

1001

1001

Handwritten text at the top of the page, possibly a title or header.

Main body of handwritten text, appearing as a list or series of entries.

Handwritten signature or initials at the bottom center of the page.

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 Saturday, the 16th November, 1940

Present

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten Hon'ble Ministers and 91 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

Procedure re: posting of officers

Maulavi ABDUR RAHMAN asked :

*80. Will Government be pleased to state—

- (a) Whether before the posting of any officer of any Department to a particular place, the fact as to whether he has many relations there, is ascertained ?
- (b) If not, do Government propose to inquire into this in near future ?
- (c) Whether Government is aware that no officer of the Bengal Civil Service (Judicial) is kept in any one District for more than 3 years ?
- (d) Whether Government propose to formulate any such rule for Assam ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

80. (a)—In the case of provincial services, Government take any facts of the kind suggested into consideration. The question, however, is very wide in its scope, and it could be impossible, for instance, to avoid posting a clerk in a place where he has relations.

(b)—Government are prepared to examine any specific case.

(c)—This Government have no precise knowledge of the rules and instructions in force for that service, but this may be the fact.

(d)—It is considered undesirable to frame rigid rules on the point, but in a number of services there are standing orders restricting the ordinary duration of a particular posting according to circumstances and the general principle is well understood.

Maulavi ABDUR RAHMAN: Sir, do not Government realise the difficulty that if any higher officer be posted in a particular place where he has got relations, he will be faced with certain inconveniences ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, Sir, Government realise the difficulty and therefore I have said in the reply that in the case of provincial services, Government take all these facts of the kind suggested into consideration. If he is posted to any particular place where he has got relations, he will be put to trouble and thereby his official career may also be embarrassed.

Maulavi ABDUR RAHMAN: Is it not a fact that in the Budget session of 1938, in reply to a motion moved by Maulavi Amjad Ali, Government committed that in the cases of Provincial Officers except the Ministerial Officers, this fact will be considered?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes Sir, that is the ordinary rule.

Number of vacancies in the Forest Department and number filled up by Muslims from April to September 1940

Maulavi ABDUR RAHMAN asked :

- *81. Will Government be pleased to state—
- The number of vacancies occurred in the Forest Department from April 1940 to September 1940 in all its branches?
 - How many of these vacancies have been filled up by Muslims?
 - Whether these posts were advertised giving preference to Muslims?

The Hon'ble Srijut RUPNATH BRAHMA replied :

81. (a)—13 vacancies for 9 foresters and 4 clerks, two in the permanent and two in the temporary Establishment, occurred in this Department during the period from April 1940 to September 1940.

(b)—5 vacancies were filled up by Muslims.

(c)—These posts were advertised giving preference to Muslims and other under-represented communities of the Department.

Maulavi ABDUR RAHMAN: Is it not a fact that during the last Budget session, Government was pleased to commit in reply to certain questions put by me that Muslims are under-represented in many branches of the Forest Department?

The Hon'ble Srijut RUPNATH BRAHMA: In no way the cases of the Muslims are going to be neglected. All the appointments are made on the basis of communal representation.

Maulavi ABDUR RAHMAN: Is it not a fact that during the last few months, we saw in the Gazette notification that preference was not given to the Muslims? The first preference was given to non-Muslims?

The Hon'ble Srijut RUPNATH BRAHMA: All the appointments are made on the basis of communal representation and the Muslims will have their due share.

Maulavi ABDUR RAHMAN: Is it a fact that the assurances which are given on the floor of this House by the Hon'ble Minister are not communicated to the departmental authority—that Mussalmans should be given due representation where they are still under-represented?

The Hon'ble Srijut RUPNATH BRAHMA: Government is quite prepared to give due consideration to their case where they are still under-represented.

Maulavi ABDUR RAHMAN: May I know whether the wish of the Government are communicated to Departmental Heads?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, this is generally done.

Maulavi ABDUR RAHMAN : So far as my information goes, no such communication has been made to the Departmental Heads that the Muslims should be given preference in the branches where they are still under-represented. If this is not done up till now, then I want to know whether Government are prepared to do that now.

The Hon'ble Srijut RUPNATH BRAHMA : Yes Sir, Government are prepared to do that if that has not been done.

Resolution adopted at a meeting of the Naduar Raiyot Sava re : eviction from, and encroachment of, different grazing reserves, by immigrants

Srijut MAHADEV SARMA asked :

*82. Will Government be pleased to state—

- (a) Whether the Hon'ble Revenue Minister has received a letter, forwarding a resolution adopted at a meeting of the "Naduar Raiyot Sava" held on the 19th May 1940, from its Secretary with his letter No.292, dated the 25th May 1940 ?
- (b) Whether it is a fact that Government has not as yet acknowledged receipt of the said letter ?
- (c) Whether it is a fact that the public of Naduar with that of Chheyduar, has represented their grievance about encroachment of different grazing reserves by the immigrants to the Hon'ble Premier while he was on tour in May last ?
- (d) Whether it is a fact that prior to the Hon'ble Premier's tour to the affected areas, the Deputy Commissioner, Darrang, has personally enquired into these encroachments ?
- (e) If it is a fact that the Deputy Commissioner met the public at a meeting, in the Biswanath Inspection Bungalow and assured the public that he will redress the grievances and evict the encroachers very soon ?
- (f) If so, what steps, if any, has since been taken by the local authorities ?
- (g) Whether Government have received a copy of a resolution adopted at a special meeting of "Naduar Raiyot Sava" held on the 25th October 1940, alleging that not to speak of eviction from the grazing reserves, further batches of immigrants are occupying these reserves recently, particularly in the Bhojmari, Shoaguri, Karaiyani, Kalakata and Twaripul grazing reserves ?

*83. (a) Will Government be pleased to state whether any action has been taken against the encroachers of Konmarakhati and other grazing reserves in view of the latest Government resolution about ' Line System ' ?

(b) If so, what are those ?

(c) if not, why not ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

82. (a)—Yes.

(b)—Government cannot issue replies to each of the innumerable resolutions that reach them from various sources.

(c)—Yes.

(d)—Yes.

(e)—The Deputy Commissioner during his tour discussed the question with local people.

(f)—Since the events referred to in the previous sub-questions Government issued their resolution (after a conference in Shillong), dated 21st June 1940 on the Line System, and District Officers will deal with this and similar cases on the lines there laid down.

(g)—Yes.

83. (a) to (c)—No report has been submitted by the local officers and it is presumed that necessary action is being taken.

Srijut MAHADEV SARMA: Is it a fact that the Deputy Commissioner has ordered the eviction of certain people from Konmarakhati grazing reserve after the Hon'ble Premier visited the place?

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

Srijut MAHADEV SARMA: Sir, may I ask your favour to allow me to discuss this question under rule 40 because this matter is of urgent and immediate importance to our locality and this refers to encroachment of several grazing reserves of that locality and I don't think that I can be satisfied only with a few supplementary questions? Therefore I want to discuss this matter under rule 40 with your kind permission.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: May I inform the hon. member that owing to the shortness of time at our disposal, we have not been able to call for any information regarding the allegation made by the "Raiyot Sava" and if the hon. member so desires, the information will be called for and necessary steps will be taken.

Srijut MAHADEV SARMA: Similar assurances have always been given in this House in the past, but no steps have yet been taken to stop encroachments in those grazing reserves. It may have received your attention that this is not a new question that we have brought in this House. So it will be for Government to say that adequate steps will immediately be taken so that no further encroachments will occur. I can say in reply that on 25th October last there was a meeting held on one of the reserves and I went there personally and saw that new encroachments have been done there in numbers and therefore the people are in agitation. That is the reason why I drew the attention of the Government to take steps and that is the reason why I want your permission to allow me to discuss this matter under rule 40.

The Hon'ble the SPEAKER: I should ask the hon. member to consider whether he has not been satisfied by the answer just now given by the Hon'ble Minister.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I can assure the hon. member that to prevent new encroachment all necessary steps will be immediately taken.

Srijut MAHADEV SARMA: If immediate action is taken I have no objection, and I do not press for discussion.

Names of printing presses in Assam and elsewhere with whom Government orders have, this year, been placed

Mr. ARUN KUMAR CHANDA asked :

*84. Will Government be pleased to state—

- (a) The names of printing presses in Assam and elsewhere with whom Government orders have, this year, been placed ?
- (b) If any contracts have been entered into ?
- (c) If so, who are the contracting parties and what is the contract period in each case ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

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

Statement referred to in reply to starred question No.84(a) asked by Mr. Arun Kumar Chanda

-
1. Messrs. Lal Chand and Sons, Calcutta.
 2. The Sakti Press, Sylhet.
 3. Paridarsak Printing Office, Sylhet.
 4. The Sarada Printing and Publishing Ltd., Sylhet.
 5. Dinanath Press, Sylhet.
 6. The Langla Press, Kulaura, Sylhet.
 7. The Nepali Press, Shillong.
 8. Jayanti Art Press, Gauhati.
 9. Sailendra Printing Works, Tezpur.
 10. The Borooh Press, Dibrugarh.

(b)—Yes.

(c)—The contracting parties are the Governor of Assam of the one part and the presses referred to in reply to question 84(a) of the other part. The period of contract is three years from 1st April 1940 in each case.

Mr. ARUN KUMAR CHANDA: May I know if the Janasakti Press of Sylhet and the Jayanti Press and the Aryan Press of Silchar also submitted tender for these contracts ?

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

Mr. ARUN KUMAR CHANDA: Why the claims of certain presses of this province were ignored, Sir ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I cannot say off-hand why the tender of any particular press was not accepted. I want notice of that.

Babu HARENDRA NARAYAN CHAUDHURI: When this particular question was put the Hon'ble Minister is supposed to come prepared with his file.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The question was put only to get the names of the presses with whom Government orders have been placed. I was not asked as to why a particular press was not given the contract.

Mr. ARUN KUMAR CHANDA: Should not the Hon'ble Minister be intelligent enough to anticipate the trend of supplementary questions that might be put in connection with a particular question, Sir?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I was not even asked to give the list of presses which submitted tender.

The Hon'ble the SPEAKER: Yesterday I brought to the notice of the hon. members that supplementary questions are not to be put for the purpose of criticising the action of Government. They should be put only for the purpose of eliciting information.

Maulavi ABDUR RAHMAN: From the list I find that none of the presses from Habiganj has been given any contract. May I know whether the Hon'ble Minister has knowledge of the existence of four presses in Habiganj which are financially well off and fully well equipped?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I cannot say off-hand whether any press from Habiganj submitted any tender or not.

Maulavi ABDUR RAHMAN: I know that as many as three presses submitted tenders.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It may possibly be so.

Maulavi ABDUR RAHMAN: If the Habiganj people come with tenders, will some consideration be given to them?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I can only say that Habiganj will not be excluded from Government's consideration.

Srijut RAJENDRA NATH BARUA: May I know whether any Assamese press has been given any contract?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, the Jayanti Art Press, the Barua press and, I think, Sailendra Printing Works—these are all Assamese presses. (*A voice*:—Not the Sailendra Printing Works.)

Mr. BAIDYANATH MOOKERJEE: May I know the reason why a contract was made with a Calcutta Firm while there are so many well-equipped presses in the province?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The Calcutta Firm gave very low tender and it would have been an additional burden on the Government to reject their tender altogether. There was a vast difference between the tenders given by the Calcutta Firm and the local presses.

Mr. BAIDYANATH MOOKERJEE: Are we to understand that in all cases only the lowest tenders are accepted?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Certainly not. In all cases it was not done, but sufficient quantity was given to the press outside in order to save the expenditure of Government.

Srijut GAURI KANTA TALUKDAR: Did the New Press, Gauhati give any tender ?

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

Babu DAKSHINA RANJAN GUPTA CHAUDHURY: May I know the name of the proprietor of the Jayanti Art Press ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not know the name of the proprietor.

Srijut PURNA CHANDRA SARMA: If economy was the consideration then why all the contracts were not given to the Calcutta Firms ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Because I wanted to encourage the local presses wherever possible by incurring less expenditure.

Mr. BAIDYANATH MOOKERJEE: Was it favouritism or something else ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Absolutely not.

Scheme of the proposed Assam University

Mr. BAIDYANATH MOOKERJEE asked :

*85. Will Government be pleased to state the approximate time by which the scheme of the proposed Assam University is expected to be ready ?

*86. Will Government be pleased to state if a separate curriculum of studies has been or is being recommended for women ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

85.—A rough scheme of the proposed University of Assam has already been prepared, but it is subject to revision in certain details.

86.—The preparation of curriculum of studies is a matter for expert bodies to be set up under the provisions of the Assam University Act.

Mr. BAIDYANATH MOOKERJEE: I think my question was not properly answered.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Whether there should be a separate curriculum for women or not—will be considered hereafter.

Mr. BAIDYANATH MOOKERJEE: But the scheme has already been prepared. What is the present state ?

The Hon'ble the SPEAKER: This question relates to a particular point in the scheme—it relates to the question of curriculum and the answer is, "the preparation of curriculum of studies is a matter for expert bodies to be set up under the provisions of the Act".

Total income realised up to date from Agricultural Income-tax for the assessment year 1939-40

Mr. BAIDYANATH MOOKERJEE asked :

*87. Will Government be pleased to state—

- (a) The total income realised up to date from Agricultural Income-tax, for the assessment year 1939-40 ?
- (b) How much of the above was collected before 1st April 1940 ?
- (c) Whether the full demand of the said Income-tax for 1939-40 has since been collected ?
- (d) If not, what is the balance still outstanding ?
- (e) The total amount of Agricultural Income-tax demanded from the Tea Concerns during the said year ?
- (f) The total amount of the said tax demanded from (i) Zemindars and (ii) from agriculturists during the said year ?
- (g) The total number of Tea assessees for the said Income-tax for 1939-40 assessment ?
- (h) The total number of non-tea assessees for the same for 1939-40 assessment ?
- (i) The total number of non-tea assessees for the same excluding Zemindars who were assessed in 1939-40 assessment ?

*88. Will Government be pleased to state—

- (a) The total expenditure incurred up to date for administration and collection of Agricultural Income-tax in respect of 1939-40 assessment including Appellate Assistant Commissioner's pay and establishment ?
- (b) What was the actual amount spent up to date for the pay and establishment of the Appellate Assistant Commissioner of Agricultural Income-tax ?
- (c) The date of appointment of the present Appellate Assistant Commissioner of Agricultural Income-tax and the period for which he has been appointed ?
- (d) The total number of appeals filed up to date in respect of assessments for 1939-40 ?
- (e) How many appeals have been filed up to date from the tea concerns, Zemindars and agriculturists for the assessment year 1939-40 ? (To be shown separately district by district).
- (f) How many appeals have up to date been heard by the said Appellate Assistant Commissioner ?
- (g) The total number of days, the Appellate Assistant Commissioner was on tour since his appointment ?
- (h) The average number of appeals that an Appellate Assistant Commissioner under the Central Government is expected to deal with, per working day ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

87.(a)—Rs.9,22,348.

(b)—Rs.80,943.

(c)—No.

(d)—Rs.1,68,575.

(e)—Rs.10,45,589.

(f)—From Zemindars Rs.44,961. From Agriculturists Rs.373.

(g)—448.

(h)—109.

(i)—14.

88.(a)—Rs.18,326-13-0.

(b)—Pay of officer—Rs.8,784-8-0.

Pay of Establishment—Rs.1,197-12-0.

(c)—8th February 1940. For one year.

(d)—28.

(e)—District	Tea concern	Zemindars	Agriculturists.
Sylhet	2	9*	...
Nowgong	3	...	...
Darrang	8	...	...
Kamrup	1	...	...
Goalpara	...	5	...
Total	14	14	...

*Includes 2 from Karimganj subdivision which is in Silchar circle.

(f)—All.

(g)—14 working days.

(h)—6.

Mr. BAIDYANATH MOOKERJEE: In regard to (h), may I know what was the reason that in our case the average number was 2? Twenty-eight appeals were filed, but the number of appeals heard was 6. May we have the reason?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Assistant Agricultural Income-tax Officer is not merely an appellate authority to hear appeals. He is also the Secretary of the Board of Agricultural Income-tax. He is also the Special Officer who is very busy. He has three different functions to perform.

Mr. BAIDYANATH MOOKERJEE: Are we to understand that when he goes out of Shillong to hear appeals he does other works?

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

Mr. FAKHRUDDIN ALI AHMED: Is the Hon'ble Premier now satisfied that the incidence of the tax does not fall on the poor agriculturists?

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

The Hon'ble the SPEAKER: It does not arise; but the hon. member is referring to something else.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then I will meet him somewhere else. The Hon'ble Speaker says that it does not arise but that the hon. member is referring to something else. I will then meet him somewhere else.

Mr. BAIDYANATH MOOKERJEE: May I know why an officer who is drawing allowance should be allowed to do the work which he can easily do while at headquarters ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It was for the convenience of the appellants that appeals were heard in their localities.

Minimum expenditure required to complete the project for Medical Instruction at Sylhet

Mr. BAIDYNATH MOOKERJEE asked :

*89. Will Government be pleased to state—

(a) What is the minimum outlay of expenditure, capital and recurring, required to complete the project for Medical Instruction at Sylhet ?

(b) How much of this expenditure is immediately necessary ?

(c) Whether this expenditure could not be met out of the money realised from the Agricultural Income-tax ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRABARTY replied :

89. (a)—*Recurring-staff and contingencies—*

					Rs.	Rs.
First year	...	...	...	...	25,050	...
Second year	...	...	...	...	27,610	2,560
Third year	...	...	...	...	51,811	24,201
Fourth year	...	...	...	...	53,694	1,883
<i>Non-recurring—</i>						
Equipment	...	...	...	...	41,704	...
Buildings	...	...	...	...	4,67,033	...
(as per estimates made in 1937).						
(b)—(1) Staff and contingencies	...	...	...	...	...	25,050
(2) Equipment	...	...	...	...	...	51,704
(3) Buildings	...	...	...	...	...	4,67,033
Total						5,43,787

(c)—As the hon. member knows the proceeds from the different sources of revenue are not kept separate nor can they be separately appropriated.

Mr. BAIDYANATH MOOKERJEE: May I know whether the amount that will be required for buildings, namely, Rs. 4,67,033, will be required in one year ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRABARTY: It depends on the completion of the work. It may extend over two years or three years.

Mr. BAIDYANATH MOOKERJEE: Cannot Government make a provision to distribute this Rs. 4,67,033 in four years ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRABARTY: Government is not considering the matter in that light.

Mr. BAIDYANATH MOOKERJEE: Will Government consider the matter in that light ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRABARTY: The matter is still under consideration.

Mr. BAIDYANATH MOOKERJEE: Since when ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Since 1937. These estimates for buildings were made in that year. Since then, on account of the War, the price of building materials has gone high and these estimates will be exceeded.

Re: post of a temporary Superintendent for the High Madrassa section of the Government Madrassa, Sylhet

Mr. NABA KUMAR DUTTA asked :

*90. Will Government be pleased to state—

- (a) What was the immediate necessity for the post of a temporary Superintendent for the High Madrasa Section of the Government Madrasa, Sylhet, as advertised in the *Assam Gazette* of July 17, 1940 ?
- (b) Why the post was meant exclusively for an M. A. Degree holder in Islamic studies of the Dacca University and not of any other University ?
- (c) Why it was considered essential for the candidate to pass particularly with English and History or Mathematics as subsidiary subjects ?
- (d) The number and the names of the candidates who applied for this post ?

*91. Is it a fact that only one candidate, *viz.*, Maulavi Abu Sayeed Mahmud, son of Shamsul Ulama Maulana Abu Nasr Muhammad Waheed, M. L. A., was found to be eligible for the post, having the requisite qualifications required by the Government ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

90. (a)—The creation of the post was recommended by a committee set up by the present Government's predecessors and the recommendation was accepted by them before they resigned. The present Government implemented the acceptance.
- (b)—Because the Sylhet High Madrasa Section is correlated with the Islamic Studies Section of the Dacca University and has to follow the standards laid down by the latter.
- (c)—This was done with the intention that the candidate should be competent to teach English and History or Mathematics so as to avoid the contingency of Government having to employ other men for teaching these subjects.

(d)—Six. The names are :—

Maulavi Abu Sayeed Mahmud.
 „ Md. Shahabuddin.
 „ Shah Syeed Shamsul Haque.
 „ Md. Mahmud Ali.
 „ Md. Ishaque Ali.
 „ Abdul Basir.

Maulavi MUHAMMAD AMJAD ALI: With regard to (a), how is it that at the time of framing the Budget Government could not foresee the creation of such a post ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Government could not foresee this at that time. The hon. member possibly remembers that we took charge of office nearly at the end of November last and the Budget Schedules were already submitted by our predecessors.

Mr. NABA KUMAR DUTTA: With regard to (b) are Government aware that many candidates could not apply because the post was meant exclusively for an M. A. Degree holder in Islamic studies of the Dacca University ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Government is not aware of that fact.

Maulavi MUHAMMAD AMJAD ALI: Would it matter at all if a superior candidate who has qualified from some other University would fill in that post ? (*Hear, hear.*)

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: This is a matter of opinion. I may explain that we had consulted the Public Service Commission and my Moslem colleagues in the Cabinet.

Maulavi MUHAMMAD AMJAD ALI: Will the Hon'ble Minister be pleased to tell us the merits and qualifications of the respective candidates ?

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

Mr. NABA KUMAR DUTTA: Is it a fact that the Public Service Commission did not agree to the advertisement being drafted in the form in which it was done, and the Hon'ble Minister had to take the sanction of His Excellency for this purpose ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am not prepared to disclose the correspondence that passed between the Government and the Public Service Commission.

Mr. NABA KUMAR DUTTA: Am I not entitled to know whether it is a fact that the Public Service Commission did not agree to the advertisement being put in the form in which it was published in the *Assam Gazette* ?

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Was not the advertisement signed by the Secretary to the Public Service Commission ?

Mr. NABA KUMAR DUTTA: Sir, I want a reply to my question.
The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I am not prepared to disclose that.

Mr. NABA KUMAR DUTTA: May I know whether the Hon'ble Education Minister approached His Excellency to get his permission to draft the advertisement in the form in which it was done ?

The Hon'ble the SPEAKER: The Hon'ble Minister said that he was not prepared to disclose the information. I cannot compel him to do that.

Mr. NABA KUMAR DUTTA: Am I to understand that the advertisement was drafted by the Hon'ble Minister of Education himself?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already said, Sir, that in laying down the qualifications, I had consulted the experts who were supposed to know the actual requirements of such a post.

Maulavi MUHAMMAD AMJAD ALI: Is it not a fact that the Director of Public Instruction was reluctant to issue that advertisement?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: May I ask another question to the hon. member? How did the hon. member know that the Director of Public Instruction was reluctant to issue the advertisement?

Maulavi MUHAMMAD AMJAD ALI: Should I disclose my source of information when the Hon'ble Minister on his part is not willing to disclose his information?

The Hon'ble the SPEAKER: The Hon'ble Minister would do well to consider that question and give a reply.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Sir, this is an appointment which has got to be made by the Government. What consultations were actually held at different stages, what views were expressed by different officers, I do not remember in details now. I don't think any useful purpose would be served by disclosing before the House the opinions expressed by different officers at different stages. Various consultations were held on the subject.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Minister prepared to disclose whether the Public Service Commission disagreed with the Director of Public Instruction?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I don't know what passed between the Director of Public Instruction and the Public Service Commission.

Mr. NABA KUMAR DUTTA: May I know who were the experts that the Hon'ble Minister consulted in this matter?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I consulted the Hon'ble Premier and the Hon'ble Maulavi Munawwar Ali, whom I consider experts with regard to this matter.

Mr. NABA KUMAR DUTTA: May I know whether the Hon'ble Minister consulted the Director of Public Instruction with regard to this appointment?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, he and his Assistant also gave his views.

Mr. NABA KUMAR DUTTA: What were his views?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already said that I don't remember the views expressed by different officers.

Mr. FAKHRUDDIN ALI AHMED: Is it not a fact that by restricting the applications to candidates from Dacca University only, the Hon'ble Minister has prevented the best qualified candidates from applying for this post?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: That may be the effect, but there was no such intention.

Mr. FAKHRUDDIN ALI AHMED: Is it not the policy of this Government to get the best candidates available in India for such posts?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: It is the policy of Government to get the best people available, and we try to find them out from within the province first.

Mr. NABA KUMAR DUTTA: Is it not a fact that the Hon'ble Education Minister did not consult the Director of Public Instruction as to whether the creation of this post was necessary?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have already said that the Director of Public Instruction gave his views.

Mr. NABA KUMAR DUTTA: Are we to understand that this appointment was made to please a particular member of this House?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Most definitely not.

Maulavi MUHAMMAD AMJAD ALI: Is the Hon'ble Minister prepared to admit that the advertisement was shaped with a view to take in a particular candidate?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Most certainly not.

Srijut PURNA CHANDRA SARMA: Was there any political purpose behind this appointment?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Most certainly not. I have not imitated some of my predecessors who used to act on such purpose.

Babu DAKSHINARAJAN GUPTA CHAUDHURI: Is it not a fact that the son of a particular member of this House has been appointed?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The reply is "Yes".

Srijut DEBESWAR SARMAH: The Hon'ble Education Minister said that the matter was put before the experts. May I know whether they were experts in educational affairs or experts in making appointments? (*Laughter.*)

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Experts in Islamic education.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

91.—Yes.

Mr. NABA KUMAR DUTTA: May I know who has been appointed in this post?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The reply is there.

Mr. NABA KUMAR DUTTA: No, in the reply it is stated that Maulavi Abu Sayeed Mahmud was found to be eligible for the post. I do not know whether the appointment was given to him.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, he was appointed.

Mr. FAKHRUDDIN ALI AHMED: Has the appointment been made in accordance with the recommendations of the Public Service Commission ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: This particular candidate was appointed because the Public Service Commission said that he was the only eligible candidate.

Mr. FAKHRUDDIN ALI AHMED: I want a straight reply to my question ; that is to say, I want to know whether the appointment was made in accordance with the recommendations of the Public Service Commission.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Yes, as I understood it.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: May I know, Sir, the particular qualifications of the gentleman appointed for Islamic studies ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: May I reply to this question, Sir ? The trend of the questions clearly reveals that my hon. friends who were putting these questions did not understand the curriculum of a High Madrasa. The curriculum is co-related with the Islamic Department of the Dacca University. Of all the Universities in India, only the Dacca University has got this Islamic Section, where the traditions of the Prophet and the commentaries of the Koran and other theological subjects are taught along with other subjects which are common in other Universities. They have got their B. A. and M. A. Degrees for this Islamic Section. They are called B. A.(I), M. A.(I), 'I' representing the Islamic Section. As our High Madrasa section is affiliated with that of the Islamic Section of the Dacca University, we were required to fill up this post by a candidate of the Dacca University who had taken Arabic and allied subjects in his B. A. course, and who was an M. A. of the Islamic Section of the Dacca University. Therefore this particular appointment was made.

Maulavi MUHAMMAD AMJAD ALI: Sir, I give notice to discuss this question after 4 P.M. I challenge the statement of the Hon'ble Premier (*hear, hear*). He has given an incorrect statement.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am prepared to accept the challenge.

The Hon'ble the SPEAKER: The hon. member will please take the particular matter into consideration and show how there is an urgent necessity for such a discussion. He has to formulate his proposition in that way.

Maulavi JAHANUDDIN AHMED: May I make a submission, Sir, before you fix 4 p. m. for discussion of this question. We have got our Goalpara Tenancy Bill to-day and there is very little time at our disposal, so I beg to draw your attention, Sir, that you will allow the discussion of this question to take place to-morrow.

The Hon'ble the SPEAKER: The rule says "soon after the business of the day is over or at 4 p.m., whichever is earlier". So if the business of the day is not finished before 4 p.m., this will be taken after the business is over.

Maulavi JAHANUDDIN AHMED: Any way, Sir, I would like to point out that we have waived two days, *i. e.*, 14 and 15 on which the Goalpara Tenancy Bill was to be taken up.....

Srijut DEBESWAR SARMAH: I rise on a point of order, Sir. Is the hon. member entitled to speak on this matter during the question hour, Sir?

The Hon'ble the SPEAKER: It will perhaps do if my attention is drawn to this fact only; but I do not think it necessary to speak so much now on the subject. We all know that the Goalpara Tenancy (Amendment) Bill is so important that it should be passed during this Session.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Donation of a sum of rupees one lakh to the War Fund

Kumar AJIT NARAYAN DEB asked :

95. (a) Is it a fact that the Government of Assam have donated a sum of rupees one lakh to the War Fund?

(b) If so, whether Government ascertained as to whether the tax-payers would approve of such gift?

(c) If not, why not?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

95. (a)—Yes.

(b) & (c)—Government had no reason to suppose that the tax-payers would oppose the contribution and therefore did not consider it necessary to consult them. The representatives of the tax-payers in the Assembly are being consulted.

Amount of fee to be paid to the Assistant Surgeon and Sub-Assistant Surgeon for medical examination of wounded persons in rioting and assault cases

Babu KARUNA SINDHU ROY asked :

96. Will Government be pleased to state what is the actual amount of fee to be paid to the Assistant Surgeon and to the Sub-Assistant Surgeon for medical examination of wounded persons in rioting and assault cases.

97. (a) Is it a fact that the present Sunamganj Sub-Assistant Surgeon is taking Rs. 4 as visit in such cases?

(b) If so, why?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

96.—No fee is realised for medical examination of wounded persons done at the hospital. If anything is wanted in the nature of medico-legal examination an Assistant Surgeon is entitled to a fee of Rs. 8 and a Sub-Assistant Surgeon Rs. 4.

97. (a)—Government have no information.

(b)—Does not arise.

Srijut RAMNATH DAS : May I know, Sir, whether any enquiry was made on that matter ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : No, Sir.

Srijut RAMNATH DAS : Did not Government think it necessary to make an enquiry about this matter, Sir ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : Government found no necessary materials before them for making any enquiry.

Srijut RAMNATH DAS : Then are we to understand that Government will allow their officers to go on as they like ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : Certainly not, Sir.

Srijut RAMNATH DAS : Then what are we to understand from the reply, Sir ?

The Hon'ble the SPEAKER : Is there any question before the House now ?

Srijut RAMNATH DAS : The Hon'ble Minister replied that there was no necessity to make any enquiry. The allegation is that a Sub-Assistant Surgeon of certain place has been charging Rs.4 as fee, but the Hon'ble Minister in reply said "Government have no information". I wanted to know why Government made no enquiry and in reply it was said that they did not think it necessary to enquire into the matter. Then are we to take it that they give their officers the liberty to charge any fee ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : Sir, if any specific case is brought before the Government stating that in such and such case the medical officer realised fee illegally, surely Government will take action.

Srijut RAMNATH DAS : The name of the particular officer is given here, Sir.

The Hon'ble the SPEAKER : Yes, the name of the particular officer is given here.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : What I mean to say is this, Sir, that if any definite allegation is brought against any particular doctor stating that.....

Srijut DEBESWAR SARMAH : On a point of order, Sir. We cannot follow what the Hon'ble Minister says. How are we to take part in the proceedings if we cannot hear the Hon'ble Minister ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : What I said, Sir, is this that if any definite allegation is made against any particular doctor, I shall make enquiry into the matter and take necessary action.

Mr. FAKHRUDDIN ALI AHMED : How is it, Sir, that the Hon'ble Minister speak of definite allegation when the name has been given.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY : The name of the doctor has been given no doubt but it has not been stated in what particular case the doctor took fee illegally.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, if any allegation is made of this vague nature, we ask the Civil Surgeon whether it is a fact, the Civil Surgeon in his turn order the doctor to explain. In that case, the reply from my friend, the questioner will be that the accused person has been given a chance to say 'yes' or 'no'. But if the names of the particular patients from whom higher fees have been

realised are given, it will be very easy to investigate, from the patients who will be witnesses and punish the doctor, if found guilty. We want the name of the case in which four rupees has been taken as fees.

The Hon'ble the SPEAKER: What I understand is this, that it is a general allegation. What the Hon'ble Minister wants is that the allegation should be complete and that it should be stated that such and such Sub-Assistant Surgeon has realised such and such fees from such and such person. So if there is complete information supplied to Government, the Hon'ble Minister is willing to make enquiry.

Srijut RAJNATH DAS: The Hon'ble Minister said that there was no enquiry made at all.

The Hon'ble the SPEAKER: On this general allegation.

Srijut DEBESWAR SARMAH: Sir, may I know what is the prescribed fee for Sub-Assistant Surgeons when they attend Court to give evidence?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I want notice of the question, Sir.

Mr. BAIDYANATH MOOKERJEE: We have not yet got the reply, Sir, as to why an enquiry was not made on this general allegation.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: It is very difficult, Sir, to start a vague enquiry.

Srijut RAMNATH DAS: Sir, when it is the usual practice to ask the Civil Surgeon concerned to report after enquiry into the matters, I do not understand, how it was difficult for the Hon'ble Minister to enquire. Was it difficult for him to make a reference to the Civil Surgeon?

The Hon'ble the SPEAKER: The Hon'ble Minister is not replying.

Maulavi ABDUR RAHMAN: Sir, in reply to this question it has been stated that "No fee is realised for medical examination of wounded persons done at the hospital" but at the same breath it has been stated that "an Assistant Surgeon is entitled to a fee of Rs.8 and a Sub-Assistant Surgeon Rs.4 as legal fee for granting certificate". May I take it from the Hon'ble Minister that if any man approaches a doctor for examination, he is to pay Rs. 8 and Rs. 4 respectively?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Yes, Sir, unless it is a police case.

Maulavi ABDUR RAHMAN: Do Government consider that it is too high?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: These fees are prescribed by rules, Sir.

Maulavi ABDUR RAHMAN: May I submit to Government to consider the desirability of revising these rules and making the fees Rs.4 and Rs.2 respectively?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This question will be examined.

Embankment and Drainage Work in the Sunamganj Subdivision

Babu KARUNA SINDHU ROY asked:

98. Will Government be pleased to state—

- (a) If the Department for Embankment and Drainage proposes to take up any works next winter in the Sunamganj Sub-division?

(b) If so, will Government be pleased to state the names of the places where such works would be taken up by the aforesaid Department ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY replied :

98. (a) & (b)—If the hon. member means by "work" actual construction that is most improbable. Three schemes on the Sunamganj Sub-division have been selected for investigation, and surveys will be started in near future. Until these surveys have been completed it is not possible to prepare detailed schemes. The schemes are—

(1)—Bunding of the Wahid Khal and re-excavation of the bed of the Ishakhola river. (Inspected by Hon'ble Minister, Public Works Department, on 1st April 1940.)

(2)—Boro crop cultivation in Halir Haor. This relates to the Bund across the Ratla Khal and the proposed sluice gates across the newly cut Krishna Khal near Ulukhani.

(3)—A bund across the Kalkalia river in Kaliagota Haor near the village Vallabpur. This question was raised by the hon. member in 1937 and by Babu A. K. Das, M.L.A., when he was a Minister.

Babu KARUNA SINDHU ROY: Will Government be pleased to state whether they will send the Executive Engineer to inspect the Krishna Khal which he told me he would do ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: I am sure, Sir, when he has made the promise, he will fulfil it.

Babu KARUNA SINDHU ROY: Will Government be pleased to state whether they will take up the bund of the Kalkalia as the villagers are willing to pay one-third of the expense and also supply some materials ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: Sir, as has been pointed out in the reply, the matter is under investigation.

Recommendations of the Assam Medical Education Committee held in November 1939

Srijut LAKSHESVAR BOROOAH asked :

99. Will the Hon'ble Minister for Medical Department be pleased to state what steps have been taken to give effect to the recommendations of the Assam Medical Education Committee held in November 1939 ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY replied :

99.—The recommendations are still under consideration.

Srijut LAKSHESVAR BOROOAH: May I have an idea from the Hon'ble Medical Minister of the time when a decision will be arrived at ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: This will take such time as will be necessary for the purpose.

Srijut LAKSHESVAR BOROOAH: May we know what that time is ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: It depends upon the circumstances.

Number of persons appointed as Publicity and Assistant Publicity Officers

Srijut LAKSHESVAR BOROOAH asked :

100. Will Government be pleased to state how many persons have been appointed as Publicity and Assistant Publicity Officers ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

100.—One Publicity Officer and two Assistant Publicity Officers.

Mr. NABA KUMAR DUTTA : May I know whether the post was advertised in the newspapers or in the *Assam Gazette* ?

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

Mr. NABA KUMAR DUTTA : May I know why ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Because in the discretion of the Governor, the Public Service Commission is consulted. The post was thought a special one and it was ordered by His Excellency the Governor that the post could be filled up without reference to the Public Service Commission.

Mr. NABA KUMAR DUTTA : May I know who has been appointed as Assistant Publicity Officer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : There are two Assistant Publicity Officers. One is Srijut Gangaram Chaudhury from the Assam Valley, and the other whose full name I do not remember Mr. S. K. Dutt from the Surma Valley. He is the son of the representative of the "Statesman", Mr. N. K. Dutt.

Distribution of grants-in-aid to the Secondary Schools out of the new allotment for 1940-41

Srijut SIDDHINATH SARMA asked :

101. Will the Hon'ble Minister in charge of Education be pleased to state whether grant-in-aid to the Secondary Schools out of the new allotment made in the Budget for the current year has been distributed ?

102. If the answer to the above question is in the affirmative, will the Hon'ble Minister in charge be pleased to lay on the table a list of distribution of grants to the different schools ?

103. Is it a fact that this new allotment was mainly meant for such schools as did not receive adequate aid in the previous years ?

104. Will Government be pleased to state what amount of grant is spent for this purpose to old schools and what amount is spent for new schools ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

101.—Not yet.

Srijut SIDDHI NATH SARMA: Will the Hon'ble Minister in charge of Education be pleased to explain the unusual delay over the distribution of the grants to secondary schools ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I expect to issue these grants in the course of this month.

Srijut SIDDHI NATH SARMA: Has it been decided to issue the grants finally ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: A decision has not been finally made yet, but I expect to distribute these grants within this month.

Srijut SIDDHI NATH SARMA: We want to know why the Government has not come to a decision yet.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I may explain that these secondary school grants are made by the Director of Public Instruction, but as there were suggestions from different hon. members of this House recommending certain schools, we had to consider again as we had to devise means to grant aid to some schools which were not originally included in the Director of Public Instruction's list, and that took some time.

Srijut SIDDHI NATH SARMA: Were not the representations from the different members of this House referred to the Director of Public Instruction ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: They were referred to him.

Srijut SIDDHI NATH SARMA: Will the list be revised ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The matter has already been delayed, and I propose to issue orders during this month.

Mr. FAKHRUDDIN ALI AHMED: Are we to understand, Sir, that the responsibility for the delay in the disposal of this matter lies with the Director of Public Instruction and not with the Hon'ble Minister ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not blame the Director of Public Instruction for this.

Srijut GAURI KANTA TALUKDAR: May I know from the Hon'ble Education Minister whether the distribution of grants to these secondary schools will depend on the discretion of the Hon'ble Education Minister and not the Director of Public Instruction ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have stated what is the present procedure, but whether in the future we shall revise this principle I am not in a position to say just now.

Srijut GAURI KANTA TALUKDAR: What is the policy of the Government in this matter ? Is it that the Director of Public Instruction be divested of his power of exercising his discretion in distributing such grants ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I have repeated several times that the Director of Public Instruction distributes these grants, but as in this case there were certain suggestions from some hon. members for grants to some new schools, we had to consider the whole matter and this has taken some time.

Babu DAKSHINA RANJAN GUPTA CHAUDHURI: What was the nature of the recommendations made by the hon. members of this House and the authority to whom these recommendations were made ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Some hon. members in the course of their budget discussion said that some more schools deserved grants.

Srijut GAURI KANTA TALUKDAR: May I know when the representations were made by the hon. members, whether before the last Budget Session or after the Budget Session?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: The suggestions were made from time to time. My hon. friend himself spoke to me about the Gangapukhri School. On the floor of this House the hon. member also said that one of the schools ought to have been given a grant-in-aid. There was a dispute between two schools and he asked that I should give a grant to one school after bringing about a compromise.

The Hon'ble the SPEAKER: I think the question has been sufficiently discussed. Next question.

Khan Bahadur Maulavi KERAMAT ALI: May I know whether the school, that the hon. member is talking about, is in the Nalbari Circle?

Srijut GAURI KANTA TALUKDAR: Yes, Sir.

Mr. FAKHRUDDIN ALI AHMED: May I ask one question, Sir, because the Hon'ble Minister has been evading a direct reply? Were any proposals for the distribution of these grants submitted to the Hon'ble Minister by the Director of Public Instruction? And if so, on what date?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: I do not remember the date, but he submitted his list for consideration and for consultation.

Mr. FAKHRUDDIN ALI AHMED: For my question the time is not immaterial. How long after the last Budget Session were the proposals submitted to the Hon'ble Minister by the Director of Public Instruction?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Some time after that.

Srijut GAURI KANTA TALUKDAR: On a point of personal explanation, Sir. An allegation has been made about my intention. I want to challenge that allegation.

The Hon'ble the SPEAKER: I do not think that any personal reflection was meant.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

102.—Does not arise.

103.—No.

104.—Does not arise as the grant has not yet been distributed.

Distribution of grants for the maktabas of the Assam Valley for 1940-41

Maulavi BADARUDDIN AHMED asked:

105. Will Government be pleased to state —

(a) Whether Government have distributed grants for the maktabas of the Assam Valley Districts for 1940-41?

(b) If so, what are the new maktabas which have got grants?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied:

105. (a)—The reply is in the negative.

(b)—Does not arise.

Distribution of new grants-in-aid for the current year to the Middle English and High Schools

Srijut KAMESWAR DAS asked :

106. Will Government be pleased to state when Government is going to distribute the new grants-in-aid for the current year, to the Middle English and High Schools ?

107. Will Government be pleased to lay on the table a list of such schools, subdivision by subdivision, showing the amounts of new grants, given or proposed to be given ?

The Hon'ble Srijut ROHINKUMAR CHAUDHURY

CORRECTION SLIP TO THE ASSAM LEGISLATIVE ASSEMBLY DEBATES (NOVEMBER SESSION) DATED THE 16TH NOVEMBER, 1940, PUBLISHED IN THE ASSAM GAZETTE DATED THE 1ST JANUARY, 1941, PART VI-A

Correction Slip No.1 of 1941

At page 1429, for the subject heading of unstarred question No.108 substitute the following :—

Schemes of communication works proposed to be dropped and their cost.

(File No.P/2-L.A. of 1941).

SHILLONG,

The 8th January, 1941.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: I am not prepared to disclose the nature of the discussions between the Government of India and the Government of Assam.

Srijut KAMESWAR DAS: May I know whether certain schemes have been recommended to be dropped ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURY: As I said, the matter is still under discussion, and at this stage I am not prepared to disclose anything.

Srijut KAMESWAR DAS: Am I not entitled to get a reply to my question, Sir ? Is it confidential to say what schemes have been proposed to be dropped and what is the cost involved by them ?

The Hon'ble the SPEAKER: Order, order. It is now 12. The hon. member will be allowed to put this question the next day.

Consideration of the Report of Public Accounts Committee on the Appropriation Accounts for 1938-39 and approval of the voted expenditure for 1938-39 as recommended by that Committee

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to move that the Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1938-39 and that the Assembly do approve the expenditure of Rs. 20,811; (b) that the voted excess grants recommended by the Public Accounts Committee on the Accounts for 1938-39 be sanctioned.

Mr. Speaker, Sir, as usual the Public Accounts Committee elected by this House went through the Finance Accounts for the year 1938-39 and the Audit Report thereon and the Appropriation Accounts, 1938-39 and the Audit Report thereon submitted by the Comptroller to the Auditor General. The Committee went through the reports of the Audit Officers and have submitted their recommendations along with the minutes of their deliberation and a volume of the Report of the Public Accounts Committee on the Appropriation Accounts of the Government of Assam for the year 1938-39 has been placed on the table of each hon. member of this House.

If hon. members require, I can place before them a few salient features of that Report. But if hon. members have already gone through it, they will find that, as usual, the Audit Authorities have given a very good certificate on control of expenditure by our officers on the Province's good budgeting. The fact that we have got only one excess grant clearly shows that there has been a good control over expenditure by our controlling authorities as well as by the Finance Department. I take it, Sir, that each hon. member has gone through the discussions of the Public Accounts Committee and I need not detail them, unless I am wanted to.

The prefatory remarks of the Audit Authorities, a quotation from which is relevant, will be found at page 4 which runs to this effect:—"The cases of financial irregularity, apparently defective administration, etc., which are brought to notice in the Report represent only a small percentage of the total financial transactions of the year. The comments on such cases must not be understood as conveying any general reflection on the administration of public expenditure". In the year under report the Comptroller mentioned that the variations were only 1.1 per cent. as against an allowance of 5 per cent. by the authorities. So, unless hon. members want that I should place before them some of the matters that we pointedly brought to the notice of the Public Accounts Committee, I refrain from making any general remarks.

I will, however, place before the House the Excess Grants which I have moved, *viz.*, that an excess grant of Rs 20,811 be voted by the Assembly to regularise the expenditure actually incurred in excess of voted grants in the year 1938-39. In the explanatory note I have mentioned in detail why the excess has occurred.

The excess under the head of account "Police" is Rs. 17,307 and the excess under "Superannuation Allowances and Pensions" is Rs. 3,504. As regards the second item, everybody knows that these superannuation allowances and pensions are provided on guess-work, for it is not possible for the Finance Department to make an accurate calculation of the people who will go on pension later on in the year. As regards the excess under Police, it is sufficient for me to say that I should refer them to the discussions on page 13 of the Report. "The committee in recommending that the

excess expenditure should be regularised by a vote of the Assembly wished to record their surprise that, although the Inspector-General of Police came up to Government for the provision, the Government should have felt it necessary to refuse to come to the Assembly with a supplementary demand on the grounds (1) that it was submitted to Government late and (2) that if presented before the Assembly the demand would have been criticised in the Assembly." The Committee by a majority recommended as follows and it will be found at page 6 :—

"As regards the excess over the voted grant under 'Police', referred to in paragraph 8, the Chairman stated that it was explained as 'mainly due to excessive cut for probable savings'. A fuller explanation was to be found in the file from which it would be seen that the Police Department actually visualised this expenditure and came up to Government for extra funds. But the then Government refused to do anything alleging that any supplementary demand in the Assembly "will simply put the House in flame". The difficulty was that they allowed the Inspector-General of Police to incur the expenditure, but they did not take action necessary to get funds voted. There was an arbitrary cut of Rs.48,000 and it was clear that every possible economy was adopted as can be seen from the fact that the excess was only Rs.17,307".

I beg to move that the excess grant be voted by the House.

The Hon'ble the SPEAKER : The House cannot approve the expenditure of Rs.20,811, an excess grant recommended by the Public Accounts Committee, without a discussion of their Report.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : The motion moved is that the excess grant be voted by the Assembly to regularise the expenditure in excess of the grant for the year 1938-39.

The Hon'ble the SPEAKER : This is not the procedure. The procedure followed elsewhere is that a discussion is held on the whole Report of the Public Accounts Committee and then the question is put to the House only for the approval of the excess grant.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I beg, Sir, to move that the excess grant be approved by the Assembly.

The Hon'ble the SPEAKER : Now the procedure that is followed elsewhere is that when a motion is moved in the Assembly to consider the Report of the Public Accounts Committee for appropriation of accounts for such and such year, the Assembly is asked to approve or vote the expenditure, whatever it may be, as excess grant recommended by the Public Accounts Committee and the question that the report of the Public Accounts Committee be taken into consideration will not be put but only the question that the Assembly do vote that such and such amount be sanctioned ; because if that motion for consideration of the Report be put and lost then there will be no other opportunity of the excess grant coming up before the House for being voted. With a view to give opportunity to the House, the motion is framed in that way and ultimately the only motion to be voted, *viz.*, the question of the excess grant is put before the House. So the motion moved is that the Assembly do proceed to consider the Report of the Public Accounts Committee on the Appropriation Accounts for 1938-39 and that the Assembly do approve the expenditure of Rs.20,811 as recommended by the Public Accounts Committee on the accounts of 1938-39. The hon. members may discuss the whole motion. After the discussion the only question that will be put to the House will be—

"The Assembly do approve the expenditure of Rs.20,811 as recommended by the Public Accounts Committee on the accounts of 1938-39".

Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir. Before I proceed to speak on this matter I should like to have an information from the Hon'ble Premier with regard to a certain date occurring at the bottom of page 13 of Public Accounts Committee's Report. There it is written "29th March 1940". I want to know whether a correct date has been written or there has been a printing mistake.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I am sorry, Sir, that is a printing mistake. It must be 1939.

Mr. FAKHRUDDIN ALI AHMED : Yes, that is what I had thought, Sir. The Hon'ble Prime Minister has, at length, stated the reasons for which he has now come forward for an excess amount of Rs.20,811. He has read before the House certain portions from the recommendations made by the members of the Public Accounts Committee and also the discussions which took place before the Committee. Sir, as I proceed to speak on this matter, I should like to draw the attention of the hon. members to the remarks made in the proceedings before the Public Accounts Committee by the Hon'ble Prime Minister as Chairman of that Committee, and also to the remarks made by hon. Mr. Whittaker, the Leader of the European Group, as a member of that Committee. I am glad, Sir, that Mr. Whittaker has just now entered the House as it would give him an opportunity to realise, that in making the remarks before the Committee he had passed a judgment against us *ex parte* and without any justification. I do hope that, in view of what I say in this connection, the Hon'ble Premier, Mr. Whittaker and other members of the Committee would be prepared to modify the remarks made by them in the Report of the Public Accounts Committee.

Sir, to begin with regarding the excess expenditure incurred under the Police Grant, the Hon'ble Prime Minister prefaced his remark as Chairman that "the then Government refused to do anything alleging that any supplementary demand in the Assembly will simply put the House in flame. The difficulty was that they allowed the Inspector-General of Police to incur the expenditure but they did not take the action necessary to get funds voted". The latter portion of this remark, I assert Sir, is wholly untrue ; and it is not fair on the part of the Hon'ble Premier to make such an allegation against us. It is unfortunate that my hon. Leader Mr. Gopinath Bardoloi, who was in charge of the Police Department, is to-day indisposed and is therefore prevented from attending the Assembly and taking part in to-day's discussion. I am also to-day, confronted with the difficulty that I have not in my possession the files to show that our Government had good reasons not to come to the House with a supplementary demand for excess expenditure on Police and that insinuations and remarks made by the Premier were without any foundation and basis. Then, Sir, the Hon'ble Prime Minister again said "that there was an arbitrary cut of Rs.48,000 ; and it was clear that every possible economy was adopted as can be seen from the fact that the excess was only Rs.17,307." In this connection, I should like to remind the House that the Ministry, of which I was a Member, took charge of the Administration in October, 1938 but the budget for the year in question was presented by my Hon'ble friend, the Prime Minister who had taken such an unreasonable attitude before the Committee that he went to the extent of insinuating motive which he was not justified to do. Sir, in the first place, the budget was prepared by him ; I believe that in placing the budget before the House he had given his due consideration to the matter and only

after giving that due consideration he had curtailed the police expenditure to an extent of Rs.48,000. After the budget was passed, my Hon'ble friend, Sir Muhammad Saadulla was in office till September, 1938. It has been explained by the Inspector-General of Police before the Committee that this expenditure was necessitated and incurred on account of the fact that the salaries of the Government Officers in his Department had to be paid. I do not for a moment believe that Sir Muhammad Saadulla is so inefficient and ignorant as to have committed the error, at the time of preparing the budget, of not taking into consideration the amounts necessary for paying the salaries of the Police Department. Sir, I am also not prepared to believe that the Hon'ble Prime Minister had cut down the Police expenditure without giving proper consideration to all the facts material in that connection. In coming before the House with a well scrutinised and revised demand for the Police Department, Hon'ble Sir Muhammad Saadulla must have given due consideration to each and every aspect of the matter and curtailed only such expenditure which was considered to be unnecessary and which could be avoided by the Police Department. Sir, if that was the decision taken by the Hon'ble Prime Minister and such a decision had the support of this House, I see no justification for the Inspector-General of Police to ignore this decision and to go to the extent of incurring an expenditure which was unauthorised as it was cut down by this House on the recommendations of the Hon'ble Prime Minister. The allegation that our Ministry allowed the Inspector-General to incur the expenditure but did not take the action necessary to get funds voted cannot be substantiated. Sir, my Hon. friend was in office till September and if he had reasons to suspect that the Inspector-General of Police was incurring an unauthorised expenditure which had been cut down by him and the Assembly; he ought to have left a note for us to know the real state of affairs. I wish, however, to add that even the Hon'ble Prime Minister did not know that such an expenditure had been incurred by the Inspector-General of Police. Sir, I took over office in the month of October, 1938. I suppose I am now entitled to take the House into confidence and assert that I had received no proposal nor the information from the Police Department that it had become necessary for the Inspector-General to incur any expenditure beyond that was voted by the House. As will be seen from the explanation given before the Committee by the Inspector-General of Police which is recorded at page 13 of the Report, it is admitted by him that he came up to Government on the 17th March 1939, and the date on which the supplementary demands were taken up in the Assembly was 29th March 1939. Sir, do both Mr. Whittaker and the Hon'ble Premier consider it fair on the part of this Head of the Department to send proposals for sanction of the expenditure and inclusion in the list of supplementary demands when I was heavily engaged in the Assembly with the Budget session and when only 12 days later the demands under supplementary were to be placed for voting before the House? What the Inspector-General of Police was doing all the months before the session began, *i.e.*, from the month of October till March 1939? Sir, it was not my way to put mere signatures on the files as they were presented to me. That may be the way of my Hon. friend the Premier. Before I accorded my sanction to an expenditure I used to go through it carefully. And how can I or the Ministry in power for having refused to include this expenditure in the list of supplementary demands for reasons fully explained above, be held

responsible for this. If any one is to be blamed for this act of omission or commission it is the Head of the Department. I wish to submit that in fairness to us, after the Inspector-General of Police had admitted before the Committee that he came to the Government on the 17th March for sanction of the expenditure and its inclusion in the supplementary demand which was fixed for voting by the House on the 29th March 1939, the members of the Committee and particularly Mr. Whittaker and the Hon'ble Premier, the latter of whom was the Chairman of that Committee, should have been considerate enough to revise their biased opinion, and refrained from observing the remarks made by them in this connection. I take these remarks as a great reflection on the Government which was then in power, and, as a matter of fact, particularly on my hon. Leader, who was then in charge of the Police Department, and on me also. I am prepared to take all the responsibility for such orders as I issued ; but it is not proper for Mr. Whittaker to say that the Ministry passed the order refusing to place then a supplementary demand before the House without any justification, that is to say after the Department had been aware that the excess expenditure had been incurred, the head of the Department should have approached me and my Leader before the session began and not on the 17th March 1939 when I was heavily engaged with budget work, the Agricultural Income-tax Bill and many other Bills. How could it have been possible at that stage for me to examine the excess expenditure incurred without any sanction, by the Head of the Department and to say whether it was properly incurred or not ?

Sir, the hon. members of that Committee ought to have taken this particular officer to task for disobeying the orders if any, of the previous Saadulla Ministry and for incurring the expenditure without the sanction of the Minister-in-charge. Mr. Whittaker, at page 13, of the Report has suggested "He thought that they should record their view that the refusal of the Government of the day was due to a misapprehension, and the Assembly would not have resented the demand for a few thousand rupees on a block grant of Rs.15 lakhs, whatever the political flavour might be". I submit, Sir, that Mr. Whittaker was not justified in making such an insinuating remark. When we passed orders on the file, there was no question of giving consideration to the matter under our political flavour, but we took that decision for reasons which I have just now explained. Would it have been possible for Mr. Whittaker, if he were in my place, to go into all the facts and figures, agree to a supplementary demand and place it for discussion and voting before the House all within 10 days ? Sir, the expenditure had not been curtailed by me. The expenditure was cut, I suppose after due consideration, by the Hon'ble Prime Minister himself, when his first Ministry was in power. After the expenditure was cut down the Inspector-General of Police had no business to incur it without taking specific orders either from his Ministry or from our Ministry. I submit, Sir, that no such orders were obtained by the Inspector-General either from me or from the Hon'ble Prime Minister in charge of the Police Department. There is, therefore, no justification for the insinuation allegation made by the Hon'ble Premier in his observation that while the expenditure was being allowed by the Government they should have come forward with that demand before the House. Sir, I have explained the circumstances under which we were forced to turn down the proposal of the Police Department.

I wish to draw your attention and of the hon. members of this House to certain remarks made by this Head of Department before the Committee and recorded in the Report to show that our Ministry and particularly I myself not only gave consideration but also sanctioned expenditure for some of the proposals which were sent by the Police Department. Therefore, there was no justification for any of the members of the Committee to think and to insinuate that we had refused to come with supplementary demand and made up our mind on account of political flavour to turn down all the proposals of the Police Department. As the members of the Committee will have realised that, in case of minor works for the Police Department, when the Inspector-General of Police had approached me and explained the urgency for some thana buildings, I, on my personal responsibility had allowed him to incur the expenditure for which later on I approached this House with a supplementary demand for Rs.9,000. Sir, can any one believe that, if this particular matter had been represented to me in proper time and if I had been satisfied that the excess incurred by the Head of the Department was necessary and could not have been avoided, I would have stood in the way of its sanction and inclusion in the list of supplementary demands? I submit that both the Hon'ble Premier and hon. Mr. Whittaker ought to have scrutinised all these things very carefully before making such an allegation against us. The Inspector-General of Police has admitted before the Committee that originally he wanted Rs.35,000 for this excess expenditure, and later on the demand was reduced to Rs.27,000, but ultimately, we find, from the Report of the Public Accounts Committee, that only an excess expenditure to an extent of Rs.17,307 was incurred. Sir, from these facts and figures we may well see what idea of expenditure this officer has of his Department. At one time he came forward for sanction of Rs.35,000 which was subsequently cut down to Rs.27,000 but actually he required only Rs.17,307. Sir, I think the House is now convinced that all the observation made in this connection were unnecessary and unjustified. In view of the circumstances I have explained, I hope both Mr. Whittaker and the Hon'ble Premier would at least now do us the justice and feel that, if we did not come forward with a supplementary demand for this excess expenditure it was due to the fact that the file requiring such sanction had not come to us till the 17th of March, and that it was not possible for us to scrutinise all the items of the expenditure during such a short interval particularly owing to the Assembly being in session. If, however, any blame must go for this unauthorised expenditure it should go to the Head of the Department. I have now not got the file in my possession and therefore I cannot say if this excess expenditure of Rs.17,307 was later on found to be necessary and incurred in accordance with instructions of the Ministry. If the Hon'ble Prime Minister has convinced himself that such an excess was necessary and could not have been avoided, we on this side of the House will not oppose the motion moved for sanctioning the amount.

Then, Sir, one or two other points with regard to which I wish to draw the attention of the Hon'ble Prime Minister. I am glad to note from the Report of the Committee that they have taken a serious view of the loss incurred due to the defalcation by mauzadars. I wish to submit, Sir, that defalcations by mauzadars, during recent years, have increased; and it is therefore only proper that Government should have greater vigilance and should show greater care in appointing mauzadars and supervising their works. The selection of mauzadars and the supervision of their work

should be left to district officers with interference from here. Then only the district officer can be held liable for slackness of work and supervision. When I was in charge of the Revenue Department, I gave my serious consideration to this matter and in spite of representations, I left very often the matter of appointment of the mauzadars and their supervision to the discretion of the district officers. Sir, the only way to do away with such defalcations is to have a strong vigilance over the mauzadars and to make the district officers responsible for such work and therefore the Government should be very chary of showing any favour, whatsoever, to the mauzadars, particularly when they have been found guilty of defalcation and if it is reported that their work is unsatisfactory.

Sir, there is another matter regarding which an unfair observation has been made by my Hon'ble friend the Prime Minister ; and it is with regard to the saving on account of some model village scheme in the Agriculture Department, mentioned in page 17 of the Report. I am however, very glad to find that regarding this matter, the Chairman took the Head of the Department to task for the negligence for not utilising the money asked for and provided by supplementary demand. I am glad that the Hon'ble Prime Minister, as far as it related to this negligence, took the proper attitude but at the same time I should like to mention that it was not proper for him to throw the responsibility on our Ministry for not spending the amount allotted for model villages. This amount was provided for model villages in the budget by the first Saadulla Ministry, which though it remained in office for several months after the budget was passed, did not initiate the scheme envisaged by the Ministry, and when we came into power our difficulty was that, that we did not have any idea of their scheme. No work was therefore undertaken by us in this connection.

In conclusion I shall appeal once again to the Hon'ble Premier and hon. Mr. Whittaker to agree to the deletion of remarks made by them against our Ministry in connection with the excess of expenditure for Police Department. I hope my appeal will not go in vain and a meeting of the Committee will soon be convened to expunge those remarks from the Report.

Mr. A. WHITTAKER : Mr. Speaker, Sir, as a member of the Public Accounts Committee, I thought that our functions were limited purely to budget arrangements and accounting, and I am personally extremely sorry to find that my hon. friend, Mr. Fakhruddin, should have taken two remarks amiss. May I explain the facts as they were put to the members of the Public Accounts Committee ? The Police Department is probably the largest spending Department under the Government of Assam. Its total budget is Rs. 15 lakhs. The only means which the Inspector-General of Police has to check the expected expenditure are the figures supplied by the Comptroller. It is true in every province in India, not only in Assam, that the Comptroller or Accountant General's figures of the rate of expenditure are always two months in arrear of the actuals. The Head of the spending Department gets these totals towards the end of the financial year, that is, in the month of March. The only figures which the Inspector General of Police is supplied with are the actual expenditure up to December. There are no better figures than these, and the result would be that the unfortunate Head of the Department must guess what his expenditure will amount to for the last three months of the year as he has no better actuals than for nine months for his guidance. Therefore I submit that for a Department

whose expenditure is Rs.15 lakhs if it has exceeded an excess of about 17 thousand rupees is an extremely creditable performance. I personally regard the need for getting a supplementary demand as a piece of routine and not one of policy.

The Inspector-General has an excess expenditure of 7 per cent. of the total amount and that expenditure should be regularised. I think that is the only point at issue. In February, the Inspector-General put that before the Government with a warning that he was likely to exceed his expenditure. The original guess was Rs. 35,000 in excess. We now know it came down to Rs.17,307. The appropriate thing to do was to take a supplementary demand. That supplementary demand was not taken, and therefore I think the Public Accounts Committee are failing in their duty if they do not draw the attention of this Assembly to the fact that a supplementary demand could have been taken and was not taken. I do not think for a moment any unbiassed reading of the remarks at pages 13 and 14 can carry with it any personal reflection on the *ex-Finance* Minister. If it does, I do suggest that he has a right to hear an apology from me. But I think I know hon. Mr. Fakhruddin Ali Ahmed sufficiently well to believe that his capacity to forgive is very much greater than my capacity to offend (*hear, hear*).

The Hon'ble the SPEAKER: As I was listening to this debate I was thinking of a point which I should emphasise before this House.

It appears that the Public Accounts Committee while examining the accounts for the year 1938-39 made certain remarks as to why a supplementary demand was not placed before the House for the amount which the House is now being asked to sanction. Now, the Hon'ble House has been told that in that particular year the Government that were functioning from the beginning of the financial year went out of office and a new Government was formed, and this Government again went out of office in the year subsequent. And the explanation that could be furnished as to why the supplementary demand was not placed could have been furnished by the *ex-Finance* Minister of the Government which went out of office in the subsequent year. I was thinking, when such a situation arises, whether the Public Accounts Committee should not invite the *ex-Finance* Minister to attend the meeting, just as they invited the Comptroller. The Committee have got the right to examine witnesses, but it would not be proper to examine the *ex-Finance* Minister as a witness. But I think he should have been invited to furnish an explanation, why this was not done.

Now, Mr. Whittaker said that the Public Accounts Committee was quite justified in making that remark and that the remark did not mean any reflection on the Government that went out of office. Now when the Report of the Public Accounts Committee is now placed before the House it is natural that the House would enquire why that was not done. And it is only on the floor of this House that the *ex-Finance* Minister, if he is present, gets an opportunity to give a reply. But if for some reasons he remains absent from the House the House, cannot be apprised of the situation under which the supplementary demand was not put forward. It appears to me to be a very unpleasant situation that the members of Government, which is now out of office, should say something on the floor of the House, as ordinary members, to explain away any reflection made on them by the Public Accounts Committee. I am making a suggestion whether in a situation of this nature the Public Accounts Committee should not invite the *ex-Finance* Minister to attend the meeting of the Public Accounts Committee. I am only giving a suggestion. Because this Public Accounts Committee is a Committee appointed by this House and they may consider

if it would not be proper and advisable under similar circumstances to invite the *ex-Finance* Minister to be present at the meeting of the Public Accounts Committee.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, I am really sorry to learn that my hon. friend the Leader of the Opposition is ill, and is not in a position to attend the House to-day and take part in the debate. Hon. members will therefore excuse me if I have got to make one reference to his action, while he was in office, in his absence. That too I would not have made had not there been a misconception in the mind of my hon. friend Mr. Fakhruddin Ali Ahmed, who just spoke on the subject.

I am obliged to the *ex-Finance* Minister for pointing out the printing mistake at page 13. The figure "1940" occurring in the fourth line from the bottom should be "1939". I hope the hon. members will make the correction in their Reports.

I am sorry to mention that I have also found another mistake—I don't know whether it was a mistake in taking down the proceedings—at page 9. In the continuation paragraph, line 8 in place of "Goalpara" the name of the district would be "Kamrup".

Sir, two points have been urged by my hon. friend the *ex-Finance* Minister. He thinks that I was making an insinuation against him or the then Minister-in-charge of the Police Department when I explained the situation about the excess in the Police grant. My hon. friend is perfectly justified in saying that this expected saving of Rs.48,000 "the arbitrary cut" was put down at my instance. Everyone who goes through the Budget will find that in all big budgets, it is customary to show a certain amount as expected saving. This item is naturally guess-work and is estimated from the figures of the previous year's actuals. But in the Police Budget which runs over 25 lakhs, the block amount is alone responsible for about 15 lakhs. The Finance Department at my instance, while framing the Budget for the year 1938, thought that a saving of Rs.48,000 would be available at the end of the year. That the Finance Department was not far wide of the mark is evidenced by the fact that the extra grant now asked for is only Rs.17,307. Even this Rs.17,307 would not have been an excess had not that year been an abnormal year. Everyone knows that trouble was brewing at Digboi. Strikes and agitations were going on there and extra police was necessary for keeping peace.

Mr. FAKHRUDDIN ALI AHMED: Not in that year.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, the strike commenced in April 1939, but before that vigorous agitations and constant meetings were going on, necessitating employment of extra police staff.

Mr. FAKHRUDDIN ALI AHMED: But not at the time when the Budget was prepared.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: No, but subsequently. Then, again, as is evidenced from the discussion of the Public Accounts Committee, the Police Department was making recruitment. At a later stage, they obtained Government orders to the effect that as a measure of economy, recruitment should also stop. On account of this abnormal situation the savings visualized by the Finance Department at the time of framing of the budget for 1938-39 did not materialise to its full extent. Suffice it to say that there was a saving to the extent of 2/3rd of the "cut". The remark at page 6 is surely not against my hon. friend

the then Finance Minister. I am very glad to hear the procedure which he adopted when any proposal for expenditure of money was put before him. It should be the duty of every Finance Minister who is entrusted with the duty of scrutinising every new commitment to look into all expenditure proposals personally which are placed before him. But in this particular instance I am speaking from memory I have not the file with me—the proposal for supplementary demand did not go up to the Hon'ble Finance Minister. The Hon'ble Minister (the then Premier) who was in charge of Police simply mentioned along with other observations in his order that he won't come up before this House for supplementary demand.....

Mr. FAKHRUDDIN ALI AHMED: That is all the more reason I am justified in stating that the file was not submitted to me in time. My hon. Leader, who was in charge of the Police Department, after the file had been submitted to him on the 17th March 1939, spoke to me about it when I was then in the Assembly Chamber. Then I told him that I would not agree for this police excess to be included in a supplementary demand unless and until I had an opportunity to go through the file. After this advice from me the then Prime Minister perhaps wrote the order.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am obliged to my friend for the elucidation but this discussion is not to be found in the file.

Mr. FAKHRUDDIN ALI AHMED: It is not necessary to put all the discussion in the file.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are in the dark whether the Hon'ble Minister in charge of Police discussed with the Hon'ble Finance Minister. I placed before the Public Accounts Committee, what orders I found on the file. I say that it was our duty to place all facts and matters before the Public Accounts Committee and the Public Accounts Committee thought that a case for a supplementary demand was made out, it should have been brought before the House. But my hon. friend says that he thought that there was hardly any time for him to scrutinise the proposal and therefore he refused to consider it. If I had found it in the file that the Hon'ble Minister in charge of Police submitted the file to the Hon'ble Finance Minister and the latter had refused it, then I would have congratulated him in the proceedings of the Public Accounts Committee. But I had to go on with what I found on the order sheets of the file and there it was mentioned that such a supplementary demand need not go before the House because it will simply "put the House in flame". Sir, not a single remark in this Report has been made with a view to criticise or bring into contempt my hon. friends of the Cabinet of the year 1938-39 which followed mine. As my hon. friend himself has said as well as also said by you Sir that that was an abnormal year in the sense that up till 19th September the Ministry led by me was functioning and not from October as my hon. friend Mr. Fakhruddin Ali Ahmed said.....

Mr. FAKHRUDDIN ALI AHMED: I came in October after the Puja holidays.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: And we know the circumstances and the time you came.

Mr. FAKHRUDDIN ALI AHMED: Is there any peculiarity about the circumstances, Sir ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: None.

So I hope Sir, I have made it sufficiently clear and have given all the circumstances which compelled the Public Accounts Committee to make that remark to which exception has been taken by my hon. friend, the then Finance Minister. I again repeat Sir that no reflection whatever was meant either on the Hon'ble Finance Minister or on the Hon'ble Minister in charge of Police of that time.

Then with regard to the other two items. The first relates to mauzadars and this will be found at page 9. It was stated that the Ministry had issued very stringent order in February 1940 so that the chance of defalcation by the mauzadars would be less. But in spite of this there were some defalcations. Now the District Collectors have undertaken to scrutinise all accounts and the amount of collection by the mauzadars which can be retained by them has been reduced from Rs.2,000 to Rs.1,000 and it is hoped there will be less chance of defalcation in the future.

The next item which my hon. friend has referred to is in connection with the Agriculture Department and that will be found at page 17. There, re-appropriation was made although the supplementary demand was voted by the House. The attitude I took in that connection has been complimented by my learned friend and I am obliged to him for that. But my remark on the top of page 20 which has been complained of was in reply to a question put by one of the hon. members of the Committee, namely, Mr. Siddhinath Sarma who asked "there was a very small scheme which materialised. What was that scheme?" To that I replied "We had formulated a scheme and allotted the money for it, but when the Congress-Coalition Government came into power they did not take any steps to augment it." Then Mr. Badaruddin Ahmed queried "During our time there was a start made?" when I replied "Yes, we appointed a special officer and only the centres remained to be started, and then the change of Government came and nothing was done." It was with reference to the Rural Uplift Scheme—a scheme on which the two Governments did not see eye to eye. We allotted a sum of Rs.25,000 for it. We appointed a Special Officer, one of our Deputy Directors, Mr. Fazlul Haque who made the preliminary survey and got everything ready and we were about to go with the scheme and open the centres. Even the number of centres and allocation of funds we settled. Just then we resigned. Probably on account of the fact that the scheme was thought defective, it was not acceptable to our successors and therefore they did not carry on with the scheme. It is in answer to a question put by an hon. member that I gave out the facts. I did not mean any reflection or criticism on the action of my successors. I hope, Sir, I have explained the situation fully, and, if unwittingly, either I or any member of the Public Accounts Committee has offended any member of the previous Government, we are sincerely sorry Sir.

Mr. FAKHRUDDIN ALI AHMED: In view of what has been stated by the Hon'ble Premier and Mr. Whittaker may I not press that the recommendation of the Public Accounts Committee in regard to this matter, be submitted again to it for consigning and expunging the referred remarks against our Ministry from the Report. I suggest that that the meeting of the Public Accounts Committee may be convened for this purpose during the session.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will take the suggestion into consideration, and if possible we will call a meeting of the Public Accounts Committee during the session, and we shall see if anything can or need be done.

The Hon'ble the SPEAKER: Hon. members have taken exception without deciding whether these remarks are really to be taken exception to, and the Public Accounts Committee may consider whether these remarks should be expunged from this Report. I am now putting the question. The question is—

“That the Assembly do approve and vote this expenditure of Rs.20,811 as recommended by the Public Accounts Committee on the accounts of 1938-39”.

The motion was adopted.

Adjournment

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

After lunch

Presentation of a note on the present financial situation of the province with reference to actuals of 1939-40

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I beg, Sir, to present a note† on the present financial situation of the province with reference to the actual receipts and expenditure of the year 1939-40 as compared with the revised for the year 1939-40. A copy of the note has been placed on each hon. member's table.

***Mr. E. B. SIM:** On a point of information, Sir. Against IX.—Stamps, I find under Revised—the figure of 17,00 and under Actuals—the figure of 17,63. The difference is shown as 14, but it must be 46.

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** It is probably a printing mistake, Sir.

***Mr. E. B. SIM:** But I find that the totals given on the next page agree, although the figure of 14 is given instead of the correct figure of 46.

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have already said it is a printing mistake.

The Hon'ble the SPEAKER: But the hon. member says it is not.

***The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The actuals are 17,63 and the revised is 17,17. The deficit should therefore be 46 and not 14. That is what the hon. member says. I accept it and say that it is due to a printing mistake.

The Assam Local Board Elections (Emergency Provisions) Bill, 1940

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, I beg to introduce the Assam Local Board Elections (Emergency Provisions) Bill, 1940. Before I give notice that the Bill be taken up for consideration, may I be allowed to make a request that you, Sir, may use your discretion and allow me to move the next motion on the 19th, although it will be less than seven days. You can also allow the hon. members to move amendments, if they desire to do so at a shorter notice.

The Hon'ble the SPEAKER: If the hon. members say that within a shorter period than what is prescribed in the rules they will not be able to table their amendments, then ?

* Speech not corrected by the hon. member or Minister concerned.

† Appendix F.

Mr. FAKHRUDDIN ALI AHMED: May I know whether the Hon'ble Minister is doing anything beyond introducing the Bill ?

The Hon'ble the SPEAKER: The Hon'ble Minister is simply introducing the Bill. Then he will come forward with a motion for taking the Bill into consideration. Then at another stage the Bill will be taken up clause by clause. His request is that the hon. members may table amendments in a shorter period than three days. I am to suspend the rule and allow the hon. members to table their amendments at a shorter notice. If the hon. members so like, they may begin to table their amendments from to-day.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: We oppose the principle, Sir.

Mr. FAKHRUDDIN ALI AHMED: May I say something, Sir, in this connection ? The Hon'ble Minister is, obviously aware that, under the Assembly Rules, he cannot move a motion for consideration to-day. The seven days' notice, under the Assembly Rules, has to be complied with. In order to get over that difficulty, the Hon'ble Minister is very likely coming forward, at a later stage, with a motion for consideration of this Bill. I do not therefore see any reason how he can ask hon. members to submit their amendments now, that is to say, before a motion for consideration has been moved and passed. There seems to be no necessity for such a hurried legislation ; and if the Hon'ble Minister could not arrive at the decision of introducing this Bill earlier, he should not inflict on us, all on a sudden, the responsibility of taking a decision in this matter without giving sufficient consideration.

The Hon'ble the SPEAKER: Now, as the programme has been arranged, it appears that the motion for taking this Bill into consideration would come up on the 19th and the Bill will be taken up clause by clause on the 23rd. So far as the question of tabling amendments is concerned, there will be no difficulty because of the three clear days' notice they will get. But the real difficulty is that on the 19th when the motion for taking the Bill into consideration will be made, the members may complain that the copies of the Bill have not been laid on the table seven clear days before that motion is made as is required by proviso (2) to rule 56 of the Assembly Rules. That is the objection.

As I have pointed out to the House on previous occasions, I shall be very reluctant to relax the rules, unless I get good grounds for doing so. On one or two occasions I might have suspended the operation of some rules, but I have also said that I would never make exceptions to the rule. In this case I shall do what I can do on the day on which the Bill will be taken into consideration. I shall hear the members and if I think that I should suspend the operation of the rule, I shall do so. If I think that I cannot, I shall certainly not do so.

The Hon'ble Maulavi MUNAWWARALI: Sir, the question involved in this Bill is so simple.

The Hon'ble the SPEAKER: It may be so to the Hon'ble Minister, but it may not be so to the other hon. members.

The Hon'ble Maulavi MUNAWWAR ALI: It is so simple that it will not take a long time to the hon. members.

The Hon'ble the SPEAKER: The very principle of the Bill may be taken exception to. If there be agreement on that point, the matter is very simple, but if there be no agreement on that, then the difficulty arises.

The Hon'ble Maulavi MUNAWWAR ALI: What is the criterion of decision for that agreement, Sir ?

The Hon'ble the SPEAKER : I shall see when the matter comes up before the House in its proper time.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : May I move that the Bill will be taken up for consideration of the Assembly on the 19th ?

The Hon'ble the SPEAKER : The Hon'ble Minister will have to give notice.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Very well, Sir, then I beg to state that I propose to move the motion for taking up the Bill into consideration on the 19th.

The Hon'ble the SPEAKER : Hon. members will take notice that the Bill will come up for consideration on the 19th.

The Assam Embankment and Drainage Bill, 1940

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : I beg, Sir, to present the Report of the Select Committee on the Assam Embankment and Drainage Bill, 1940.

(After a pause)

I beg, Sir, to move that the Assam Embankment and Drainage Bill, 1940, as reported by the Select Committee be taken into consideration.

The Hon'ble the SPEAKER : Motion moved: "That the Assam Embankment and Drainage Bill, 1940, as reported by the Select Committee be taken into consideration." Has not the Hon'ble Minister got anything to say on this motion ?

Mr. FAKHRUDDIN ALI AHMED : Is it not necessary for the Hon'ble Minister to give us some idea about the Select Committee's Report ?

The Hon'ble the SPEAKER : I was asking that.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : The Report of the Select Committee was before the hon. members a few days ago. All the necessary changes that have been made are there in the Report.

The Hon'ble the SPEAKER : When there is going to be no debate, I am putting the question before the House.

The question is: "That the Assam Embankment and Drainage Bill, 1940, as reported by the Select Committee be taken into consideration."

The motion was adopted.

I am to announce to the House that the last day of receiving amendments to this Bill is the 18th and the amendment should be sent before 3 p.m. that day. Next comes the consideration of the Goalpara Tenancy (Amendment) Bill, 1939, clause by clause.

The Goalpara Tenancy (Amendment) Bill, 1939

Maulavi GHYASUDDIN AHMED: Mr. Speaker, Sir. Before the consideration of the Bill is taken up clause by clause, may I point out that there are some amendments in both the Goalpara and the Sylhet Tenancy (Amendment) Bills and the time at our disposal is limited. If in each amendment, division is called and if we are asked to go to the lobby each time, I am afraid, it will not be possible for us to finish the Bills. We have got no time and in order to give us facilities to finish these Bills, I would request you to record the votes in a summary way.

The Hon'ble the SPEAKER: On some past occasions, I had to order the summary taking of divisions in connection with certain Bills. I am ready to do that this time also, but I may tell the hon. members that if there be any important division, I shall have to ask the hon. members to go to the lobbies. So far as the question that stands now is concerned, I cannot give any assurance to the hon. members now; but I shall see when the amendments are moved whether recourse should be taken to the procedure of taking summary division in order to expedite business.

Babu DAKSHINARANJAN GUPTA CHAUDHURI: Mr. Speaker, Sir, we are ready to undergo summary procedure in division; but I would suggest you will not please adopt "standing procedure".

The Hon'ble the SPEAKER: I cannot understand why the hon. member should object to that. This procedure is followed in some other Legislatures also. From what I have seen and what I have come to know about other legislative bodies in India and elsewhere I have found nowhere any objection is taken to the procedure of summary divisions.

Now clause 3 would be taken up first.

Mr. BAIDYANATH MOOKERJEE: Sir, I rise on a point of order. The Select Committee made a large number of alterations in the Goalpara Tenancy (Amendment) Bill, 1939, as introduced in the Assembly with the previous sanction of the Governor. In the opinion of the Select Committee the Bill has been so altered as to require re-publication. Now if we examine the alterations made by the Select Committee in the Bill, we find that the landlords' right to get the occupancy transfer fee for landlords' registration fee as it is called in the Bill has been totally extinguished under clauses 3 and 4. Secondly, Sir, landlords' right to take the interest on arrear rent at 12½ per cent. per annum simple has been modified by clause 19.

The Hon'ble the SPEAKER: The hon. member will please refer to clauses.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

Then, Sir, landlords' right to refuse acceptance of surrender of a part of holding of tenancy has been extinguished by clause 25. Then, Sir, the landlords' right to recover the rent at the rate by which it has been actually paid for a continuous period not less than three years immediately preceding the period for which rent is claimed has been substantially modified in new subsection (4) of section 95A in clause 30. Landlords' right to have the amount admitted by the defendant tenant in rent suit as rent due by him and deposited in court is totally extinguished by clause 31. Landlords' right to have the amount admitted by the defendant tenant in rent suit as rent due by him to the plaintiff, landlords' deposit in the court is totally extinguished by clause 32. Then, Sir, in an application to set aside the *ex parte* decree or for review of the judgment, landlords' right to have the amount admitted by the applicant tenant and deposited in the court has been totally extinguished by clause 33.

Then, Sir, the landlord's right to have recourse to summary proceedings for recovery of rent under the Bengal Public Demands Recovery Act, 1913, has been totally extinguished by clause 35A.

These amendments were made by the Select Committee and also the report of the Select Committee with the Bill as amended by the Select Committee was presented before the Assembly and a motion was moved for the consideration thereof, all without the previous sanction of the Governor in his discretion.

Sir, Sub-section (3) of section 299 of the Government of India Act, provides that "No Bill or amendment making provision.....for the extinguishment or modifications of rights in land including rights or privileges in respect of land revenue, shall be introduced or moved in a Chamber....of a Provincial Legislature without the previous sanction of the Governor in his discretion". Sub-section (5) of section 299 says—"In this Section 'land' includes immovable property of every kind and any rights in or over such property".

These amendments which the Select Committee has made, were not in the Bill which received the sanction of the Governor before introduction; these are new amendments and they require previous sanction of the Governor before they can be moved. As they were moved and carried without the previous sanction of the Governor, they are *ultra vires* of the Select Committee; as such those amendments are not properly before the Assembly, and those amendments cannot be parts of the Bill and the hon. members cannot consider those amendments. I further submit that subsequent sanction by the Governor cannot cure the defects as previous sanction of the Governor is necessary.

The Hon'ble the SPEAKER: Is it necessary that for moving amendments in the Select Committee previous sanction is necessary?

Mr. BAIDYANATH MOOKERJEE: Sir, my point is this, that this Bill as it was amended in the Select Committee and before it was presented to the Assembly after making several changes extinguishing several rights and modifying several rights, it was necessary that the previous sanction of the Governor should be taken.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to submit that previous sanction of the Governor is not necessary in this case. There is only one amendment which has been proposed by the hon. member himself—amendment No. 59* in the list to-day that requires sanction of the Governor and which has been obtained.

The Hon'ble the SPEAKER: I do not think the Hon'ble Minister has followed the point of Mr. Mookerjee. His point is this: there was previous sanction obtained with regard to this Bill because this Bill is of an expropriatory nature. It extinguishes some rights in land of the landlord. But when the amendments were made in the Select Committee those amendments have increased the extent of expropriation. So previous sanction is necessary. That is the point he has urged because in the original Bill the Hon'ble Minister will find that there was extinguishment of some rights to a certain extent, but when the amendments were introduced in the Bill by the Select Committee the extent of extinguishment was increased. Therefore the amendments made by the Select Committee require previous sanction of the Governor. That is the point he has raised.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: My submission is that we considered this point and we were advised that no previous sanction was necessary.

*59. Mr. Baidyanath Mookerjee to move:

"That for clause 28 the following shall be substituted, namely:—

"28. In sub-section (2) of section 84 of the said Act the 'comma' after the word 'Sal' shall be substituted by a 'full stop' and the subsequent words 'or Sisu' shall be deleted".

The Hon'ble the SPEAKER : I would like to ask hon. Mr. Mookerjee one thing. This objection ought to have been raised when the Bill as reported by the Select Committee was going to be taken into consideration and the motion has already been made that the Bill as reported by the Select Committee be taken into consideration. Now we are taking the clauses only. Is that objection still valid ?

Mr. FAKHRUDDIN ALI AHMED : May I submit one thing, Sir, in this connection ? The interpretation put by my hon. friend Mr. Mookerjee is not correct, because the word "amendment" has been used in section 299(3), but it cannot be interpreted that this will include amendments moved before the Select Committee.

The Hon'ble the SPEAKER : That is not the point. The point is that the Bill has become a new Bill.

Mr. A. WHITTAKER : Does the accident of a certain delay in raising this very vital point extinguish the privilege of the Speaker to decide it now ?

The Hon'ble the SPEAKER : I am not meaning that. I have got some other points in my mind.

Mr. FAKHRUDDIN ALI AHMED : This Bill may have emerged out as almost a new Bill after the amendments made by the Select Committee ; and if sanction is considered necessary under the rules, it can be taken at any time before such amendments made by the Select Committee are put to vote before this House.

The Hon'ble the SPEAKER : When the Bill was introduced in the House the sanction was necessary.

Mr. FAKHRUDDIN ALI AHMED : Before the Bill was introduced in the Assembly it was published in the Gazette and previous sanction was obtained from His Excellency the Governor ; and therefore a further sanction is not necessary.

Mr. BAIDYANATH MOOKERJEE : He is defending because he is partly responsible for it.

The Hon'ble the SPEAKER : There is no doubt that the Bill which has emerged from the Select Committee has become practically a new Bill and the amendments which have been made by the Select Committee have undoubtedly increased the extent of expropriation. Now the question is whether a fresh previous sanction of His Excellency the Governor is necessary. Hon. members know that a Bill has got several stages to pass through before it is finally passed. First, the introduction, then a motion for taking the Bill into consideration or a motion for taking the Bill as reported by the Select Committee into consideration, then the consideration of the clauses and then the final stage that the Bill be passed. So as sub-section (3) of section 299 provides, it appears that for introduction, the previous sanction is necessary. So far as this Bill is concerned, there was previous sanction for introduction. Then the question is whether for moving the Bill in the Chamber, previous sanction is necessary. When the Bill as reported by the Select Committee was taken into consideration the hon. member did not raise that objection, but now we are to consider the clauses. When the clauses would be considered and made part of the Bill, then it becomes another Bill that will have to be passed at the final stage. So the Bill will come again to be moved at the final stage. It is really a question whether such a Bill when it is amended in this way by the Select Committee will require a fresh sanction or not. I am not now disposed to give a final ruling on that point. But I may point out to the hon. member that he has got the right to raise this objection when the last stage of the

Bill would be reached, *i.e.*, when the motion that "the Bill be passed" will be made because that will be a motion for moving the Bill on the floor of the House if for moving a Bill previous sanction is necessary. So he can make that objection at that stage. Now we are to consider the clauses and if the hon. members take into consideration the various amendments that have been tabled to the clauses of the Bill, they will find that these amendments really seek to restore the Bill to the form in which it was introduced. So if these amendments be carried, then we shall get the original Bill that was introduced for which there are previous sanction; but if the amendments are not carried, the amendments made by the Select Committee stand. Then fresh sanction of His Excellency the Governor is necessary for the amendments introduced by the Select Committee. I think there is a way out of this. We are just proceeding to reach that stage which will come some days later. If in the meantime, Government gets sanction from the Governor for the Bill as reported by the Select Committee, then the objection may not prevail.

Mr. BAIDYANATH MOOKERJEE: Governor's Rule 8(2) in Chapter V of the Legislative Assembly Manual, states:

"If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with the previous sanction, the question shall be referred to the authority which would have power to grant the previous sanction, if it were necessary, and the decision of that authority on the question shall be final."

The Hon'ble the SPEAKER: Yes, such a matter is referred to the authority concerned, when occasions arise. Even before the final stage is reached a reference may be made.

Mr. A. WHITTAKER: Sir, will not the circumstances which you envisage arise as soon as the first new principle embodied in an amendment is lost? Mr. Mookerjee has stated that there are five new principles. When the Bill is now being considered clause by clause, my point is that these circumstances will arise when any new principle has been moved and accepted by the Assembly.

The Hon'ble the SPEAKER: The principle is whether there is expropriation or not, not the extent of expropriation. If the extent of expropriation has been increased, then of course the Governor would see whether he should accord sanction to the Bill, *i.e.*, to the amendments introduced by the Select Committee when the clauses are to be taken into consideration. I may point out however that if the hon. members succeed in having their amendments to the clauses passed then the point will not arise. But if they do not succeed, then the question would arise whether fresh sanction of the Governor is required or not. If the objection be raised at final stage then the principle may be discussed and if the House finds that this Bill should not be passed then they may reject the Bill. I think I am clear.

Mr. A. WHITTAKER: No, Sir. When the extent of expropriation is going to be discussed by an amendment and when that expropriation is revealed in the first of these amendments and that amendment is lost, I venture to think that Mr. Mookerjee's point arises at this early stage.

The Hon'ble the SPEAKER: As soon as one clause is taken up, it gives to the House a scope of raising this objection. If the objection prevails, amendments will not be allowed. Is not this the point raised?

Mr. A. WHITTAKER: That is my point, Sir,

The Hon'ble the SPEAKER: Now, the amendments which have been made by the Select Committee are the amendments to be considered by the House. As our rule stands, it is to this effect—

“69—Notwithstanding anything in the foregoing rules, it shall be in the discretion of the Speaker, when a motion that the Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Assembly clause by clause. When the procedure is adopted, the Speaker shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question ‘that this clause or (as the case may be) this clause as amended stands part of the Bill.’”

My point is this: when a Bill is to be considered clause by clause the Speaker shall call out the clauses and then require the amendments to be moved for being put to the vote of the House.

Now, if the amendments are passed then those amendments become clauses of the Bill, and finally the Bill as amended will have to be put to the vote. But if the amendments which have been moved are not carried then the clauses of the Bill, as they are, remain and are required to be put to the House to form part of the Bill. At the final stage the Bill would be moved again and if there be no sanction to the amendments introduced by the Select Committee with regard to the Bill then the Bill cannot be taken into consideration by the House. But here my point is this, that the amendments made by the Select Committee are not required to be moved in the House now. It will come only after the amendments to the amendments made by the Select Committee are disposed of. Does Mr. Whittaker see my point?

Mr. A. WHITTAKER: I see your point, Sir.

The Hon'ble the SPEAKER: So if the amendments which are going to be moved are lost then the Bill as amended by the Select Committee will stand and it is not necessary that those amendments should be moved again. The Chair is only to put them to the vote of the House. The Chair has a right to choose the time, when each clause is to be put to the vote of the House for forming part of the Bill, only at the final stage a motion would be made that the Bill be passed. If there be no previous sanction of His Excellency to the Bill at that time, the Bill would go. In that view I shall allow consideration of the Bill clause by clause now. But as I said at the outset I should like to give a final ruling on that point after fuller consideration. Now, if the amendments that are going to be moved now are carried and the Bill is restored to its original form there would be no necessity for previous sanction, because the original sanction would hold good. But if the amendments are not carried and the Bill as amended by the Select Committee stands then Mr. Mookerjee may raise his objection that the Bill cannot be moved for final passing because it has not received the sanction of His Excellency. So, at the final stage when objection would be raised we shall see to that. But in the meantime if Government do not obtain previous sanction of His Excellency with regard to the Bill as it emerged from the Select Committee there may be some difficulty. I am to tell the House again that it is not my final ruling on this point. It is really a matter to be considered whether a Bill which has received the previous sanction of His Excellency can be amended in this way by the Select Committee without the previous sanction of His Excellency the Governor. I shall look into this point afterwards.

Mr. BAIDYANATH MOOKERJEE: May I add one point more? I understand that the amendments which will be moved now will be considered. But my point is this that unless the amendments made by the Select Committee are accepted how can the present amendment be moved?

The Hon'ble the SPEAKER: The Bill as reported by the Select Committee was before the hon. members, and a motion was made that the Bill as reported by the Select Committee be taken into consideration.

Srijut SANTOSH KUMAR BARUA: But we are considering the Report of the Select Committee clause by clause.

The Hon'ble the SPEAKER: That is not the position. We have considered the Report of the Select Committee when the motion was made that the Bill as reported by the Select Committee be taken into consideration.

Mr. A. WHITTAKER: May I take it that your comprehensive ruling now given covers the point raised by Mr. Mookerjee that when the Select Committee introduces one or more entirely new principles into a Bill it is necessary for that Bill to be republished for eliciting public opinion? That was also one of the points raised by my hon. friend Mr. Mookerjee that the Bill is so unrecognizable that it should be republished.

The Hon'ble the SPEAKER: It was republished. The publication after Select Committee's report show also the original Bill.

Mr. FAKHRUDDIN ALI AHMED: Before we proceed with the Bill, may I know one thing from the Hon'ble Revenue Minister? During the last Session, when this Bill came up for consideration, the Hon'ble Minister made a statement on the floor of the House to the effect that, after giving his due consideration to the minutes of dissent to the Report of the Select Committee, he had invited the members of the Goalpara district to an informal conference; at that conference an agreement was arrived at between the representatives of both the landlords and the tenants; and in accordance with the terms of the agreement arrived at he had decided to come forward with some amendments at the time the Bill is taken up for consideration clause by clause. May I know what attitude the Government propose to take now with regard to this Bill and what has happened to the undertaking given by him to come forward with amendments in accordance with the agreement arrived at in the conference?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I may inform the hon. member that circumstances have changed since then. The Government proposed those amendments according to the terms of the agreement arrived at in that conference. But on the last occasion that agreement was violated by one hon. member, who proposed certain amendments in addition to the amendments that were proposed by the Government. I may tell the House that it was only as a matter of compromise that the Government wanted to move those amendments. But as the compromise had fallen through, Government cannot now lend support to those amendments. Government will stand by the Report of the Select Committee, unless the House unanimously agrees to any particular amendment.

Mr. FAKHRUDDIN ALI AHMED: This is entirely different from what the Hon'ble Minister previously stated. May I draw the attention of the hon. members to what the Hon'ble Minister stated on the floor of the House during the last Session? In his statement there was no mention of 'compromise' at all. This is what he said on the floor of the House:

"In view of these minutes of dissent, the Government thought that it would be convenient if all the hon. members of Goalpara be invited to an informal conference here only to decide if any common measure of agreement could be reached. Accordingly Government invited all the members and the Report of the Select Committee with the minutes of

dissent were discussed very freely among the members, as a result of which I am able to say that a certain agreement had been reached. Government now propose, on the day when the Bill will be taken into consideration clause by clause, to move certain amendments on the lines of that agreement already reached. I hope and trust that hon. members of this House, to whatever party they may belong, will be pleased to lend their support to those amendments, which have been already agreed to by all the members concerned."

I do not find the word 'compromise' here. I do not know what actually were the terms of the compromise between the two contracting parties, and which of those contracting parties had committed the breach. It is for the Hon'ble Minister and the members who attended the conference to say.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Although the word 'compromise' is not there, the word "agreement" occurs. It virtually means some sort of compromise.

Srijut SANTOSH KUMAR BARUA: I rise on a point of order, Sir. Rule 62(3) of the Assam Legislative Assembly Rules lays down, firstly, that "the Select Committee shall, in their report, state whether or not, in their judgment, the Bill has been so altered as to require republication"; and secondly, if it requires republication to state the date on which the publication has taken place

Now in their report we find that the Select Committee considered that the republication of the Bill was necessary. But in the report we do not find when the republication ordered by them took place. Even in the speech delivered by the Hon'ble Revenue Minister in presenting the Report of the Select Committee to this House on the 2nd March 1940 he did not mention when the republication ordered by the Select Committee took place.

I submit, Sir, that the republication of the Bill as ordered by the Select Committee did not take place at all.....

The Hon'ble the SPEAKER: Does the hon. member want to suggest that the Select Committee should also have mentioned the date on which the republication was to be made? Or is it his point that when the Select Committee thought that the Bill should be republished they also should fix a date for republication?

Srijut SANTOSH KUMAR BARUA: It was necessary to fix a date which was not done.

Sir, only the provisions of the rule 63(1) of the Assembly Rules have been complied with in the Gazette of November 22, 1939. Sir, it has been specifically mentioned there in Notification No. 9915-L.A., dated 14th November 1939, that the publication is under rule 63(1). Can this be regarded as a compliance of the mandatory provision of rule 62(3), Sir?

The Hon'ble the SPEAKER: Does the hon. member mean that the Select Committee should refrain from submitting their report till republication is made and then after republication they are to submit their report. Is it his point?

Srijut SANTOSH KUMAR BARUA: My point is that according to rule 62(3) "The Select Committee shall, in their report, state whether or not, in their judgment, the Bill has been so altered as to require republication, whether, and the date on which, the publication has taken place or, where publication in more than one language is ordered, the date on which the publication in each such language has taken place."

Sir, this rule has not been complied with but only republication of the Select Committee's Report has been made under rule 63(1). So according to rule 62(3) the Report of the Select Committee is not in order, Sir.

The Hon'ble the SPEAKER: What has the Hon'ble Minister got to say on this ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, this point ought to have been raised at the time the Bill was taken into consideration

The Hon'ble the SPEAKER: Yes, the Hon'ble Minister is right that this objection should have been raised when the Report of the Select Committee was being considered in connection with the motion that the Bill as reported by the Select Committee be taken into consideration. But when the hon. member has urged his point now, I think, his contention is not correct. Now, Select Committee's Report may be either preliminary or final; but here they choose to submit their final report. Then sub-rule (3) of rule 62 says that if they think that the Bill has been so altered that it requires republication, they will only make that recommendation that the Bill should be republished but it is not necessary, as I read the rule, that they should also mention in the report the date on which a Bill should be republished. Now as I read the rule I find that what is intended is that in their report they should mention the date on which the Bill was first published under Rule 51 because they cannot ask for republication without saying that the Bill has already been published. They must say that the Bill was once published but it requires republication. But it does not stand to reason that they should wait till the Bill is republished. That is not the intention of the rule.....

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is also physically impossible.

The Hon'ble the SPEAKER: Yes. Republication may take so many months and when the republication is made, if they are to sit again that will mean a long time. What is necessary in this connection is that they should mention the date on which the first publication under rule 51 was made, that is the meaning of the rule. Although the notification referred to by hon. Mr. Santosh Kumar Barua mentions rule 63(1) as being the rule under which the republication was made, yet we find in that republication the publication of the original Bill also, as the portions of the original Bill deleted by the Select Committee were there in *italics*, although rule 62(3) was not mentioned.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker, Sir, I beg to move:—

“That in new section 20(2) (b) proposed to be inserted by clause 3, after the words “for the service of the notice”, the following words and a proviso shall be added:—

“and in addition to any fee payable under the law for the time being in force for the registration of documents, a fee (hereinafter called ‘the landlord's registration fee’) together with the cost necessary for the transmission of the landlord's registration fee to the landlord:

Provided that where the name of the landlord is mentioned in the instrument, an endorsement therein by such landlord or his common agent admitting receipt of the landlord's registration fee shall be sufficient for the purpose of registering the instrument.”

Sir, in moving this motion I should like to place before this House the reasons for which I have felt it my duty to bring this amendment. As the hon. members are perhaps aware, the Goalpara Tenancy Act, as it now stands, provides that a transfer fee which shall amount to 10 per cent. of the market value of the land proposed to be transferred at the time of the

transfer or three times the annual rent then payable for the land which ever is greater, shall be paid to the landlord by the transferee, before the transfer can be lawfully effected. After giving due consideration to the matter I came to the conclusion that the existing transfer fee was excessive and caused a great hardship to the tenants ; but at the same time I could not help feeling that the claim put forward by the Zemindars that they had a right to know when the transfer took place deserve some consideration. When an application is made for mutation of names to the Government, *i.e.*, in the case of such land where Government is in the position of a Zemindar and the applicant holds the land directly under Government, he has to pay a certain fee to the Government before his application can be entertained. It is therefore proper to allow the Zemindar in Goalpara district a nominal transfer fee, as, like Government, for the purpose of keeping a record of transfers he must necessarily keep a staff. It seems to be very unjust not to allow him any compensation for the expenditure incurred by him in maintaining a record for the benefit and convenience of the tenants. I have in this connection, moreover, given my consideration to what was done in similar matter in Bihar. Following the principle laid down in Bihar, I had provided in the amending Bill that transfer should be abolished and in its place a nominal registration fee be substituted, which shall amount to 2 per cent. of the annual rent of the holding proposed to be transferred provided that in no case it shall be less than Re.1 and more than Rs.100. The Select Committee consider that not even a nominal registration fee should be payable in case of such transfers and that transfer fee should be completely abolished. My present amendment seeks to restore the substitution of transfer fee by a nominal registration fee. I feel that hardship felt by the tenants due to excessive existing transfer fee is removed by the provision made by me in this regard in the amending Bill and the substitution of a nominal registration fee, while not causing any hardship to the tenants, is a mere compensation to the Zemindars for maintaining the staff for the purpose of keeping records of transfers. In this view of the matter I commend my amendment for the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That in new section 20(2) (b) proposed to be inserted by clause 3, after the words "for the service of the notice", the following words and a proviso shall be added :—

and in addition to any fee payable under the law for the time being in force for the registration of documents, a fee (hereinafter called 'the landlord's registration fee') together with the cost necessary for the transmission of the landlord's registration fee to the landlord :

Provided that where the name of the landlord is mentioned in the instrument, an endorsement therein by such landlord or his common agent admitting receipt of the landlord's registration fee shall be sufficient for the purpose of registering the instrument."

Now amendment No.4§ which stands in the name of Mr. Baidyanath Mookerjee is also similar to this, with the exception that he is not going to have that proviso. So he need not move that amendment. What I shall do is to put the amendment first and then the proviso.

§Mr. Baidyanath Mookerjee to move :—

That in new section 20(2)(b) proposed to be inserted by clause 3, after the words "for the service of the notice", the following words shall be added, namely :—

"and in addition to any fee payable under the law for the time being in force for the registration of documents, a fee (hereinafter called the 'landlord's registration fee') together with the cost necessary for the transmission of the landlord's registration fee to the landlord".

Maulavi MUHAMMAD AMJAD ALI: Mr. Speaker, Sir, I oppose this amendment moved by Mr. Fakhruddin Ali Ahmed. Mr. Ahmed wanted us to admit that the ultimate owner of the land is the landlord himself. To that point we have got nothing to say. I might however tell him that it is with regard to *khas* land that a mutation fee was being charged, because as soon as a certain person applies for a piece of land which is *khas* he has got to give a *salami* which is not required to be given in *khas* areas of the temporarily-settled districts. After that the question of landlord and tenancy is established between them. Subsequently if with regard to the same piece of land, exchange, gift or sale is done, a certain fee of 10 per cent. of the value of the land which was held as an occupancy raiyat, was being taken for mutation. This is going to be abolished. The argument that this sum is being retained for certain charges for the maintenance of clerks, by the landlord, etc., I should say, does not hold good because once the land is mutated to the name of a certain person, he is the tenant of the landlord and the landlord has got to keep a record in all subsequent stages for the fee which was paid initially with respect to this piece of land. We do not agree that any fee whatever should be paid either for registration or for transfer, etc.

Maulana ABDUL HAMID KHAN: আমি এই amendment এর তীব্র প্রতিবাদ জানাইতেছি। (a voice—ভোট কোনদিকে দিবেন?) মাননীয় মিষ্টার ফকরুদ্দিন আলী আহম্মদ সাহেব দেশের জনসাধারণের স্বাধীনতার জন্য আপ্রাণ চেষ্টা করিয়াছেন বলিয়া তিনি সর্বদাই ঘোষণা করিয়া থাকেন। কিন্তু গোয়ালপাড়া জেলার ৮ লক্ষ হিন্দু-মুসলমান প্রজাকে জমিদারের দাসত্বে চিরকাল বাঁধিয়া রাখিবার জন্য তিনি যে কৌশল আবিষ্কার করিয়াছেন তাহার মর্ম্ম আমি কিছই বুঝিতে পারিতেছিলাম (laughter)। প্রজারা আবশ্যিকবোধে জমি স্বাধীনভাবে হস্তান্তরিত করিবে—এখানে জমিদারের নজর দিবার কোন প্রশ্নই উঠিতে পারেনা। তদুপরি, বেঙ্গল গবর্ণমেন্ট পূর্বে যেখানে শতকরা ২০ টাকা হিসাবে বিক্রীত জমির নজর রেজিষ্টারী অফিসে দাখিল করিবার ব্যবস্থা করিয়াছিলেন, সেই নজর সম্পূর্ণ রূপে রহিত করা হইয়াছে এবং আসামে যেখানে খাসমহালের প্রজাবৃন্দকে শতকরা ৫০ টাকা খাজানা রেহাই দেওয়া হইয়াছে, গোয়ালপাড়ার প্রজাদের প্রতি খাজানা রেহাই করার ব্যবস্থা দূরে থাকুক, নজরানা হইতেও তাহাদিগকে মুক্তি দিবার জন্য মিষ্টার ফকরুদ্দিন সাহেব আবশ্যিক বোধ করিতেছেননা। পরিতাপের বিষয় এই যে মুষ্টিমেয় ৭-৮ জন জমিদারের প্রেমে তিনি মুগ্ধ হইয়াছেন (laughter)। গোয়ালপাড়া জেলার ১১ জন হিন্দু-মুসলমান সদস্য এই Houseএ থাকা স্বত্বেও, প্রজাদের এই ন্যায় সঙ্গত দাবী অস্বীকার করিয়া কোন amendment আনিতে পারেননাই। গোয়ালপাড়া জেলার প্রজাদের সঙ্গে মিষ্টার ফকরুদ্দিন সাহেবের কোন সংশ্রব নাই, তিনি কামরূপ জেলার অধিবাসী; তিনি খাসমহালের প্রজাদের অবস্থাই ভালরূপে জ্ঞাত আছেন। এমতাবস্থায় তিনি গোয়ালপাড়া জেলার প্রজাদের প্রতি অবিচার করিয়াছেন—শুধু অবিচারই নহে, প্রজাদিগকে চিরকাল দাসত্ব শৃঙ্খলে আবদ্ধ রাখিবার জন্য যে ব্যবস্থা করিতেছেন, এজন্য পৃথিবীর অভিশাপ সত্ত্বর তাঁহার উপর পতিত হইবে (loud laughter)।

Mr. BAIDYANATH MOOKERJEE : Mr. Speaker, Sir, I rise to support the motion. As it has already been pointed out by the Hon'ble Speaker the first portion of my amendment is identical with that of Mr. Fakhruddin Ali Ahmed. Sir, the object of this amendment is to provide for the payment of landlords' registration fee commonly known as *salami* at the time of transfer of an occupancy holding. Before the Goalpara Tenancy Act of 1929 came into force an occupancy was not transferable in law. The Goalpara Tenancy Act made the tenancy transferable and provided for the payment of *salami* to the landlord. The Goalpara Tenancy Act applied to that portion of the Goalpara district where the permanent settlement was in force. Now, the permanent Settlement Regulation required the Zemindars and other persons with whom settlement was concluded to be the proprietors of the land. The proprietary right includes the right of choosing or selecting tenants, but the transferability of a tenancy and the landlord is undoubtedly a matter of proprietary right. The provision of the payment of *salami* was made ostensibly by way of compensation to the landlord for the infringement of his proprietary right. If the rate of occupancy transfer is considered to be excessive or burdensome in the present economic condition of the country, we may reduce the rate, as to do away with it altogether will be not only violent but also an unjustifiable attack on the rights of the landlords.

Sir, in 1938 the then Revenue Minister, Mr. Rohini Kumar Chaudhuri, introduced a Bill to amend the Goalpara Tenancy Act, wherein he provided for the payment of occupancy transfer fee at a reduced rate. The present Bill introduced in the Assembly did the same thing, but in the Select Committee the majority of the members decided to abolish the landlord's registration fee altogether. This amendment carried by the Select Committee was expropriatory in nature, and the then Revenue Minister, Mr. Fakhruddin Ali Ahmed, was kind enough to move this amendment and submitted a note of dissent to the Report of the Select Committee on this point.

Sir, I shall ask the hon. members to consider another aspect of this matter, *viz.*, to consider what a violent contrast the abolition of the landlord's registration fee would make with reference to the corresponding provisions in two other tenancy laws of this province. The Sylhet Tenancy (Amendment) Bill, as it emerged from Select Committee, did not abolish the landlord's registration fee altogether. In the temporarily-settled areas, where the landlords are not proprietors of the soil, the Assam Temporarily Settled Districts Tenancy Act of 1935 provided that no occupancy held shall be transferable without the consent in writing of the landlord, and what such consent means we may very well realise. If the other tenancy laws of the province did not abolish the landlord's registration fee, what crime have the tenants and landlords of Goalpara committed that they should be deprived of the landlord's registration fee, while their brother landlords in other parts of the province continue to enjoy it.

Sir, we should not ignore the fact that the landlord's registration fee is not being received by big Zemindars only, but by a large body of the people who form the entire nucleus of the society. To abolish it altogether would mean a rude shock to the present social structure of the country.

With these words, Sir, I support the first part of the amendment moved by my hon. friend, Mr. Fakhruddin Ali Ahmed.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Mr. Speaker, Sir, I do not propose to go into the merits of this amendment. The hon. mover of the amendment wishes to restore the provision of the

original Bill which was excluded by the Select Committee after due deliberation. It is a pity that the hon. mover and the Chairman could not carry the members of the Select Committee with them. Now the only alternative for the Government is to oppose this amendment.

The Hon'ble the SPEAKER: The question is:

“That in section 20(2)(b), proposed to be inserted by clause 3, after the words ‘for the service of the notice’, the following words shall be added:— and in addition to any fee payable under the law for the time being in force for the registration of documents, a fee (hereinafter called ‘the landlord’s registration fee’) together with the cost necessary for the transmission of the landlord’s registration fee to the landlord”.

The Assembly divided.

Ayes—39

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

Noes 46

- | | |
|---|---|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman. |
| 2. The Hon'ble Srijut Rohini Kumar Chaudhuri. | 9. The Hon'ble Miss Mavis Dunn. |
| 3. The Hon'ble Maulavi Munawwar Ali. | 10. The Hon'ble Srijut Rupnath Brahma. |
| 4. The Hon'ble Srijut Hirendra Chandra Chakravarty. | 11. Srijut Jogendra Chandra Nath. |
| 5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. | 12. Srijut Jogendra Narayan Mandal. |
| 6. The Hon'ble Dr. Mahendra Nath Saikia. | 13. Babu Kalachand Roy. |
| 7. The Hon'ble Maulavi Abdul Matin Chaudhuri. | 14. Srijut Paramananda Das. |
| | 15. Maulavi Abdul Aziz. |
| | 16. Maulavi Abdul Bari Chaudhuri. |
| | 17. Maulana Abdul Hamid Khan. |

- | | |
|--|--|
| 18. Khan Bahadur Haji Abdul Majid Chaudhury. | 30. Maulavi Muhammad Maqbul Hussain Chaudhuri. |
| 19. Maulavi Abdur Rahman. | 31. Maulavi Matior Rahman Mia. |
| 20. Maulavi Syed Abdur Rouf. | 32. Maulavi Mabarak Ali. |
| 21. Maulavi Md. Abdus Salam. | 33. Maulavi Namwar Ali Barbhuiya. |
| 22. Maulavi Dewan Muhammad Ahbab Chaudhury. | 34. Maulavi Naziruddin Ahmed. |
| 23. Maulavi Muhammad Amiruddin. | 35. Mr. Benjamin Ch. Momin. |
| 24. Maulavi Muhammad Amjad Ali. | 36. Srijut Bhairab Chandra Das. |
| 25. Maulavi Badaruddin Ahmed. | 37. Srijut Bideshi Pan Tanti. |
| 26. Khan Bahadur Dewan Eklimur Roza Chaudhury. | 38. Srijut Binode Kumar J. Sarwan. |
| 27. Maulavi Ghyasuddin Ahmed. | 39. Srijut Dhirsingh Deuri. |
| 28. Maulavi Jahanuddin Ahmed. | 40. Rev. L. Gatphoh. |
| 29. Khan Bahadur Maulavi Keramat Ali. | 41. Mr. C. Goldsmith. |
| | 42. Mr. Jobang D. Marak. |
| | 43. Maulavi Sheikh Osman Ali Sadagar. |
| | 44. Srijut Karka Dalay Miri. |
| | 45. Srijut Khorsing Terang. |
| | 46. Srijut Rabi Chandra Kachari. |

The motion was negatived.

The Hon'ble the SPEAKER : Then it is not necessary for the other portion of the amendment to be put before the House. But as I scrutinise the amendments I find that it would be better if we take up clause 4 first.

Mr. FAKHRUDDIN ALI AHMED : The other amendments to this clause must necessarily fall as the first amendment under clause 3 has been rejected by the House. I do not, therefore, propose to move the rest of my amendments under clause 3 because they are consequential and should have been moved only if the first amendment had been accepted by the House.

The Hon'ble the SPEAKER : With regard to other amendments they speak of landlord's registration fee. So it would be better if clause 4 be disposed of. If these amendments to clause 3 be now moved and if they are carried and if amendments to clause 4 be not carried, there will be no consistency. So it will be necessary to take up clause 4. I ought to have taken up clause 4 first, because these amendments also speak of landlord's fee.

Mr. FAKHRUDDIN ALI AHMED : Sir, I do not propose to move the amendments* under clause 4 for the reasons given by me but I request you to allow me an opportunity of saying something with regard to certain remarks made by my hon. friend, Maulana Abdul Hamid Khan.

*Mr. Fakhruddin Ali Ahmed to move :—

That for clause 4, the following shall be substituted :—

“ 4. For section 21 of the said Act, the following section shall be substituted, namely—
The landlord's registration fee shall be—

(a) in the case of a transfer by sale or gift—

(i) if the rent of the tenure is payable in cash, a fee of 2 per cent. of the annual rent.

Provided that no such fee shall be less than rupee one or more than one hundred rupees.

(ii) in any other case a fee of rupees two.

(b) in the case of a transfer by exchange or bequest a fee of rupees two :

Provided that where only a portion or a share of a holding is transferred, the rent of that portion or share shall, for the purpose of determining the landlord's registration fee under this clause, bear the same proportion to the rent of the entire holding as the area or share transferred bears to that of the entire holding”.

The Hon'ble the SPEAKER: The hon. member will get ample opportunity in connection with other amendments. Is Mr. Mookerjee going to move his amendment ?

Mr. BAIDYANATH MOOKERJEE: Yes, Sir.

Mr. Speaker, Sir, I beg to move that for clause 4, the following shall be substituted, namely :—

“4. For section 21 of the said Act the following section shall be substituted, namely :—

“The landlord's registration fee shall be—

(a) in the case of a transfer by sale or gift—

(i) if the rent of the holding is payable in cash a fee amounting to one year's rent payable at the time for the said holding ;

(ii) in any other case a fee of rupees two.

(b) in the case of a transfer by exchange or bequest a fee of rupees two :

Provided that where only a portion or a share of a holding is transferred, the rent of that portion or share shall, for the purpose of determining the landlord's registration fee under this section, bear the same proportion to the rent of the entire holding as the area or share transferred bears to that of the entire holding”.

Sir, the object of my amendment is to fix the rate of landlord's registration fee in the case of a transfer by sale or gift at one year's rent and in other cases at a fixed sum of rupees two only. Sir, the Goalpara Tenancy Act provides the payment of occupancy transfer fee at ten per cent. of the market value of the land or three times the annual rent, whichever is greater. Considering the present economic condition of the country the landlords of Goalpara are willing to have the occupancy transfer fee at a reduced rate. The Goalpara Tenancy (Amendment) Bill, 1938, introduced by the Hon'ble Srijut Rohini Kumar Chaudhuri which wanted to fix the occupancy transfer fee at one year's rent was, I understand, drafted on an understanding between the landlords and the tenants on this point.

When it is necessary to curtail the existing right of one to give relief to the other, we should see that we take the minimum only from the one that is necessary to give relief to the other. To reduce the occupancy transfer fee from three times the annual rent to one year's rent only, *i.e.*, to reduce to one-third of the present rate, is a reduction sufficient to give relief to the tenantry, and if we reduce it further to two per cent. of the annual rent, *i. e.*, reduce the rent by 300 per cent. it will no doubt give greater relief to the tenantry, but it will unnecessarily curtail the existing right of the landlords. Sir, I venture to submit that the landlords of Goalpara deserve sympathetic consideration by the hon. members. While our brother landlords in Sylhet are even now getting and those in Bengal, Bihar and Orissa use to get the occupancy transfer fee at 20 per cent. of the consideration money or six times the annual rent, they out of consideration for the welfare of their tenants voluntarily agreed to realise the occupancy transfer fee at half of the rate prevailing elsewhere—Sir, I say that they voluntarily agreed, because the Government Bill with the backing of a majority and assurance of a smooth passage through the Legislative Council in 1929, provided the fee at a higher rate and had not the representative of the landlords in that Council voluntarily agreed to the reduced rate they could have easily got the fee at a higher rate. Sir, this manifestly sympathetic attitude of the landlords of Goalpara towards their tenants undoubtedly deserves recognition. Sir, I appeal to the hon. members to consider this and accept my amendment. This will give adequate relief to the tenants, but at the same time will not unnecessarily curtail the rights of the landlords.

The Hon'ble the SPEAKER : Amendment moved :—

That for clause 4, the following shall be substituted, namely :—

“4 For section 21 of the said Act the following section shall be substituted, namely :—

“The landlord's registration fee shall be—

(a) in the case of a transfer by sale or gift—

(i) if the rent of the holding is payable in cash a fee amounting to one year's rent payable at the time for the said holding ;

(ii) in any other case a fee of rupees two.

(b) in the case of a transfer by exchange or bequest a fee of rupees two :

Provided that where only a portion or a share of a holding is transferred, the rent of that portion or share shall, for the purpose of determining the landlord's registration fee under this section, bear the same proportion to the rent of the entire holding as the area or share transferred bears to that of the entire holding.”

Maulavi GHYASUDDIN AHMED : Sir, I rise to oppose this amendment. In the previous amendment we have done away with the landlord's registration fee and this amendment has got no meaning at all. As the last amendment was lost, the landlord's fee has got no force in this. Therefore I oppose this amendment.

Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir, from this side of the House, we are opposed to the amendment moved by Mr. Mookerjee. As hon. members are aware, there was an amendment in my own name which was for fixing the registration fee at 2 per cent. of the annual rent of the holding proposed to be transferred, provided that in no case it shall be less than Re.1 and more than Rs.100. The amendment proposed by my hon. friend Mr. Mookerjee, fixed such a fee at a much higher rate which I regard excessive. As our amendment for substituting the transfer fee by nominal registration fee has been rejected by the House, we have now no alternative but to accept the complete abolition of the transfer fee.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I also oppose the amendment for the same reason assigned by Mr. Ghyasuddin Ahmed. Further this will be going against the basic idea of giving relief to tenants. In the original Bill we wanted to have a nominal registration fee.

The Hon'ble the SPEAKER : I am putting the question. The question is :—

That for clause 4, the following shall be substituted, namely :—

“4. For section 21 of the said Act the following section shall be substituted, namely :—

The landlord's registration fee shall be—

(a) in the case of a transfer by sale or gift—

(i) if the rent of the holding is payable in cash a fee amounting to one year's rent payable at the time for the said holding ;

(ii) in any other case a fee of rupees two.

(b) in the case of a transfer by exchange or bequest a fee of rupees two :

Provided that where only a portion or a share of a holding is transferred, the rent of that portion or share shall, for the purpose of determining the landlord's registration fee under this section, bear the same proportion to the rent of the entire holding as the area or share transferred bears to that of the entire holding."

(A division was claimed)

The Hon'ble the SPEAKER: Having noticed the attitude of the House I propose to take votes in the summary way prescribed by rules for taking division.

A summary division was then taken inside the Chamber by asking the members to rise in their places with the following result:—

Ayes.—1.

Noes.—76.

The motion was negatived.

The Hon'ble the SPEAKER: When the motion is lost, I do not think the other motions to clause 3 stand.

Mr. FAKHRUDDIN ALI AHMED: No. Amendments up to clause 10 go.

The Hon'ble the SPEAKER: Is it so, Mr. Mookerjee? It seems all the amendments standing in the names of Mr. Mookerjee and Mr. Fakhruddin Ali Ahmed— have reference to landlord's fee. They all fall through then? Provided section 21 goes away there is no necessity to move other amendments.

Then I am not putting the next motion, with regard to clause 4 — *i. e.*, clause 4 stands part of the Bill. I shall do it after having disposed of all the amendments up to clause 10.

Then I come to clause 11.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, there is only a verbal amendment standing in my name under clause 10, *i. e.*, amendment No. 39.

I beg to move "that in clause 10, in sub-section (2) of the proposed section 26A, for the figure '3' the figure '20' shall be substituted." This is a verbal amendment only.

The Hon'ble the SPEAKER: Amendment moved is:
"That in clause 10, in sub-section (2) of the proposed section 26A, for the figure '3' the figure '20' shall be substituted."

Mr. FAKHRUDDIN ALI AHMED: I do not know whether this verbal amendment is necessary. Will the Hon'ble Minister please explain under what circumstances this verbal amendment has become necessary? There is no such word as "purchaser" in section 20 of the existing Act.

The Hon'ble the SPEAKER: Yes, I do not find the word "purchaser" in section 20.

Mr. FAKHRUDDIN ALI AHMED: The Hon'ble Minister should look into the original Act. Then he will be able to find whether there is such a word as "purchaser" or not.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, that is the clause 20 of the amending Bill.

Mr. FAKHRUDDIN ALI AHMED: But the amendment mentions clause 10.

The Hon'ble the SPEAKER: Section 20 of the main Act was going to be amended by clause 3, and I think this amendment was tabled in anticipation of clause 3 being passed. But let us see where does the word "purchaser" occur in section 20.

Mr. FAKHRUDDIN ALI AHMED: There is no word " purchaser " in section 20 of the Act.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I shall move this amendment later on.

The Hon'ble the SPEAKER: The Hon'ble Minister will please go through it carefully and move his amendment. I hope the hon. members will please analyse these amendments and come fully prepared, so that they may furnish the informations that I require. Otherwise it becomes very difficult for me to proceed.

It is 4 O'clock, so this Bill would stand over for the next day.

Request to dispose of the Sylhet Tenancy (Amendment) Bill, 1939 within the current Session

Maulavi ABDUR RAHMAN: Sir, may I make a submission with regard to the Sylhet Tenancy (Amendment) Bill? The other day you were pleased to say that you were anxious to see that these Tenancy Bills were passed during the present session. The tenants of Sylhet are crying hoarse for this legislation, and if we proceed in this way I am afraid we may not see that the Bill is passed during this Session. I request the Hon'ble Chair to see that the Sylhet Tenancy Bill is disposed of during this Session.

The Hon'ble the SPEAKER: I am giving this assurance to the House that I would try my best to finish these two tenancy Bills. In the way we have proceeded to-day I hope this Bill would be finished, and after that we may take up the other Bill.

Discussion on starred question No. 91 under Assembly Rule 40

The Hon'ble the SPEAKER: Does hon. Mr. Amjad Ali press for discussion now to starred question No. 91 † put and answered to-day?

Maulavi MUHAMMAD AMJAD ALI: With regard to that, Sir, I am reminded of a ruling you gave while moving a cut motion from the Ministerial Benches. It was with regard to certain cut motion.....

The Hon'ble the SPEAKER: I wish to know first whether the hon. member is willing to start the discussion.

Maulavi MUHAMMAD AMJAD ALI: No, Sir. We have got to settle the matter amongst ourselves and on that score I do not like to press that motion.

ADJOURNMENT

The Assembly was then adjourned till 11 a.m. on Monday, the 18th November, 1940.

SHILLONG:

The 23rd December, 1940.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

NOTE ON THE PRESENT FINANCIAL SITUATION OF
THE PROVINCE WITH REFERENCE TO THE
ACTUAL RECEIPTS AND EXPENDITURE OF THE
YEAR 1939-40 AS COMPARED WITH THE REVISED
FOR THE YEAR

I.—SUMMARY

				Revised	Actuals	Result + or —
				Trs.	Trs.	Trs.
Revenue Receipts	...	...	...	2,81,58	2,93,33	+11,75
Capital, Debt and Deposit head receipts	...	...	...	5,44,99	5,69,51	+25,52
Total receipts	...	...	...	8,26,57	8,62,84	+36,27
Opening balance	...	...	...	27,24	27,24	...
Grand total	...	...	...	8,53,81	8,90,08	+36,27
Revenue Expenditure	...	...	...	2,99,84	2,92,33	—7,51
Capital, Debt and deposit head expenditure	...	...	...	5,33,38	5,51,36	+17,98
Total expenditure	...	...	...	8,33,22	8,43,69	+10,47
Closing balance	...	...	...	20,59	46,39	+25,80

1. The revised estimates for the year 1939-40 which were prepared in January last, placed the receipts for the year at Trs. 8,26,57 and the expenditure at Trs. 8,33,22, thus anticipating a deficit closing balance of Trs. 6,65. The final accounts of the year, however, show that receipts amounted to Trs. 8,62,84 and charges to Trs. 8,43,69, thus resulting in a surplus closing balance of Trs. 19,15. This difference in the closing balance was due to better results under the principal revenue heads especially under "Land Revenue" and also to a drop in the estimated expenditure. On the whole, the excess of expenditure charged to revenue over revenue which was estimated at Trs. 18,26 in the revised turned into an excess of revenue over expenditure amounting to Trs. 1,00. This is the first time actual revenue has exceeded actual revenue expenditure for thirteen years.

II.—REVENUE

2. The revised estimates and the final actuals for the year 1939-40 are compared in the following table :—

	Revised	Actuals	Results	
			+	—
	Trs.	Trs.	Trs.	Trs.
I.—Customs	11,48	13,39	1,91	...
IV.—Taxes on Income other than Corporation Tax.	5,32	6,41	1,09	...
V.—Salt ... ..	...	...	...	...
VII.—Land Revenue	1,24,44	1,36,90	12,46	...
VIII.—Provincial Excise	32,24	33,96	1,72	...
IX.—Stamps	17,17	17,63	...	14
X.—Forest	17,00	17,45	45	...
XI.—Registration	1,88	2,01	13	...
XII.—Receipts under Motor Vehicles Taxation Act.	4,05	4,09	4	...
XIII.—Other taxes and duties	1,98	2,37	39	...
XVIII.—Navigation, etc. ... ..	...	1	1	...
XX.—Interest	26	26	...	...
XXI.—Administration of Justice	1,60	1,83	23	...
XXII.—Jails and Convict Settlements	43	47	4	...
XXIII.—Police	1,52	38	...	1,14
XXIV.—Ports and Pilotage	5	5	...	...
XXVI.—Education	3,93	3,93	...	...
XXVII.—Medical	1,91	1,96	5	...
XXVIII.—Public Health	3,31	2,40	...	91
XXIX.—Agriculture	1,13	98	...	15
XXX.—Veterinary	42	36	...	6

	Revised	Actuals	Results	
			+	-
	Trs.	Trs.	Trs.	Trs.
XXXI.—Co-operation	12	11	...	1
XXXII.—Industries	33	42	9	...
XXXIV.—Miscellaneous Departments ...	51	48	...	3
XXXIX.—Civil Works	14,82	10,91	...	3,91
XLIV.—Receipts in aid of Superannua- tion.	22	22	...	...
XLV.—Stationery and Printing	49	47	...	2
XLVI.—Miscellaneous	4,34	3,84	...	50
XLIX.—Grant-in-aid from Central Go- vernment.	30,00	30,00	...	...
L.—Miscellaneous adjustment between Central and Provincial Govern- ments.	3	4	1	...
Total Revenue heads	2,81,58	2,93,33	18,62	6,87
			+11,75	
N.—Public Debt	1,92,00	1,92,00	...	...
O.—Unfunded Debt—				
State Provident Fund	16,76	16,63	...	13
Deposits not bearing interest	10,66	10,10	...	56
Depreciation Reserve Fund—				
Government Press	10	12	2	...
General Police Fund	14	15	1	...
Deposits of Local Funds—				
District Funds	38,50	49,94	1,14	...
Other Funds	10,30			
Departmental and Judicial deposits ...	38,50	36,97	...	1,53
Advances	9,59	7,24	...	2,35
Suspense	63,09	80,95	17,86	...
Loans and advances by the Provincial Government.	4,05	3,19	...	86
Remittances within India	1,61,30	1,72,22	10,92	...
Total capital, debt and deposit heads	5,44,99	5,69,51	29,95	5,43
			+24,52	
Grand Total	8,26,57	8,62,84	48,57	12,30
			+36,27	

The more important variations are explained below:—

I. *Customs* (+Trs.1,91).—Owing to the increase in this Government's share of the export duty on jute.

IV. *Taxes on Income* (+Trs.1,09).—Due partly to an increase in the Provincial share of the net proceeds of income-tax and partly to receipts from the Assam Agricultural Income-tax (Trs.83).

VII. *Land Revenue* (+Trs.12,46).—The increase is due to earlier collections of Land Revenue under "Temporary-Settled Estates" owing to the rise in prices. The increase would have been larger but for an increase in the percentage of remission.

VIII. *Provincial Excise* (+Trs.1,72).—Due to increased consumption of country spirit.

X. *Forests* (+Trs.45).—Owing to increased demand for timber.

XIII. *Other Taxes and duties* (+Trs.39).—The increase is due to larger receipts accruing from the taxes imposed on motor spirits and amusements, etc.

XXI. *Administration of Justice* (+Trs.23).—Owing to cash receipts under Arms Act being credited under this head. These receipts were shown under 'Police' in previous years.

XXIII. *Police* (—Trs.1,14).—Due to smaller collections from the Cattle Trespass Act under the minor head "Fees, fines and forfeitures". The estimates of local officers were too high.

XXVIII. *Public Health* (—Trs.91).—Due to Central Government grants not being utilised in full.

XXXIX. *Civil Works* (—Trs.3,91).—The decrease is due to a smaller subvention from the Central Road Development account, decrease in receipts under Miscellaneous and also to change of classification in accounts.

XLVI. *Miscellaneous* (—Trs.50).—Due to lower receipts previously realised by local bodies in respect of schools, hospitals, steamers, etc., than anticipated by district officers.

Capital and Debt heads (—Trs.24,52).—Receipts and expenditure under these heads are of a fluctuating nature and accurate estimates are not possible. An increase or decrease in receipt is followed by a similar increase or decrease in expenditure.

III.—EXPENDITURE

3. Revised estimates and the final actuals for the year 1939-40 are compared below in the following table:—

	Revised	Actuals	Result	
			+	-
	Trs.	Trs.	Trs.	Trs.
4. Taxes on Income other than Corporation Tax.	6	9	3	...
7. Land Revenue	28,57	28,65	8	...
8. Provincial Excise... ..	4,30	4,16	...	14
9. Stamps	43	43	...	...
10. Forests	11,79	11,61	...	18
11. Registration	1,48	1,52	4	...
12. Charges on account of Motor Vehicles Taxation Act.	1,81	2,10	29	...
13. Other Taxes and duties	2	2	...	...
18B. Navigation, Embankment and Drainage Works.	61	59	...	
22. Interest on debt and other obligations	4,27	4,12	...	152
25. General Administration	33,78	33,89	11	...
27. Administration of Justice	10,62	10,59	...	3
28. Jails and Convict Settlements	4,66	4,70	4	...
29. Police	33,63	32,86	...	+77
30. Ports and Pilotage	7	7	...	...
36. Scientific Departments	5	5	...	...
37. Education (European)	84	} 38,67	34	...
37. Education (other than European)	37,49			
38. Medical... ..	14,51	14,40	...	11

	Revised	Actuals	Result	
			+	-
	Trs.	Trs.	Trs.	Trs.
39. Public Health	8,68	8,21	...	47
40. Agriculture	6,16	6,30	14	...
41. Veterinary	1,72	1,63	...	9
42. Co-operation	91	92	1	...
43. Industries	2,76	2,78	2	...
47. Miscellaneous Departments ...	92	90	...	2
50. Civil Works	53,95	47,84	...	6,11
54A. Famine Relief	85	75	...	10
55. Superannuation allowances and pensions.	22,89	22,59	...	30
56. Stationery and Printing	3,17	3,12	...	5
57. Miscellaneous	8,84	8,77	...	7
Total Revenue heads ...	2,99,84	2,92,33	1,10	18,61
			-7,51	
83. Payment of commuted value of pensions.	1,75	1,59	...	16
85. Payments to retrenched personnel ...	-2	-2	...	...
N.—Public Debt	1,82,00	1,82,00	...	...
Unfunded Debt—				
State Provident Fund	10,78	12,25	1,47	...
Deposits not bearing interest	10,75	10,18	...	57
Depreciation Reserve Fund—Government Press.	12	7	...	5
General Police Fund... ..	11	11	...	..

	Revised	Actuals	Results	
			+	-
	Trs.	Trs.	Trs.	Trs.
Deposits of local funds—				
District funds	38,50	} 50,29	1,19	...
Other funds	10,60			
Departmental and Judicial deposits ...	37,22	33,11	...	4,11
Advances	9,65	6,85	...	2,80
Suspense	60,10	84,33	24,23	...
Loans and advances by the Provincial Government.	7,62	4,82	...	2,80
Remittances within India	1,64,20	1,65,78	1,58	...
Total Capital, Debt and Deposit heads.	5,33,38	5,51,36	28,47	10,49
			+17,98	
Grand Total	8,33,22	8,43,69	29,57	19,10
			+10,47	

The more important variations are explained below :—

12. *Charges on account of Motor Vehicles Taxation Act (+Trs.29).*—Owing mainly to expenditure on roads financed from the surplus proceeds of the Assam Motor Vehicles Taxation Act.

29. *Police (—Trs.77).*—The decrease is mainly due to smaller expenditure on deferred pay.

37. *Education (+Trs.34).*—Increase is due to variations under different heads.

39. *Public Health (—Trs.47).*—The decrease is due to smaller expenditure on water-supply and village sanitation from the grants for the economic development of rural areas.

50. *Civil Works (—Trs.6,11).*—Due to expenditure on works financed from the petrol tax and other Central Government grants proceeding less rapidly than anticipated.

55. *Superannuation allowances and pensions* (—Trs.30).—Due to smaller charges drawn in England.

IV—1940-41

4. *Prospects for 1940-41*.—The total provincial revenue receipts for the first half year amounted to Trs.1,38,75 as compared with Trs. 1,29,56 during the corresponding period of 1939-40. The increase of Trs. 9,19 during the current year is due to collection of Agricultural Income-tax (Trs.8,49), increase of revenue under “Excise (Trs.25),” “Forests (Trs.3,65)” and Civil Works (Trs.2,17) counterbalanced by a drop of Trs.5,55 under “Land Revenue”. The decrease under the latter head is due to earlier spring collections at the end of the last financial year and to the main effect of the increased remission sanctioned by Government last year falling in the current year. It is impossible at this stage to say accurately what the actual position at the end of the year will be, but revenue is likely to be lower than estimated in the original budget, as all the income estimated from the Agricultural Income-tax Act is not likely to be realized before the year ends judging by the progress at present made in assessment and collection; otherwise as the year has so far been uneventful, it is anticipated that the revenue estimates under other heads will be realised in full if not exceeded.

The expenditure under revenue heads during the first half of the year amounted to Trs.1,41,82 against Trs.1,32,18 during the corresponding period of last year. The variation between the two years' actuals is the result of variations under different heads, the principal variation being an increase of Trs. 6,50 under “Miscellaneous” owing to payment of contributions to local bodies in lieu of local rates previously realised by them which were debited under “Land Revenue” in the past, Trs. 3,00 under “Interest” on account of discount on the loan of 50 lakhs, Trs. 2,46 under “Appropriation for reduction or avoidance of debt” as a result of investment of the Sinking fund money, counterbalanced by a decrease of Trs. 5,00 under “Land Revenue” for the reason stated above.

In the budget for the current year the Assembly sanctioned a lump sum of Rs.12,000 to meet initial expenditure in connection with Mass Literacy Campaign, but a further sum of about Rs.62,000 will be needed to meet the pay of teachers, distribution of pamphlets and pay and travelling allowance of officers and other contingencies. To help the British Government in their present struggle against Fascism this Government sanctioned a contribution of Trs.1,00 to the British War Fund for which a supplementary grant will also be necessary.

As estimated in the budget a loan of 50 lakhs at 3 per cent. redeemable at par in 1952 was floated in the open market in September last to undertake various beneficial schemes involving large capital expenditure, to grant loans to local bodies for improving water-supply in urban areas, to fund floating debt, etc. A sum of Rs.3 lakhs is required on account of discount in connection with the raising of the above loan.

*Dated Shillong :
The 12th November, 1940.*

A. G. PATTON,
*Secretary to the Government
of Assam, Finance Department.*