labour).

Four members to form the quorum."

The motion was adopted

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

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

(After a pause)

Sir, I beg to move that the Assam Deputy President's Salary (Amendment) Bill, 1940 be taken into consideration.

Mr. Speaker, Sir, this Bill has been brought forward with a view to remove the cloud that has been thrown that the Deputy President cannot draw member's salary as a salary of Re 1 has been fixed by an Act. In order to remove that doubt this Bill has been introduced. It also seeks to give power to Government to frame rules for fixing travelling allowance whenever the Deputy President goes out on public duty.

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

I take it that there is not going to be any debate on this. Now I put the questions.

The question is :

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

The motion was adopted.

Now with respect to the question of tabling the amendments to these three Bills, *viz.* (1). The Assam Motor Vehicles Taxation (Amendment) Bill,

1940.

ASSAM DEPUTY PRESIDENT'S SALARY
(AMENDMENT) BILL, 1940

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(2) the Assam Provincial Legislature (Removal of Disqualifications Amendment) Bill, 1940, and (3) the Assam Deputy President's Salary (Amendment) Bill, 1940, notices of all Amendments should be given before 3 p.m., to-morrow. This is the last date to table amendments to these Bills.

ADJOURNMENT

The Assembly was then adjourned till 2 p.m. on Friday, the 15th November, 1940.

Shillong:

The 14th December, 1940.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.