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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 2 p.m., on
Friday, the 22nd November 1940

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten
Hon'ble Ministers and 92 members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(to which oral answers were given)

**Tax realised under the Assam Motor Vehicles Taxation
Act.**

Mr. BAIDYANATH MOOKERJEE asked :

*133. Will Government be pleased to state the amount of tax realised
under the Assam Motor Vehicles Taxation Act since their inception under
the jurisdiction of each local board year by year ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA
replied :

133.—Accounts are not maintained against local board jurisdiction.
A statement showing realisation from districts has been placed on the table.

*Statement referred to in reply to starred question No. 133 asked by Mr. Baidyanath
Mookerjee.*

Statement showing realisation under the Assam Motor Vehicles Taxa-
tion Act :—

District	1937-38			1938-39			1939-40		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Cachar ...	27,496	15	3	24,118	2	0	25,222	14	6
Sylhet ...	42,204	14	3	48,999	6	6	51,088	5	1
Lakhimpur ...	73,574	15	6	95,457	4	6	109,750	0	6
Sibsagar ...	52,134	8	3	61,090	11	0	69,784	7	3
Nowgong ...	7,634	12	0	10,584	4	0	15,580	10	0
Darrang ...	27,025	5	0	33,981	0	0	34,605	1	6
Kamrup ...	17,235	9	0	24,680	13	0	24,617	14	0
Goalpara ...	3,403	1	0	5,416	1	0	7,310	11	0
Garo Hills ...	536	9	0	867	0	0	773	14	9
Khasi and Jaintia Hills.	* 35,324	3	6	41,286	3	0	49,859	12	6

*Gross figures including receipts and appertaining to the district.

Mr. BAIDYANATH MOOKERJEE : Will Government consider the question of the accounts being kept by the Local Boards ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I will see, Sir, if my friend's request can be acceded to. So far as I know, it will be difficult. As I have said, we are collecting by districts and not by areas under the jurisdiction of Local Boards.

Mr. BAIDYANATH MOOKERJEE : But the money realised under this head is distributed to each individual Local Board. In that case will it not be easier for the Communications Board to deal with the distribution of money if the accounts can be kept separately ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I realise the point of my hon. friend, and I will see if realisation can be confined to the board's jurisdiction.

Travelling allowance to officers on Census work

Srijut DEBESWAR SARMAH asked :

*134. Will Government be pleased to state if it is a fact that no travelling allowance is allowed to officers for Census work, and that officers are asked to do Census work when they go out in connection with other works ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

134.—Generally touring officers are selected for Census work, who can combine journeys for this purpose with their ordinary duties, in order to keep down the cost of the operations. Where this is not possible or the work is done by a person who is not ordinarily a touring officer, the travelling allowance is met from the Census budget.

Srijut DEBESWAR SARMAH : Is it a fact that in many places the Senior Extra Assistant Commissioners are the Census Officers of the subdivisions ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Yes, Sir, the services of the Senior Extra Assistant Commissioners have been requisitioned for census work.

Srijut DEBESWAR SARMAH : Is it also a fact that they are usually not touring officers and except with the permission of the District Magistrate they cannot hold a local enquiry or hold a trial locally ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That may be so, Sir.

Srijut DEBESWAR SARMAH : Will some provision be made in their cases ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : We shall see that these officers do not be out of pockets.

Honorary Magistrates of Cachar

Mr. ARUN KUMAR CHANDA asked :

*135. Will Government be pleased to state—

- (a) The names of the Honorary Magistrates authorised to try cases in Cachar ?
- (b) The date of appointment of each such Magistrate ?
- (c) The term of appointment of each ?
- (d) The qualification of each ?

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

135. (a)—Mr. S. A. Pearson and Lieut.-Colonel A. B. Beddow.

(b)—On 24th May 1940 in both cases.

(c)—For a period of three years.

(d)—They are both senior planters of high standing.

Mr. ARUN KUMAR CHANDA : Why were only European planters patronised in this matter, Sir ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : There was no question of patronisation, Sir. There was no demand either from the public or the Deputy Commissioner that any Indian gentleman should be appointed as honorary magistrate.

Mr. ARUN KUMAR CHANDA : Will Government consider the desirability of having Indian planters also as honorary magistrates ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : If the Deputy Commissioner recommends, Government will consider.

Mr. ARUN KUMAR CHANDA : On what basis is the recruitment of European planters made, Sir ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : It is mainly as a distinction that they are appointed to these posts. They also do some miscellaneous works.

Mr. ARUN KUMAR CHANDA : Should such distinctions be earmarked for Europeans only ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Certainly not. Indians also are appointed as such.

Mr. ARUN KUMAR CHANDA : Does the Deputy Commissioner, Cachar, think that there is no Indian worthy of such distinction in the district of Cachar ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Can I say, Sir, what the Deputy Commissioner, Cachar, thinks ?

Babu DAKSHINARANJAN GUPTA CHAUDHURI : May I know the nature of this distinction ? Is it based on experience in plantation ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : It is an honour.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Is it the only criterion ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : With regard to the Indian honorary magistrates, they do some judicial and some criminal works, etc. With regard to the European honorary magistrates, they do some miscellaneous works also besides holding the position as one of honour.

Mr. ARUN KUMAR CHANDA : Are European planters made honorary magistrates to frighten the labourers into submission ?

The Hon'ble the SPEAKER : That question is not in order.

Mr. BAIDYANATH MOOKERJEE : Are we to understand, Sir, that the Deputy Commissioner, Cachar, did not recommend the name of any Indian planter ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : I have already stated, Sir, that these appointments are made on the recommendations of the Deputy Commissioner.

Mr. BAIDYANATH MOOKERJEE : Are we to understand that in all cases the recommendations of the Deputy Commissioner are accepted ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Government considers the recommendations of the Deputy Commissioner but it cannot be said that in all cases his recommendations are accepted.

Mr. ARUN KUMAR CHANDA : Are Government aware that one of the gardens of which one of the honorary magistrates is a Manager has become notorious for labour unrest ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Government is not aware of that, Sir.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : May I know, Sir, the nature of the miscellaneous works done by these honorary magistrates ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : They have to certify the income-tax returns, declarations and applications for passport among other things.

Srijut DEBESWAR SAR MAH : May I have some enlightenment from the Hon'ble Minister ? In regard to a particular question he answered by saying that by the appointment of these gentlemen as honorary magistrates they are conferred some honour. We could not follow it.

The Hon'ble the SPEAKER : Because the term is 'honorary magistrate'. (*Laughter*).

Erosion of the river Barak in Silchar

Mr. ARUN KUMAR CHANDA asked :

*136.(a) Are Government aware that erosion of the river Barak in Silchar is assuming serious proportions ?

(b) If so, what steps do Government propose to take to allay public anxiety and ensure safety of property ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI replied :

136.(a)—No. The matter will be investigated.

b)—Does not arise.

Mr. ARUN KUMAR CHANDA : With regard to (a) are not Government aware, Sir ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : Government has got no such report.

Mr. ARUN KUMAR CHANDA : It is surprising. Are Government aware that the mosque in front of the kutcheri is going down into the river ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : We have no information.

Mr. ARUN KUMAR CHANDA : Are Government aware that the college building went down into the river ?

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI : No, Sir.

Managing Committees of the Silchar and Jorhat Normal Schools

Mr. ARUN KUMAR CHANDA asked :

*137. Will Government be pleased to state—

- (a) The names of the members of the Managing Committees of the Silchar and Jorhat Normal Schools ?
- (b) Whether any non-official has found a place in the Managing Committees of these two Schools ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

137. (a)—Under Part VII of section 26 of the Education Department Rules and Orders the constitution of the Managing Committees are as shown in the statement laid on the table.

(b)—No.

Statement referred to in reply to starred question No. 137(a) asked by Mr. Arun Kumar Chanda.

SILCHAR NORMAL SCHOOL

- (1) The Deputy Commissioner, Cachar ... President.
- (2) The Inspector of Schools, Surma Valley and Hill Districts. Vice-President.
- (3) The Superintendent of the School ... Secretary.
- (4) The Assistant Inspector of Schools, Surma Valley and Hill Districts. Member.
- (5) The Instructor of the Training Class ... Member.
- (6) The Deputy Inspector of Schools, Silchar Member.

JORHAT NORMAL SCHOOL

- (1) The Deputy Commissioner, Sibsagar ... President.
- (2) The Inspector of Schools, Assam Valley Circle. Vice-President.
- (3) The Superintendent of the School ... Secretary.
- (4) The Assistant Inspector of Schools, Assam Valley Circle. Member.
- (5) The Instructor of the Training Class ... Member.
- (6) The Deputy Inspector of Schools, Jorhat Member.

Mr. ARUN KUMAR CHANDA : Why are not non-officials appointed as members of the Managing Committee, Sir ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : The necessity for doing so has not been felt so far.

Mr. ARUN KUMAR CHANDA : Are Government aware that there is a feeling that non-officials are being shut out of these Committees ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : No, Sir.

Mr. ARUN KUMAR CHANDA : Will Government enquire ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI : So far, Sir, there has been no non-official in the management of these two schools and we have not received any complaint that the management of the schools has in any way suffered for want of non-official element. Therefore we do not find sufficient grounds for any enquiry.

Distribution of Rs.25,000 amongst the different Local Boards for flood damage repair

Srijut BISHNU RAM MEDHI asked :

*138. Will the Hon'ble Minister-in-charge of the Local Self-Government be pleased to state—

- (a) Whether the sum of Rs.25,000 provided in the budget for the current year, for helping the different Local Boards for flood damage repair, has been distributed amongst the different Local Boards affected by the flood ?
- (b) If so, what amount of grant has been allotted to each of the Local Boards affected by the flood ?
- (c) Whether Government received any representation for grant for flood damage repair ?
- (d) If so, which of the Local Boards did so ?
- (e) Whether any of the Local Boards submitted any sketch showing the extent of damage done by flood and also the probable estimate for repair of such damage ?
- (f) If so, which of the Local Boards did so, and what is the estimate submitted by each of such Boards ?
- (g) Whether Government got the extent of damage submitted by different Local Boards, examined by the Inspector of Civil Works before allotting any grant ?
- (h) Whether it is a fact that the Gauhati Local Board has been repeatedly re-iterating its demand for substantial grant for flood damage and submitted a sketch, showing the extent of damage and a rough estimate of Rs. 30,000 for repair of the extensive damage of roads and bridges by the last flood in July 1939 ?
- (i) If so, whether Government verified the extent of damage and the estimate submitted by the Gauhati Local Board, by the Inspector of Civil Works ?
- (j) Whether it is a fact that the attention of Government was drawn to the said extensive damage of roads and bridges in the last Budget Session of the Assembly, and Government gave an assurance to the effect that the case of Gauhati Local Board regarding grant for flood damage would be duly considered ?

- (k) If so, why no amount has yet been allotted to the Gauhati Local Board for repair of the damages caused by flood to the roads and bridges under it ?

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

138. (a)—Not yet.
 (b)—Does not arise.
 (c)—Yes.
 (d)—Gauhati, Nowgong, Dhubri, Silchar, Hailakandi, Karimganj and Habiganj Local Boards.
 (e) & (f)—As all applications together with any papers that accompanied them have been sent to the Commissioner for the comments of both the District Officers and Inspector of Civil Works it is not possible to answer these questions.
 (g)—The Government will have the comments of the Inspectors before them when the grant will be distributed.
 (h)—Representations were received from the Gauhati Local Board.
 (i)—The Inspector's comments will no doubt have reference to the damage and the Board's estimate.
 (j)—Yes.
 (k)—The matter is awaiting the receipt of comments from local officers.

Srijut BISHNU RAM MEDHI: Will Government be pleased to state why such an extraordinary delay has been made in distributing grants for flood damage repair to the Local Boards ?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, most probably towards the last part of June last, Government referred the matter for the opinion of the Commissioner, Deputy Commissioner and the Inspector of Civil Works but they have not received as yet their report with their comments.

Procedure regarding Census Operations

Srijut RAJENDRA NATH BARUA asked :

- *139. Will Government be pleased to state—
 (a) Why mixed Hindusthani is intended to be shown in the Census operations of 1941 as the language of a tea garden labourer or an *ex-tea* garden labourer who has adopted Assamese as the main language ?
 (b) Whether Government propose to change this procedure ?
 (c) If not, why not ?
- *140. Will Government be pleased to state—
 (a) Why the domicile rule as laid down in the Assam Executive Manual, relating to 10 years residence and landed properties, has been modified for the purpose of the said Census ?
 (b) Whether Government are aware that many non-natives of the province, who are temporary sojourners will take advantage of this Rule and will deprive the children of the soil from their claims to various benefits of the State ?
 (c) Whether Government propose to consider the desirability of changing this Census Rule ?

*141. Will Government be pleased to state the reasons why hills and plains tribal people who are Saranias (disciples of Hindu Gurus) are not to be regarded as Hindus and shown as such in the present Census ?

*142. Will Government be pleased to state the reasons why so many castes and sub-castes in the Hindu community are intended to be shown in the present Census ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

139. (a)—This is not the intention of the instructions. These, as they will now stand, make it clear that if a person has adopted Assamese as his language in the home, it will be so recorded. Mixed Hindusthani will be recorded only for the subsidiary language of those who speak a tribal language or dialect and also a *patois* of Hindusthani.

(b)—The wording of the instructions which will be published in the Gazette, has already been under scrutiny of Government.

(c)—Does not arise.

Srijut RAJENDRA NATH BARUA : May we know what is the dialect in mixed 'Hindusthani' as told by the Hon'ble Prime Minister ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : This is a mixed dialect used by *ex-tea* garden labourers. As the hon. members are aware, tea labourers coming from Chota Nagour, Central Provinces and a part of Madras and Orissa, use their own language. They sometimes mix their dialect with the Assamese and thus they talk mixed Hindusthani. Now the question remains pending final order whether it should be termed as mixed Assamese.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

140. (a)—This is not a fact. Government have incidentally decided that the category "Domiciled Hindu," to distinguish a community under "Race, Tribe or Caste," will be omitted.

(b)—Does not arise.

(c)—There is no such rule, but, as has been explained, the entry which might give a misleading impression has been omitted from the final instructions.

141.—This is not a fact. A person's religion will be recorded according to his own statement.

142.—Here again the enumerator must take the statement of the person concerned. It is for obvious reasons necessary to record caste, in order to enable those which are scheduled to be distinguished. How far the figures will be tabulated has not yet been decided.

Model villages in the Assam Valley Districts

Maulavi BADARUDDIN AHMED asked :

*143. Will Government be pleased to state the number of centres of "Model Village" which have been opened in the Assam Valley districts sub-division by subdivision ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

143. — The number of centres is shown in the Statement laid on the table.

Statement referred to in reply to stored question No.143 asked by Maulavi Badaruddin Ahmed

UPPER ASSAM

District			Subdivision			No. of centres
Lakhimpur	...	...	Dibrugarh	...	...	1
Sibsagar	...	...	Sibsagar	...	...	1
			Jorhat	...	...	1
			Golaghat	...	...	1
Nowgong	...	...	.....			3

LOWER ASSAM

District			Subdivision			No. of centres
Darrang	...	...	Tezpur	...	...	1
Kamrup	...	...	Gauhati	...	...	6
			Barpeta	...	...	1
Goalpara	...	...	Dhubri	...	...	2
			Goalpara	...	...	2

Maulavi BADARUDDIN AHMED: Will Government be pleased to state why not a single model village was opened in Mangaldai ?

The Hon'ble Maulavi MUNAWWAR ALI: Because the number was not sufficiently adequate to put one there.

Srijut MAHADEV SARMA: Under what basis these different centres of model villages were selected in different districts ?

The Hon'ble Maulavi MUNAWWAR ALI: Model villages were selected generally on population basis.

Srijut MAHADEV SARMA: May I know, Sir, why several subdivisions have been omitted and no centres of model village opened?

The Hon'ble Maulavi MUNAWWAR ALI: It was taken on a basis of three agricultural regions and these three regions were under consideration only and nothing else.

Srijut MAHADEV SARMA: What are those regions, Sir ?

The Hon'ble Maulavi MUNAWWAR ALI: Surma Valley, Upper Brahmaputra Valley and Lower Brahmaputra Valley.

Maulavi MUHAMMAD AMJAD ALI: May I know why does the Hon'ble Minister use the word "Brahmaputra Valley" instead of "Assam Valley" ?

The Hon'ble Maulavi MUNAWWAR ALI: Some use 'Assam Valley' while others use 'Brahmaputra Valley'.

Maulvi MUHAMMAD AMJAD ALI: Which is used in official parlance by Government—"Assam Valley" or "Brahmaputra Valley" ?

The Hon'ble Maulavi MUNAWWAR ALI: It depends on the choice of the vocabulary of the user.

Srijut DEBESWAR SARMAH: May we know, Sir, who used "Brahmaputra Valley"?

The Hon'ble Maulavi MUNAWWAR ALI: Because it is Brahmaputra Valley.

Srijut DEBESWAR SARMAH: Who use the term 'Brahmaputra Valley'?

The Hon'ble Maulavi MUNAWWAR ALI: I use the term Brahmaputra Valley'. (*Laughter.*)

Srijut DEBESWAR SARMAH: Sir, I have to put one further question.

The Hon'ble the SPEAKER: No, I have called out the next question.

Appointments in the Assam Agricultural Service, Class I.

Maulavi ABDUR RAHMAN †asked :

*144. Will Government be pleased to state :—

- (a) The number of appointments in the Assam Agricultural Service, Class I, and the names of officers with their qualifications ?

†Questions were put by Maulavi Mabarak Ali on authorisation.

- (b) Whether it is a fact that one of them has no Agricultural Degree at all ?
- (c) Whether any Surma Valley Mussalman ever held an appointment in Class I of the said service since the creation of the Department ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

144 (a). — The number of appointments in the Assam Agricultural Service, Class I, is six. The names of the officers with their qualifications are given in the statement laid on the table.

Statement referred to in reply to starred question No.144(a) asked by Maulavi Abdur Rahman

1. Mr. F. Haque—Diploma holder in Agriculture from the Poona Agricultural College.
2. Mr. L. Barthakur—Took 4 years Agricultural Training in Japan including 3 years in Sapporo Agricultural College.
3. Mr. R. C. Woodford—Four years course at Winchester Training College for London B.Sc. Degree interrupted by the outbreak of War in 1914.

Passed Indian Dairy Diploma in 1918-20 held by the Military Authorities.

Took up course in preventive measures against animal diseases at the Mukteswar Veterinary Research Institute, 1920.

4. Dr. H. K. Nandi—M.Sc., Ph. D. (London), F.L.S., F.R., M.S.
5. Mr. L. K. Handique—B.Sc., in Agriculture, Edinburgh.
6. Mr. S. Majid (officiating)—B.Sc., in Botany. Underwent 2 years post-graduate course in Agricultural Botany. Took training in Statistics.

Had a short refresher course in advanced Agricultural Statistics at the Presidency College Laboratory, Calcutta.

144. (b)—The question does not arise in view of reply to question (a).
(c)—No.

Maulavi MABARAK ALI: May we know from Government why no Mussalman was ever appointed to Assam Agricultural Service, Class I ?

The Hon'ble Maulavi MUNAWWAR ALI: Because there was no qualified and suitable candidate available.

Babu RABINDRA NATH ADITYA: Are Government aware that there were candidates who had agricultural degree and experience both ?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, the Government is aware of that.

Babu RABINDRA NATH ADITYA: Why were those cases not considered at the time of making the selection ?

The Hon'ble Maulavi MUNAWWAR ALI: Primary consideration lies with the Public Service Commission. They did not recommend those cases.

Babu RABINDRA NATH ADITYA: Did Government give any direction to the Public Service Commission with regard to the selection ?

The Hon'ble Maulavi MUNAWWAR ALI: Government gave only general direction and they allowed the Officers of the Department to apply. The opinion of the Public Service Commission was that none of the Inspectors were suitable.

Babu RABINDRA NATH ADITYA: Was, in the opinion of the Public Service Commission, the person who was selected considered suitable ?

The Hon'ble Maulavi MUNAWWAR ALI: He was the top-most candidate and a most suitable one according to their opinion. We simply accepted their recommendation.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Assistant Director of Public Instruction for Muhammedan Education

Maulavi ABDUR RAHMAN asked :

225. (a) Is it a fact that the post of the Assistant Director of Public Instruction for Muhammedan Education is lying vacant since the transfer of Khan Sahib Maulavi Aaur Rahman ?

(b) If so, will the Hon'ble Minister-in-charge be pleased to state when Government propose to fill up the vacancy, whether by transfer, or by recruitment or by promotion ?

226. (a) Do Government propose to appoint one more Deputy Inspector of Schools for Muhammedan Education and Sub-Inspector of Schools for the purpose ?

(b) If so, when they propose to give effect to such proposals ?

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

225. (a)—Yes.

(b)—Government have decided to fill up the post at the earliest opportunity by recruitment after consultation with the Assam Public Service Commission. It is proposed that officers in Government service possessing the qualifications proposed for the post will be eligible to apply.

226. (a)—There is no such proposal under consideration of Government at present.

(b)—Does not arise.

Estimate under the head "Education" of the Gauhati Local Board for 1940-41 Budget

Srijut SIDDHI NATH SARMA asked :

227. Is the Hon'ble Minister-in-charge of Local Self-Government aware of the fact that the Commissioner of Divisions returned the Budget of the Gauhati Local Board for the year 1940-41 with the direction to reduce the sum of Rs. 6,000 under the head "Education" in a lump without specifying the detailed heads ?

228. Is it a fact that the Gauhati Local Board drew the pointed attention of the Commissioner that a reduction of Rs.6,000 from the "Education" head will tantamount to closing down of several existing Educational Institutions and requested the Commissioner to reconsider the matter ?

229. (a) Have Government received a representation from the Gauhati Local Board in this connection ?

(b) If so, whether Government have passed any order on the said representation and communicated the same to the Gauhati Local Board ?

230. Are Government aware of the difficulty the Gauhati Local Board will be put to in framing its budget for the year 1941-42, which is to be presented under the Local Self-Government Act not later than the 15th November on account of the delay in communicating to the Gauhati Local Board Government's decision regarding current year's Budget ?

231. (a) Is it the intention of the Government to close down the existing Educational Institutions ?

(b) If not, does the Hon'ble Minister propose to see that the grant is restored and to see that in future such a drastic cut is not made by the Commissioner ?

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

227.—Yes.

228.—Yes.

229. (a)—Yes.

(b)—The orders are under issue.

230.—Government were bound to make enquiries before they could consider the question of interfering with the Commissioner's order. The delay is due to the information called for being not supplied till the end of October.

231. (a)—No.

(b)—Government have directed that the Board's estimate may be restored.

Srijut SIDDHI NATH SARMA: The question is 'if not, does the Hon'ble Minister propose to see that the grant is restored and to see that in future such a drastic cut is not made by the Commissioner'? The reply is 'Government have directed that the Board's estimate may be restored'. I think, Sir, the second part of the question has not been answered.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Government do not think that a repetition of the same course of action will be made by a responsible officer like the Commissioner of Divisions.

Srijut SIDDHI NATH SARMA: Are Government aware that in this particular case the Commissioner interfered and went against the advice of the educational experts of Government and made this lump cut of Rs. 6,000?

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

Srijut SIDDHI NATH SARMA: May I know what was the advice of the educational experts of Government in this matter?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I require notice of that question, Sir. I have not seen the opinion of the educational experts.

Mr. BAIDYANATH MOOKERJEE: Are we to understand that in this particular case the Commissioner acted irresponsibly?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: From the reply of the Commissioner and of the Chairman, Local Board, we have come to the decision that the grant should be restored.

Mr. BAIDYANATH MOOKERJEE: In reply to the question the Hon'ble Minister said that a responsible officer like the Commissioner of Division will not act in such a way in future. My question was that in this particular case is it the opinion of Government that the Commissioner acted in an irresponsible way?

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: It is a question of opinion. The hon. member may make his own inference in any way he likes.

Dhandasam area in the Barpathar Mouza

Srijut SANKAR CHANDRA BARUA asked:

232. Will Government be pleased to state—

- (a) Whether any facility for drinking water and roads have been provided in the Dhandasam area in the Barpathar Mauza?
- (b) How many persons have since come and settled in this area?
- (c) The amount of income derived by the Government in the shape of land revenue and local rates from this area?

233. Will Government be pleased to state—

- (a) Whether it is a fact that an estimate for a tube well and a road in the said Dhandasam area was recently submitted by the local officers ?
- (b) If so, whether any action was taken on it ?
- (c) If not, why not ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

232 & 233.—Government have no information and the questions were received too late to enable material for replies to be obtained from the local officers.

No such estimate as is referred to in Question 233 has been received by Government, who, however recently sanctioned Rs. 2,460 for sinking five tube wells in the Development Area and are asking the Assembly to vote a further Rs.5,000 in a supplementary demand for providing more wells and roads.

Srijut RAJENDRA NATH BARUA : Will Government please give me the reply when the enquiry will be completed ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : I cannot say definitely when it will be completed.

Srijut RAJENDRA NATH BARUA : When the enquiry will be completed will Government please give me that information ?

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

Grievances of the Graziers of Soaguri Chapari and other grazing grounds within the Biswanath Mouza

Srijut OMEO KUMAR DAS asked :

234.(a) Are Government aware that the graziers of Soaguri Chapari and other grazing grounds, within the Biswanath Mouza, submitted petitions to the Deputy Commissioner, Darrang, in November 1939, in March 1940 and also in October 1940 ?

(b) If so, will Government be pleased to state the steps taken to remove their grievances as stated in their petitions ?

(c) Do Government propose to open the said grazing areas for settlement ?

(d) Are Government aware that the said entire grazing areas have been recently occupied by the immigrants from other places ?

(e) Are Government aware that a feeling has been prevalent among the immigrants, that they can forcibly occupy the grazing reserves in defiance of law with impunity ?

(f) Are Government aware that a state of chaos has been created for want of a definite policy by Government in this matter ?

235. Will Government be pleased to state—

- (a) The steps taken by them after the tour made by the Hon'ble Premier, accompanied by the Hon'ble Ministers the Hon'ble Revenue and Forests in the Tezpur subdivision for Land last ?

- (b) What steps, they took to remove the grievances of these graziers, after they visited Komorakhati and Soaguri grazing reserves ?
- (c) Whether Government is aware that influx of immigrants into these areas have been continually increasing ?
- (d) Why the order served on the trespassers into these areas, by the Deputy Commissioner, Darrang, during the last week of April to evacuate them from these areas, within seven days, has not been carried out ?
- (e) Why these trespassers were allowed to remain in these areas, after the order of evacuation, was served on them ?
- (f) Whether Government propose to settle the immigrants on the banks of the Buroi river which is generally inhabited by the Miris ?
- (g) Whether Government deputed the Colonisation Officer, Dalgaon Circle, to visit this Buroi area in this connection ?
- (h) Will Government be pleased to lay on the table, the report submitted to Government by the said Colonisation Officer in this connection ?

236.(a) Are Government aware that owing to the erosion of the Bharali river, in the Tezpur subdivision, several villages on the bank of the Bharali have been washed out, during the course of these few years ?

(b) Are Government aware that the residents of a Kaibarta village which has been a victim of such erosion, submitted a petition to the Government for lands ?

(c) If so, will Government be pleased to state what steps they had taken on their petition ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

234.(a) to (d), 235.(c) to (h) & 236.(a) to (c)—Government have no information and the questions were received too late to enable material for reply to be obtained from the local officers.

234.(e)—No

(f)—Government have already laid down their policy in the Resolution No.3252-R., dated the 21st June 1940.

Srijut OMEO KUMAR DAS : In reply to my question 234(a) it is said that Government have no information. My question was—"Are Government aware that the graziers of Soaguri Chapari and other grazing grounds, within the Biswanath Mouza, submitted petitions to the Deputy Commissioner, Darrang, in November 1939, in March 1940 and also in October, 1940 ?". The reply is "Government have no information".

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : Yes, we have called for the information from the Deputy Commissioner and the information has not been received as yet.

Srijut MAHADEV SARMA : Are we to understand from the Government that the questions were not put within the prescribed time as laid down by the Assembly rule ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: They might have been received within the prescribed time, but it takes time to get the information from the Deputy Commissioner. We have already asked him to supply the information; but it has not yet reached us.

Srijut MAHADEV SARMA: Will the Hon'ble Minister be pleased to oblige us by sending the reply when he receives it from the District Officer?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Yes, Sir, that will be done.

Srijut MAHADEV SARMA: Replies to all the questions?

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

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied:

235.(a) & (b)—The Deputy Commissioner, Darrang, was ordered to evict all new encroachers in the light of the instructions mentioned at the end of paragraph 7 of the above Resolution.

Taxes collected under various Acts

Srijut KAMESWAR DAS asked:

237. Will Government be pleased to state—

- (a) Whether the Assam Sales Tax Act, 1939, is in force?
- (b) If so, since when and how much has been collected as tax under the Act, up to the end of September 1940 and through what agency?
- (c) If not, why not?

238. Will Government be pleased to state—

- (a) Since what date, the Assam Amusements and Betting Tax Act, 1939, has been in force and how much has been collected as tax under it in 1939-40 and how much in the current year up to the end of September 1940?
- (b) What is the collecting agency and whether the collection involves any cost to the Government as commission?

239. Will Government be pleased to state—

- (a) Since what date, the Assam Sales of Motor Spirits and Lubricants Taxation Act, 1939, has been in force?
- (b) What is the collection under it in 1939-40 and upto the end of September 1940 in the current year?
- (c) If officers have been specially empowered for action under sections 10 and 11 of the Act?
- (d) If so, who are they?

240. Will Government be pleased to state—

- (a) Since when the Assam Agricultural Income-tax Act, 1939, has been in force?
- (b) What was the amount of tax assessed under it in the year 1939-40 and the amount realised and what was the number of assessees?

- (c) What is the amount of tax assessed in the current year and what is the amount realised till the end of September 1940 ?
- (d) Whether Government remitted any tax in 1939-40 or in the current year ?
- (e) If so, how much in which cases and why ?
- (f) Whether Government propose to reduce the rate of the tax ?
- (g) Whether the Assam Board of Agricultural Income-tax has been appointed ?
- (h) If so, who constitute it and what are their emoluments ?
- (i) Whether it is a fact that the present incumbent of the post of the Assam Assistant Commissioner of Agricultural Income-tax, appellate and inspecting, was in the employ of some other Government and was recruited therefrom ?
- (j) If so, in what capacity ?
- (k) What was the length of his service there, what pay he was drawing then and at what pay he was appointed here in Assam ?
- (l) Whether there was no Income-tax officers in the Province of Assam with longer period of service and qualified for the post ?
- (m) For what special qualifications, the present incumbent was given preference to Income-tax officers of Assam ?
- (n) Whether the present incumbent has been appointed permanently ?
- (o) If not, do Government propose to replace him by a competent officer of the Province, suited for the purpose ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA
replied :

237. (a)—No.

(b)—Does not arise.

(c)—In the absence of similar legislation in Bengal it was decided not to bring into operation the Assam Sales Tax Act as its only effect would be to ruin Assam traders by deflecting trade from Assam to Bengal.

238. (a)—From 1st August 1939.

Rs. 41,583 in 1939-40.

Rs. 32,442 upto September, 1940.

(b)—District Officers. No cost is required for any establishment but some expenditure is required for entertainment tax stamps supplied from central stores.

239. (a)—From 1st July 1939.

(b)—Rs. 1,93,174 in 1939-40.

Rs. 1,51,761 upto September 1940.

(c)—Yes.

(d)—Subdivisional Officers of plains districts, Superintendents of Excise and Excise officers not below the rank of Sub-Inspector of Excise,

240. (a)—From 1st April 1939.

(b)—Rs. 10,90,923 assessed in 1939-40.

Rs. 9,22,348 realised up-to-date.

The number of assessees was 557.

(c)—Assessment for the current year has just begun.

Rs. 5,874 has been assessed and Rs.368 realised upto September 1940.

(d)—Yes—in 1939-40.

(e)—Fifty per cent. of the tax assessed for 1939-40 in all cases. The previous Government made a promise on the floor of the House to sanction a remission of 50 per cent., on application, assessable for 1939-40 and this Government gave effect to that promise.

(f)—No.

(g)—Yes.

(h)—Member, Revenue Tribunal. No additional emoluments are given for Agricultural Income-tax work.

(i)—Yes.

(j)—As Assistant Commissioner of Agricultural Income-tax. He also acts as Secretary to the Board and is employed in the framing of rules under the Act and in examining all questions raised in that connection.

(k)—Length of service about 16 years—was drawing Rs.750 per mensem as Central Income-tax Officer in Assam and appointed at Rs.1,000 per mensem under the Assam Government.

(l)—No.

(m)—He was the Senior Income-tax Officer and was recommended by the Central Income-tax Department to be the fittest Officer to take up the work of Assistant Commissioner of Agricultural Income-tax at the start.

(n)—No.

(o)—The hon. member is referred to the details given in the demand for a supplementary grant presented at the present Session.

Travelling and halting allowances drawn by the Congress-Coalition Ministry and the present Ministry

Srijut KAMESWAR DAS asked :

241. Will Government be pleased to state separately the total amount of travelling and halting allowances drawn by each of the Hon'ble Ministers of the Congress-Coalition Ministry from 21st September 1938, to the date of their resignation, *i.e.*, 15th November 1939, and the amount of travelling and halting allowances drawn by each of the Hon'ble Ministers of the present Government from the date of assumption of their offices to the date of their last tour ending on 31st October 1940 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

241.—For travelling allowance and halting allowance drawn by each Minister of the Congress-Coalition Ministry, the hon. member is referred to the reply given to unstarred question No.2 asked by Maulana Abdul Hamid Khan, M.L.A., in the Budget Session of 1940.

Travelling allowance drawn by present Ministry from the date of their assumption of office till 31st October 1940 is given below :—

				Rs. a. p.		
Hon'ble Prime Minister	...	...	...	2,107	9	0
Hon'ble Minister, Education	...	...	...	2,003	2	0
" " Revenue	...	...	...	1,108	7	0
" " Agriculture	...	...	...	2,051	7	0
" " Local Self-Government	...	...	...	1,926	6	0
" " Medical	...	...	...	1,938	4	0
" " Industries	...	...	...	879	12	0
" " Public Works Department	...	...	...	2,476	3	0
" " Excise	...	...	...	1,533	0	0
" " Forests	...	...	...	899	2	0

Number of Hindu and Muslim Officers in the Live-Stock Section and in purely Agricultural Section of the Agricultural Department

Srijut KAMESWAR DAS asked :

242. Will Government be pleased to state separately—

- (a) The number of officers working in the Live-Stock Section and in the purely Agricultural Section of the Agricultural Department ?
- (b) How many of them are Assam Valley Hindus, Surma Valley Hindus and Muhammedans and what percentage each of these communities is entitled to ?
- (c) Whether all the officers of the Live-Stock Section are I.D.D's ?
- (d) If not, how many of them are non-I.D.D's ?
- (e) Whether Government propose to replace them by I.D.D. men ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

242. (a)—The number of officers working in the Live-Stock Section is 18 and that working in the purely Agricultural Section of the Department is 132.

(b)—Of them 41 are Assam Valley Hindus.

37 are Surma Valley Hindus, and 46 are Muhammedans.

The percentage to which these communities are entitled is given below :—

Assam Valley Hindus	...	...	...	26	per cent.
Surma " "	...	...	...	9	per cent.
Muhammedans	...	...	...	31	per cent.

(c)—No.

(d)—Only one.

(e)—Persons in permanent employ cannot be replaced but the policy is to recruit I.D.D. men in future vacancies.

Srijut KAMESWAR DAS: May I know how many of the 18 officers working in the Live-Stock Section are Assam Valley Hindus, Surma Valley Hindus and Muhammedans?

Maulavi MUHAMMAD AMJAD ALI: May I refer Hon'ble Maulavi Munawwar Ali to his answer to question 242(b) and ask why he has used Assam Valley here instead of Brahmaputra Valley?

The Hon'ble Maulavi MUNAWWAR ALI: Well, either may be used. (*Laughter.*)

Srijut KAMESWAR DAS: My question was how many of the 18 officers working in the Live-Stock Section are Assam Valley Hindus, Surma Valley Hindus and Muhammedans?

The Hon'ble Maulavi MUNAWWAR ALI: I cannot reply to that question off-hand.

Srijut KAMESWAR DAS: Is not the question there in (a) & (b)?

The Hon'ble Maulavi MUNAWWAR ALI: In (b) the hon. member will find the answer.

Srijut KAMESWAR DAS: The answer there is for all the officers in the Agriculture Department it seems and not for the officers working in the Live-Stock Section alone.

The Hon'ble Maulavi MUNAWWAR ALI: If the hon. member so desires I shall give him the number outside the Assembly Chamber.

Standardisation of weights in the province

Maulana ABDUL HAMID KHAN asked:

243. Will Government be pleased to state—

- (a) What action, if any, they have taken regarding the standardisation of weights in this province?
- (b) Whether they are aware of the actions taken in other provinces for the standardisation of weights?
- (c) Whether they are aware that owing to the absence of any uniform standard of weight in this province, the cultivators are suffering a good deal at the hands of the traders?
- (d) If so, do Government propose to take immediate and suitable action to remove this difficulty?

The Hon'ble Maulavi MUNAWWAR ALI replied:

243. (a)—The question of introducing a Bill on the subject is under consideration.

(b)—Yes.

(c)—Government are prepared to accept the hon. member's statement as correct.

(d)—The hon. member's attention is invited to the reply to question (a) above.

Mr. E. B. SIM: Are Government aware that owing to the absence of an uniform standard of weights in the province, the tea-garden labourers are suffering at the hands of cultivators ?

The Hon'ble Maulavi MUNAWWAR ALI: Government feels inclined to take the view of the hon. questioner.

Maulavi MUHAMMAD AMJAD ALI: May I ask Government for how long they have been examining this question ?

The Hon'ble Maulavi MUNAWWAR ALI: Since we got into office.

Maulavi JAHANUDDIN AHMED: May I know from the Hon'ble Minister when they are going to introduce this Bill ?

The Hon'ble Maulavi MUNAWWAR ALI: I am trying to expedite things so as to enable me to introduce a Bill of that nature in the next Budget Session, if possible.

Maulavi MUHAMMAD AMJAD ALI: Is the contemplation of the introduction of the Bill as old as the Ministry itself (*laughter*).

The Hon'ble Maulavi MUNAWWAR ALI: So far as I am concerned.

"Mahajal" system of fishing

Babu KARUNA SINDHU ROY asked :

244. Is it a fact that the Surma River has been divided into several parts for the purpose of *Mahajal* system of fishing ?

245. Is it a fact that Government abolished the aforesaid system a few years before ?

246. Is it a fact that the Surma River (Parts No. 6, 7, 8 and 9) has again been leased by Government for fishing by *Mahajal* system from last year ?

247. Is it a fact that a *Mahajal* is stretched from one bank of the river to the other bank to catch every fish (big and small) ?

248. (a) Is it a fact that a resolution protesting against the aforesaid system of fishing, has been passed on 18th October 1940, in a meeting of the fishermen of Berajpur, Hasampur, Kiddirpur, Chakongpara, Brahman-gao, Rampur, etc., in the district of Sylhet and was forwarded to Government for favourable consideration ?

(b) If so, do Government propose to abolish the aforesaid system of fishing ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

244.—Government have no information but will make enquiries.

245.—Fishing with *Mahajal* in all the rivers of the Surma Valley was prohibited in 1921, but modification of the prohibition was permitted where such fishing would not interfere with either navigation or spawning.

246 & 247.—Government have no information but will make enquiries.

248. (a)—No such resolution has been received.

(b)—Government will consider the matter on receipt of reply to their enquiries.

Srijut SARVESWAR BARUA asked :

249. Will Government be pleased to state—

- (a) If in the current Census Operations the existing Domicile Rules are sought to be relaxed and a mere declaration of intention to settle permanently in Assam will be considered sufficient for acquiring domicile in the province, regardless of the property or residential qualifications required in the Assam Executive Manual ?
- (b) Whether the immigrants including tea-garden and *ex*-tea-garden labourers even though speaking Assamese are not given the option to record as such ?
- (c) Whether the hill and plains tribal people who have been initiated into the Hindu religion have not the option to return themselves as Hindus ?
- (d) Whether enumerators and supervisors for the immigrant villages have been appointed exclusively from among the immigrants and whether there is a move on their part to magnify the figures in respect of the numbers of inmates of each immigrant household ?

250. If so, what steps are Government taking (i) to protect the interest of the Assamese people, (ii) to protect the interest of the Assamese language and (iii) to attain accuracy in the Census figures ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

249. (a)—The Census Operations do not, and cannot, take account of the facts of domicile as regulated by the Executive Manual.

(b)—The hon. member's attention is invited to the answers given to starred questions Nos. 139 to 142 by Srijut Rajendra Nath Barua at this Session.

(c)—Certainly, they have.

(d)—Government are enquiring how far census officials in immigrant areas have been chosen from the immigrant population. They have no information of such an intention as is suggested, and any such attempt to distort facts would be vigorously dealt with.

250.—Does not arise.

Complaint *re* non-receipt of replies to certain questions

Srijut OMEO KUMAR DAS : Sir, I want to rise on a point of information. On the first day of this session I begged your permission to move an adjournment motion regarding the conduct of certain Government officers during the last elections. But the questions I put with regard to this, have not yet been before the Assembly. I want to know from the Hon'ble Premier whether he will give the replies to-morrow.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I remember to have submitted the replies. Whether they have reached the Assembly Office or not I do not know.

The Hon'ble the SPEAKER : If the answers have been received in the Assembly office, certainly the questions will be put up. I shall make enquiry into the matter and if I find that the answers have been received by the Assembly office in time then they will be put up for to-morrow.

Srijut OMEMO KUMAR DAS : But in the notice board I do not find my name for to-morrow's reply.

The Hon'ble the SPEAKER : Then the hon. member may infer that the replies have not been received in time.

Srijut OMEMO KUMAR DAS : Then shall I have an opportunity of discussing the questions to-morrow ?

The Hon'ble the SPEAKER : If the questions have been received in office, I shall look into the matter and see if answers can be given to-morrow.

Srijut OMEMO KUMAR DAS : Shall I be entitled to-morrow to discuss the matter ?

The Hon'ble the SPEAKER : As I told hon. members, enquiries will be made whether answers have been received in the Assembly Department. If they have been received I shall try to have the answers put up for to-morrow. But as far as I can see these answers must have been received. out of time. I am thinking whether there will be time to print the answers I am considering what to do. I cannot give an assurance now.

Srijut OMEMO KUMAR DAS : Shall I be entitled to move an adjournment motion to-morrow ?

The Hon'ble the SPEAKER : I cannot give an assurance in advance.

Srijut OMEMO KUMAR DAS : Will the Hon'ble Prime Minister come prepared with the file ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : I shall be prepared to discuss the matter if you allow that adjournment motion, Sir.

The Hon'ble the SPEAKER : If the House permits that the answers should be read out without the questions being printed, the Hon'ble Prime Minister may in that case give oral answers.

Re Motion on the Privileges of the House

Mr. ARUN KUMAR CHANDA : Mr. Speaker, Sir, I desire to refer, with your permission, to a question of the privilege of the House. It is well known to the House that members of the Congress Party in different Legislatures are courting arrest and are being imprisoned. I think, in this province too, the same fate is awaiting many members of this House. In my opinion, it is only proper that our Assembly should also go into this matter. Therefore, I am mentioning it before the House for such action as my hon. friends deem fit.

The Hon'ble the SPEAKER : The hon. member knows the rules of the Privilege Committee. If such matters are to be discussed in the Privilege Committee there should be a formal motion in the House. I fixed up a meeting of the Privilege Committee for to-day. But I do not know whether it can be held to-day if we sit for some hours after 4 p.m. to discuss the Sylhet Tenancy (Amendment) Bill. My difficulty is that there should be a reference with regard to this matter to the Privilege Committee by the House.

Mr. ARUN KUMAR CHANDA : May I bring up a motion to-morrow, regarding this ?

The Hon'ble the SPEAKER : The hon. member may table a motion to-morrow, if he thinks it necessary.

1940.]OBJECTION TO THE USE OF TERM "BRAHMAPUTRA 1687 VALLEY"

Re Expunging of certain Starred questions from the Assembly proceedings

Srijut SIDDHINATH SARMA: Mr. Speaker, Sir, I want to make a statement with regard to starred questions Nos 20 and 21 asked by me on the 11th Novemer 1940, which relate to certain allegations in connection with the last Assam Civil Service Examination. I asked these questions on definite information that a representation was made to the Hon'ble the Premier signed by a number of candidates in the last Assam Civil Service Examination wherein allegations contained in my questions were made. From the reply given by the Hon'ble Premier it has become known to the House that that was an anonymous representation. I also learnt that those who informed me do not desire that I should disclose their names. I would therefore request you to expunge from the proceedings the questions and replies to those questions of mine.

The Hon'ble the SPEAKER: When the hon. member mentions this here, I do not think any hon. member will object to the expunging of this portion from the proceedings. So I shall see that the proceedings relating to this matter are expunged from the proceedings.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: May I know which portion ?

The Hon'ble the SPEAKER: The questions, answers and the supplementaries.

Objection to the use of the term "Brahmaputra Valley" for "Assam Valley"

Srijut DEBESWAR SARMAH: One small point, Sir. The Hon'ble Minister for Agriculture is trying to change the name of my province.

The Hon'ble the SPEAKER: What remedy does the hon. member seek from me I do not know.

Srijut DEBESWAR SARMAH: I want to seek a remedy from the Hon'ble Prime Minister.

The Hon'ble Maulavi MUNAWWAR ALI: I am prepared to reply.

The Hon'ble the SPEAKER: I think no reply is necessary. I can say this much that in future the name Brahmaputra Valley should not be used so far as this House is concerned.

The Hon'ble Maulavi MUNAWWAR ALI: I was not going to change the name of the province. The province is the province of Assam.

Srijut DEBESWAR SARMAH: The Hon'ble Minister was changing the name of the Assam Valley. Assam is Assam. It is for administrative convenience. When Congress will come into power it will be distributed on linguistic basis.

The Hon'ble Maulavi MUNAWWAR ALI: The valley is Brahmaputra and the province is Assam.

Srijut DEBESWAR SARMAH: I rise to a point of order, Sir. The Agriculture Minister is entitled under the Bill to draw his salary, but he is not entitled to change the name of my province.

The Hon'ble Maulavi MUNAWWAR ALI: It was not in reference to the province, but it was in reference to a particular portion of the province; to attribute the province to a portion of it would not only be anomalous but repugnant to logic.

Srijut DEBESWAR SARMAH: May I know the attitude of the Hon'ble Leader of the House with reference to this question ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: You have already stated, Sir, that henceforward it will be better not to call the valley as Brahmaputra Valley, but to call it Assam Valley.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I put a question on this matter during a previous Session of the Assembly, asking from which time the term "Assam Valley" was introduced in the Government offices. Government replied that formerly the term "Brahmaputra Valley" was used and in some correspondence of the India Government the term "Assam Valley" was used. From that time the term "Assam Valley" is used in Government offices.

Presentation of the authenticated schedule of authorised expenditure in relation to Supplementary Demands for Grants for the year 1940-41

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I beg, Sir, to present the authenticated schedule* of authorised expenditure in relation to Supplementary Demands for Grants for the year 1940-41. A printed schedule has been placed on each member's table.

Enquiry re the order in which the Government Bills will be taken up

The Hon'ble the SPEAKER: Now, we are to take up items from No. 3 downwards in the order paper. From the 5th item down to the 12th we have got some Bills which are practically non-contentious. I wish to know whether the Hon'ble Premier wants to proceed with these Bills first and then take up the Goalpara Tenancy (Amendment) Bill and the Sylhet Tenancy (Amendment) Bill.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, this matter was brought to my notice by the Secretary and I consulted some of the members who are vitally interested in these Tenancy Bills. They informed me that a compromise had been arrived at between the various parties to the effect that barring a few amendments the others would not be moved. Therefore the Sylhet Tenancy (Amendment) Bill will not take more than half an hour to be passed.

The Hon'ble the SPEAKER: All right. Then we can proceed with the items as laid down in the order paper.

The Goalpara Tenancy (Amendment) Bill, 1939

The Hon'ble the SPEAKER: With regard to the Goalpara Tenancy (Amendment) Bill, a point of order was raised the other day by Mr. Mookerjee. Has he got anything more to say?

Mr. BAIDYANATH MOOKERJEE: Sir, the other day I just mentioned the ruling of the Hon'ble President of the Bengal Legislative Council.

The Hon'ble the SPEAKER: I promised to give my ruling on the point of order raised by Mr. Mookerjee the other day. I have considered all the aspects of the question.

I now propose to give my ruling on the point of order that was raised by hon. Mr. Baidyanath Mookerjee the other day.

The point of order is based upon a ruling of the Hon'ble President of the Bengal Legislative Council, given on the 28th November 1939, in connection with a motion for taking the Bengal Money Lenders' Bill, 1939 (as passed by the Bengal Legislative Assembly) into consideration. It is not necessary to detail the facts and circumstances under which the Hon'ble President of the Bengal Council had to give that ruling. But I should only point out here that the well-known legal principle that every case is an authority on the facts it decides will guide me in order to see whether the ruling of the Hon'ble President of the Bengal Legislative Council is to be followed in the present circumstances under which the point of order has been raised. What he held in that ruling relying upon two extracts from May's Book on Parliamentary Practice at pages 393 and 694 has been contended by Mr. Mookerjee to be applicable in the case of this Bill. The Hon'ble President held that if a Bill be read a second time by mistake or inadvertence or notice of any other informality be taken at any stage of a Bill then the proceedings in connection therewith are to be declared null and void and the stages through which the Bill has passed at the time the mistake or inadvertence is detected or the notice of the informality is taken are to be repeated.

Mr. Mookerjee's contention is that this principle of Parliamentary Practice should be applied to this Bill by reason of the fact that when the House adopted in the last Session the motion under rule 65() (i) for taking the Bill as reported by the Select Committee into consideration there was no previous sanction from His Excellency the Governor under sub-section (3) of section 299 of the Government of India Act in respect of the amendments that were introduced in the Bill by the Select Committee for increasing the extent of extinguishment of some rights in land that was provided for in the original Bill. It is a fact that such a previous sanction from His Excellency the Governor was not available at the time when the motion for taking the Bill as reported by the Select Committee into consideration was made and adopted and that this informality, if it is really an informality, was not detected then.

The question therefore is whether the entire proceedings of the last Session of the House in connection with the motion for taking the Bill as reported by the Select Committee into consideration is to be declared null and void with the effect that the Bill should be taken back to the stage in which it was in the last Session before that motion was adopted then for a fresh motion to be made for taking the Bill as reported by the Select Committee into consideration. If Mr. Mookerjee's contention prevails, the result will be that all subsequent proceedings relating to the Bill will necessarily be void.

At the outset it should be remembered that it is for introduction of a Bill and it is for moving an amendment of a clause to a Bill that previous sanction under sub-section (3) of section 299 of the Government of India Act is necessary when they are of such expropriatory nature indicated in the section. The question then is—what is the implication of a previous sanction necessary for introduction of a Bill and what is the necessity of previous sanction for amendments to be made to clauses of a Bill? It appears to me to be this: When previous sanction is given for introduction of a Bill it is, *firstly*, an approval *generally* of the principle of expropriation adopted in the Bill and, *secondly*, it is an approval *particularly* of the extent of expropriation or reduction of a right in land foreshadowed in the different clauses which are the constituent parts of the Bill. It is this approval *particularly* of the extent of reduction or expropriation in any clauses of a Bill that necessitates previous sanction for amendments to the clauses when the object of the amendments is to increase the extent of reduction or expropriation provided for in the clauses to which they are intended to be

amendments. It is during the progress of a Bill after the motion for taking it as reported by the Select Committee into consideration has been adopted, the amendments come in to be considered to form its constituent clauses and so if any such amendment is intended to increase the extent of reduction or expropriation provided for by the clause to which it is an amendment there should be previous sanction to move that amendment. It would thus appear why previous sanction is necessary only for introduction of a Bill and not for moving it, but for moving an amendment.

Now, there was previous sanction under sub-section (3) of section 299 of the Government of India Act, with respect to the Bill, and it was on the strength of that sanction that the Bill was introduced in this House. So, there was no informality in regard to the introduction of this Bill, and I should at once state that there was no necessity for the Select Committee to get previous sanction under sub-section (3) of section 299 for introducing in the Bill the amendments of the nature that has been referred to above that they have proposed, because sub-section (3) of section 299 requires, as I pointed out the other day, such sanction, only for moving the amendments in the Chamber. But I should point out here also, as I indicated to the House the other day, that the Select Committee ought to have visualised the fact that such sanction would be necessary on the ground that the amendments proposed by them to form some of the clauses in the Bill, increasing the extent of expropriation would be moved in the House. Therefore they should have indicated in their Report the necessity of such previous sanction for these amendments for being availed of at the time of moving the amendments on the floor of the House. The clauses of the Bill were fixed up to be considered for forming part of the Bill on the 16th November last. The absence of sanction was brought to the notice of the Chair by hon. Mr. Mookerjee on that day. On that day some amendments were moved by some hon. members for taking the Bill to its original form, but no clauses of the Bill were put on that day to the House for forming part of the Bill. On the 18th November last, the clauses of the Bill were put to the House after disposal of the amendments tabled by some hon. members to some of the clauses of the Bill. Before that was done, the Hon'ble Minister-in-charge informed the House that previous sanction of His Excellency the Governor had been obtained to the Bill that emerged from the Select Committee. This previous sanction is in effect, as I have pointed out before, the previous sanction to those amendments made by the Select Committee to the original Bill which required previous sanction for being moved on the floor of the House. And so I held that clauses of the Bill could then be placed before the House for forming part of the Bill, as required by rule 69 of the Rules of the House. Therefore, the proceedings of the House that began on the 16th November and continued on the subsequent days in relation to the Bill leading to the present stage of the Bill are not vitiated by any informality on account of absence of previous sanction in respect to the amendments. If really there were no such sanction obtained before the clauses were put to form part of the Bill, the Chair would not have allowed the amendments which are in question to form part of the Bill. Now the question is, whether the absence of previous sanction to the Bill as reported by the Select Committee at the time the Bill was taken into consideration during the last session would vitiate the proceedings thereof. Here the question to be considered is whether the motion for taking the Bill, as reported by the Select Committee, into consideration was really a motion for moving in the Chamber the amendments proposed by the Select Committee. I have given due consideration

to the various aspects of the question and I hold that it was not so. The reasons are these :—

The Hon'ble Minister-in-charge moving the motion for taking into consideration the Bill as reported by the Select Committee, was really moving one—a motion under rule 65 (1) (i) for explaining and recommending the provisions of the Bill to the House with a view to allow him to have the next procedure to be followed for the provisions of the Bill as reported by the Select Committee to be made parts of the Bill. It was, therefore, a motion asking the House to consider the general principle of the Bill with particular reference to the provisions in the different clauses introduced in the Bill by the Select Committee to have its verdict on the question whether the different clauses of the Bill are to be placed or moved before the House for forming part of the Bill to be passed. The Hon'ble Minister could have moved one of the three kinds of motion as provided by rule 65(1)(ii) for recommittal of the Bill, instead of moving the motion under rule 65(1)(i). And the House could have also given a different verdict if any member moved that the Bill was to be recommitted under rule 65(2). So, that motion cannot be considered to have been one for moving amendments. But it was really a step preliminary to and in aid of the clauses of the Bill as reported by the Select Committee to be moved on the floor of the House for forming part of the Bill and the previous sanction obtained at the time of the introduction of the Bill was sufficient for that motion. For, the previous sanction for the introduction approving of the principle of reduction or expropriation of some rights in land *generally* is to hold good for all preliminary stages. It was for the subsequent stage of the Bill requiring the amendments of the Select Committee to be moved as specific questions for forming part of the Bill that required previous sanction of His Excellency the Governor. As I pointed out before, the previous sanction of His Excellency was there before the House on the 18th November last when such a stage of the Bill was being gone through. So I hold that the proceedings of the House during the last session, leading to the adoption of the motion "that the Bill as reported by the Select Committee be taken into consideration" is *not* to be declared null and void.

I should also point out here that what I have said above is on the assumption that the principle of the Parliamentary procedure that is followed in the British Parliament and that has been quoted before is applicable to the formalities that are followed in this Assembly in regard to the Bills. The ruling cited by hon. Mr. Mookerjee being a ruling of the Hon'ble President of the Bengal Legislative Council is entitled to great respect. I have, however, given my reasons for my decision on the point raised. But I should also say here that it seems to me from a careful reading of the ruling that the Hon'ble President considered the motion for taking the Bengal Money Lenders Bill as passed by the Bengal Legislative Assembly into consideration as being also an introduction of the Bill for the first time in the House, and, that he therefore insisted for previous sanction under sub-section (3) of section 299 of the Government of India Act.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN:
Mr. Speaker, Sir, thanks to the Providence that it has been possible for me to attain this final stage of the Bill and to make this motion before this House. The measure which has been discussed is the result of the efforts for the last three years. The hon. members will remember that my hon. predecessor in office, Mr. Rohini Kumar Chaudhuri, first took up this matter when he came into office and sponsored a Bill. Before that legislation could go to the Select Committee, unfortunately, the Ministry vacated office and the measure was taken up in right earnest by my hon. friend and predecessor in

office, Mr. Fakhruddin Ali Ahmed. It must be said to his credit that he devoted all his time and attention to make this measure a success. He took the trouble of visiting Goalpara and holding a conference of the Zeminders and tenants before he drafted this Bill, and, it will not be out of place to say here that with the able assistance of our then Secretary, Mr. Desai, he was enabled to draft the Bill which we have been considering to-day. I take this opportunity of acknowledging the help rendered by those members of this House who took so much pains and so much trouble in bringing this measure to a successful end. This measure, Sir, is the fruit of Provincial Autonomy. It is a matter for congratulation that the tenantry of Goalpara secured stalwart champion of their cause in the elected representatives and it was through their efforts that this Bill has reached this stage to-day. This measure is on a line with the newly enacted measure in Bengal and purports to bring the grievances of the tenantry to an irreducible minimum. I do not claim any perfection for this legislation. It will be left to the march of time to decide whether this Bill is not free from defects. I think a word to the Zeminders also will not be out of place, Sir. I have already said that the Zeminders were also consulted before sponsoring this legislation. An attempt was made also to arrive at a compromise between some of the representatives of the Zemindars and the representatives of the tenants, but it is a pity that that compromise fell through. I must say to my Zemindar friends that they also must move with the times. The Flood Commission's report that has recently been published gives an indication as to which way the wind is blowing. So we must say about this legislation, that although some of the provisions that have been introduced in this new Bill may be thought to be of a revolutionary character by the Zemindars, they are in keeping with the march of time. In fine, Sir, I am proud of this achievement, and I acknowledge my gratitude to all the hon. members of this House, including the members of the Opposition, and also to Mr. Mookerjee, for the co-operation that they have accorded to us in making the passage of this Bill smooth.

Maulavi MUHAMMAD AMJAD ALI : He did not co-operate.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN : He has co-operated by offering some reasoned criticisms to the provisions of the Bill. And lastly I must acknowledge my gratitude to you for giving time, attention and patience in the discussions of this measure. I hope, Sir, that this measure will be passed unanimously by this House.

The Hon'ble the SPEAKER : I am really thankful to the Hon. Minister for what he has said about me but I only did my duty and for that no gratitude is due to me.

Maulavi MUHAMMAD AMJAD ALI : It is your modesty, Sir.

The Hon'ble the SPEAKER : Hon. member may think so, but no thanks are required for doing one's duty.

Srijut JOGENDRA NARAYAN MANDAL : Mr. Speaker, Sir, much has been said about the expropriating nature of Zemindary rights which were reserved for them since the time of the Permanent Settlement Regulation of 1793. The so-called rights of Zemindars were only to achieve some advantages over the poor tenants by their oppressive methods. The word "proprietary right" is a high-sounding word. It does not mean the right to impose taxes, to levy tolls and to increase the income by fees and similar exactions on the pretext of settling lands with tenants. Permanent rights of Zemindars were secured in the sense that their revenues were fixed permanently for various reasons. As Lord Cornwallis observed, "I understand

the word 'permanent' is to extend to the *jama* only and not to the details of settlement". The spirit and essence of Lord Cornwallis's settlement was not merely to guarantee the rights of the landlords but also to protect the interests of cultivators of the soil. The Regulation of 1793 reserved the right to legislate on those measures which might be thought not expropriatory but tending to exploitation from the tenants' point of view. The measures for abolition of transfer fee or mutation fee, reduction of exorbitant and high rate of interest and the right to trees and other measures of relief have been incorporated in the same lines as in the recent Bengal Tenancy (Amendment) Bill, 1938.

Sir, the Tenancy Acts and their subsequent amendments embody an endeavour to redeem a pledge that was given at the time of Permanent Settlement. This will be clear when we go through the intricate system of land regulations since the time of perpetual grant of *Dewani* of Bengal, Bihar and Orissa by Emperor Shah Alam to the East India Company in 1765. With these few words, I support the motion and ask that the Bill be passed.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, we have come to the very last stage of this Bill and it is not my desire to delay the passing of the Bill since the House desires it so. But I feel that I shall be failing in my duty if I do not offer some explanation for the attitude which I took up during the various stages of this Bill. Let me assure the House at the very outset that no one is more deeply interested in the welfare of the tenantry than I am. I can assure hon. members of the House that I have an intimate connection with the tenantry as I stand to sink or swim with them. But even at the risk of incurring some odium I took up an attitude which I thought to be fair and just, because if the tenantry is the concern of this Hon'ble House no less should the landlords be since they are also an integral part of our society. In the Statement of Objects and Reasons of the Bill itself is to be found the anxiety of the law-makers to safeguard the interests of that largely maligned society of landlords. I have taken my stand on that aspect of the Bill. I know that in this House there would be no dearth of advocates for the tenantry. I therefore stood up for the landlords for whom, as I found, there was nobody to say a single word. Sir, these landlords may be considered as pests of society to-day, but at one time they were considered as its saviours. It is difficult to imagine, Sir, how the society could have existed in the bad old days if the landlords were not there with their protecting hands. However, I have no desire to provoke another discussion and I only desire to say that I have been consistent all through, even when I had not a single supporter, I did not hesitate to hold up my head high and create a little laughter in the House. I did not mind the laughter. Sir, perhaps the House could not reward my sincerity of purpose and consistency in any other way; but may I now turn the search-light on my Hon'ble friend, the Revenue Minister and reveal to the House what a mighty somersault that hon. gentleman has taken since his translation to the Treasury Benches (*laughter*)? There is a saying in our language:— **যে যায় লক্ষী সে হয় রাবণ।** "*Je jai Lankaya she hoi Raban.*". But I never doubted that after an impassioned appeal that he once made to the House when discussing the Bill, he would change his opinion and behave in such a surprising manner as his present speech has shown. I leave it to the House to solve the mystery of the change in my Hon'ble friend, the Revenue Minister.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: It is due to the march of the time.

Mr. BAIDYANATH MOOKERJEE: I shall just quote a few sentences from his speech. During 1939 when this Bill was introduced

in this House, then simply Khan Bahadur—not the Hon'ble Khan Bahadur Maulavi Sayidur Rahman—said :—

“Sir, my predecessor had approached the Bill from the point of view of tenants and I wish to deal with this Bill from the point of view of Zemindars.” (*Laughter.*) “I want to make it clear that I do not hold any brief for Zemindars here. I propose to speak in view of my duty as a member of the Legislature. As members of the Legislature it is our duty and it devolves upon us to see that a piece of legislation is not one-sided and that it is fair to all parties concerned.”

Sir, may I be permitted to ask that Hon'ble gentleman whether he still possesses that fairness of mind and sense of justice ?

(*A voice* :—certainly.)

“So, I have to examine whether the proposed legislation is at all a compromise, as has been suggested by many speakers, between the raiyats and the Zemindars. It had been said that the Zemindars of Goalpara did not get any right by way of Permanent Settlement. Doubt has been expressed by hon. Maulana Abdul Hamid Khan. In the account of land tenure system at Goalpara, at page 2 it is stated: “When the British acquired the D wani, this tribute was accepted as land revenue. No settlement in detail was made at the Decennial Settlement and the Permanent Settlement of 1793 practically fixed the old assessment in perpetuity.” (*Interruptions.*)

Then again, Sir, he said that he was quoting from the report which is a Government publication. “There was a well-known case in the High Court. It is Raja Prabhat Chandra Barua's case. There it has been decided by the High Court—Full Bench decision reported in 51-Cal. and also Privy Council decision in 53-Cal.—that the Government did not dispute that Zemindari was settled. So, I think there can be no manner of doubt that the Zemindaris in Goalpara are permanently settled. It has been said that Goalpara Zemindars have been very inconsiderate. But I want to draw the attention of the House to the time when this Act of 1929 was enacted. The Select Committee which went into the Bill in 1929 when I was also a member of this House stated clearly that the Bill as it now stands represents, we venture to submit, a reasonable compromise based on local condition and we believe that it will work well in practice.”

So, Sir, this is how he wanted to show himself off as just and fair. Then again, Sir, in one place the Hon'ble Khan Bahadur said, “My point is this that Goalpara Zemindars are not so unreasonable or so black as they are painted to be.” Such is the zeal with which, he took up the cause of the Zemindars of Goalpara.

Then again, Sir, he said “But at the same time I would expect the Select Committee to thrash the matter in all its details.”

Now, may I enquire whether he was honestly satisfied with the amendments made by the Select Committee ? What he said I shall quote presently. (*Laughter.*)

Now, Sir, again he said, “Having said this, my submission is that this piece of legislation is not a compromise as has been suggested. The compromise was effected when the Act of 1929 was passed. After that the rights of the Zeminders are being gradually taken away and the present Government is only surrendering to the obstinate and persistent demands of the tenants. The Zemindars are being reduced to the position of mere rent-collectors.”

May I enquire, Sir, is the Hon'ble Revenue Minister who has just moved for passing this Bill into an Act is the same Hon'ble Khan Bahadur who delivered the speech I have quoted from ? (*Voice.*—No, no.)

Yes, yes, surprisingly enough, the same man, Sir! I shall wait to see what treatment I receive from the members of this Hon'ble House now and what treatment the Hon'ble Khan Bahadur gets from them. (*Laughter.*)

The Hon'ble Maulavi MUNAWWAR ALI: Where is the point the hon. member is referring to?

Mr. BAIDYANATH MOOKERJEE: I am coming to that, Sir.

I am challenging the sincerity of purpose of the Hon'ble Revenue Minister. (*Laughter.*) Then again, Sir, when during the March session of 1940 this motion for consideration was moved, what the Hon'ble Minister said then I shall quote only in a few words. The Hon'ble Chair also put several questions to him then and the replies were given by the Hon'ble Minister not as Khan Bahadur Maulavi Sayidur Rahman but as Hon'ble Minister in charge of Revenue. I think that is relevant as he is still in that position where he was during March 1940. Even if not, he was then Khan Bahadur Maulavi Sayidur Rahman. But I think there is no difference involved. In moving the Bill as amended by the Select Committee for consideration, Sir, he said,—“I think there is a dissentient voice in this that the Bill that was sponsored by the last Government is a distinct advantage on the previous Government Bill so far as the concessions to the rights and privileges of the tenants are concerned. In view of the minutes of dissent the Government thought that it would be convenient if all the hon. members of Goalpara be invited in an informal conference here only to decide if any common measure of agreement could be reached. Accordingly Government invited all the hon. members and the Report of the Select Committee with the minutes of dissent was discussed very freely among the members as a result of which I was able to say that a certain agreement has been reached”.

The Hon'ble the SPEAKER: Hon'ble Minister has himself made a reference to that agreement.

Mr. BAIDYANATH MOOKERJEE: Yes. But, it was, you, Sir, who put some questions and in reply it was told by the Hon'ble Revenue Minister, that as a result of that agreement he would bring some amendments. But during this session we found to our surprise that he has totally forgotten all these amendments. He emphatically stated that there was a clear understanding and everything was decided. I shall quote from the proceedings. If it is proved that his statements were falsely reported, I shall have nothing to say. Otherwise I maintain I am quite relevant and that every word that I have spoken is true.

Maulavi JAHANUDDIN AHMED: I think, Sir, that the hon. member was not present as has been stated. That compromise is false. The Hon'ble Minister has referred to an agreement after the report of the Select Committee was submitted and he has further stated that in pursuance of that agreement Government proposed to bring in some amendments. I think for a fair debate on the motion that he has moved he had to give an outline of the amendments he is going to propose and the nature of the agreement that has been arrived at. He said, Sir, that for the sake of fairness he wanted to know what was the result of the agreement. And what was the reply given? I cannot understand why the hon. member should become so very restless. He wants to gibe at us. What is the intention? That matter has been accepted already.

Mr. BAIDYANATH MOOKERJEE: May I say, Sir, that for my hon. friend Mr. Jahanuddin who is sitting behind the Treasury Benches, the explanation was quite sufficient?

Maulavi JAHANUDDIN AHMED: On a point of order, Sir, may I know from you, Sir, when the Hon'ble Minister has explained, whether the hon. member can charge him, saying that he has not done so?

The Hon'ble the SPEAKER: If the explanation offered by the Hon'ble Minister does not satisfy the hon. Mr. Mookerjee, he can say so and can appeal to the House not to accept it and for deciding not to pass the Bill. He is within his rights.

Mr. BAIDYANATH MOOKERJEE: In reply to your enquiry, Sir, the Hon'ble Khan Bahadur replied that there was a clause in the original Bill, clause 4, in which the Select Committee thought that the occupancy transfer fee and the landlord's registration fee should be substituted by a nominal mutation fee of two per cent. of the annual rent. That was the agreement. May I ask whether he had the courage to act according to his speech which he delivered in March 1940? The Select Committee entirely abolished the occupancy transfer fee and it was also held that it should not be substituted by even a nominal landlord's registration fee. Now in the conference it was generally agreed that the landlord's transfer fee should be converted into a nominal registration fee as in the original Bill. Then in clause 19 of the Bill the rate of interest on arrear rent was fixed at $6\frac{1}{2}$ per cent. in the original Bill. In the Select Committee it was reduced to $3\frac{1}{8}$ per cent. but in the conference it was decided that the rate of interest should be $6\frac{1}{4}$ per cent. May I ask whether, when this amendment was brought before the House, the Hon'ble Minister did not vote against it?

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

Mr. BAIDYANATH MOOKERJEE: The Hon'ble Minister remained neutral as he had not the courage to go and vote according to the agreement arrived at.

Then again, Sir, in clauses 31 and 32 the majority were of the opinion that the clauses of the original Bill should be retained by a substitution of security for the full amount admitted to be due. Then in clause 35 the general opinion was that it would be better to retain chapter XII of the existing Act and do away with the new clause 35 in the original Bill. Then in clause 17 it was decided that there was no objection to the number of instalments being four, if the landlords so wanted it. Lastly, Sir, he mentioned that "these are changes that were agreed upon in the conference. I think in discussing the Bill later on, we will go on into details." Then he moved the motion.

Now, Sir, the Hon'ble Minister expressed his thanks to you and you said that the Chair does not deserve any thanks, because the Chair was doing its own duty. But I think that expression was used by the Hon'ble Minister in a customary way. As for myself, Sir, I cannot but express my gratitude and thankfulness for the patient hearing that you gave me when on many occasions the whole House was against me. (*Laughter.*) You could have easily stopped me in various cases, and, if anybody in this House, connected with this Bill, can offer any gratitude to you, I think that person is myself.

Then, Sir, I have only one more remark to make before I take my seat. I will now wait to see if the House jeers at a person who changes his opinion with every turn of political event or one who remains firm in his faith determined in his resolve and consistent in his policy from the beginning to the end. Let me see and hear for whom the jeers come in (*Applause*).

Maulavi JAHANUDDIN AHMED: I must express my gratitude to you, Sir, for this Goalpara Tenancy (Amendment) Bill whereby you have given me the title of Goalpara, and I am thankful to you for that. I am also thankful to the hon. members of this House and I can say that the Goalpara people will remember all the members of this House for ever. (*A voice:—We will never forget you.*)

Regarding Mr. Mookerjee's argument, it reminds me of the story of the tiger and the goat. Both of them were drinking water in a river. The goat was down the stream and the tiger was up stream. With the intention of doing harm to the goat the tiger said to the goat—'You spoil my drinking water'. Then he replied—'You are up the stream and I am down, how can I spoil your water?' 'No, no, then your father did it last year and so on. Then he fell upon the goat and killed him. That is the story.

Mr. BAIDYANATH MOOKHARJEE: How is it relevant, Sir?
(*Loud Laughter.*)

Malauvi JAHANUDDIN AHMED: It is relevant in this way that though the Hon'ble Minister said many a times that agreement has been violated and the agreement has fallen through still the hon. member will argue without caring to hear the Hon'ble Minister. His object is somehow or other to find fault and expose the Hon'ble Minister. With these words, Sir, I again thank the hon. Mr. Mookerjee for helping us.

Srijut SANTOSH KUMAR BARUA: Mr. Speaker, Sir, before this Bill passes into an Act, I feel it my duty to speak a few words. The amendment of the Goalpara Tenancy Act, 1929, was intended for further adjustment of the relation between landlords and tenants but in no time it was ever contemplated that the adjustment should not be on a fair and equitable basis. But about what has been done with regard to this Bill on the floor of this House, none with a conscientious mind need to be said that justice has been totally denied to the landlords. Everything that went against the landlords was carried through literally by physical force. Even they could not have the right to appeal to the Government for safeguard of their interest in an emergent situation like general strike of rent in a particular area. It is a pity that the Zemindars have nobody to represent their interest in the Assembly. It is all the more pity that the Government could be a party to such a legislation to which the Zemindars as a minority community look forward for a reasonable attitude towards their rights and interest. I do not doubt that Government can shake off their responsibility towards this minority community of the Province.

The Hon'ble Revenue Minister in presenting the Report of the Select Committee was pleased to refer to an agreement which was reached at a conference of the Goalpara members and assured the House of bringing up certain amendments on the basis of that agreement. While so much importance is being attached just to that agreement and that conference, it is a pity that the very important fact of the absence of a representative of the Goalpara Zemindars at that conference is being lost sight of. It may help the Government cause to foist upon me the role of a representative of the Zemindars, but the fact remains that I was returned by a general constituency and as such I cannot arrogate to myself the position of a representative of the Goalpara Zemindars. It would therefore appear that the agreement referred to cannot in fairness and propriety be worked upon as an agreement at all in the absence of one of the two important parties concerned in the matter. It has almost become a political fashion to speak of the protection of the minorities but why did the zeal of the present Government for the protection of such a minority community as land-holders of Goalpara fade away? I dare not answer the question. I leave it to the House to think out the answer. It is deplorable that even when the land-holders of Goalpara turned time and again to the present Government for protection of their legitimate interest, Government turned a deaf ear to their importunities. I am sure I shall not be guilty of decorum if I refer to the correspondence which passed between the Goalpara Zemindars' Association and the Assam Government. So far late as July

last, writing on the 8th July 1940 on behalf of the Government of Assam, the Deputy Secretary informed the Goalpara Zemindars' Association in reply to their prayer for a deputation to wait upon the Hon'ble Premier to represent their cause that there had been an agreement among all the parties interested regarding the provision of the Bill at a conference of the Goalpara members of Legislative Assembly. After all this, "Government do not consider that a fresh conference is necessary". This was the attitude of the Government as I submitted, only in July last. But barely before the ink with which that letter was written on behalf of the Government had dried, we find to our utter surprise. Government altering their attitude taken up by them.

Mr. BAIDYANATH MOOKERJEE : Shame, shame.

Srijut SANTOSH KUMAR BARUA : Who will unravel the mystery behind this change of mind on the part of Government within this short period? All I can persuade myself to say is that the Government have been guilty of a breach of promise and have failed in discharging their duty towards the protection of the interest of a minority community.

It is interesting to notice how the Hon'ble Revenue Minister has implemented the agreement referred to which he made sheet anchor of his argument. When we analyse the position taken up by him in this session in connection with this Bill, we find him a zealous advocate of that part of the agreement which in some way or other harmed the interest of the Zemindars, whereas he is a deserter when the Zemindars' interest so far as safeguarded by the said agreement needed to be defended. We certainly expected that the Government would take up a more impartial position and proceed on lines of adjustment between the claims of rival interests on a moral and equitable basis. At least they should have stood by the agreement. I feel particularly sore on the ground that I have been looked upon as a representative of the Goalpara Zemindars whereas I am not. I feel, I could never forgive myself if all the harm that has befallen on the Goalpara Zemindars has been due to me.

It has indeed been a rude shock to me to find that it was left to my Hon'ble friend Khan Bahadur Sayidur Rahman to deal this heavy blow to the Zemindars when not so long ago the same Hon'ble gentleman appeared in the House as a protagonist of the Zemindars' interest.

In conclusion, I feel, I shall be failing in my duty if I do not express my admiration for the sincere and persistent manner in which my hon. friend Mr. Mookerjee has fought for the cause of the Goalpara Zemindars who have unfortunately no representative of their own in the House. I repeat that it is nothing short of pity that the Government of the day choose to take up this attitude in a matter of such grave importance to a section of the society.

Mr. FAKHRUDDIN ALI AHMED : Mr. Speaker, Sir, if it were not for the fact that as a result of an understanding among all the parties of the House, a compromise has been arrived at regarding the amendments to the Sylhet Tenancy (Amendment) Bill, I would not now have taken part in the discussion for I know that hon. members from Sylhet are equally anxious to finish the final stage of the Sylhet Tenancy Bill before the session concludes. I crave the indulgence of the House, through you, for a few minutes during which I shall try to place the view of this side of the House with regard to the Goalpara Tenancy (Amendment) Bill, as amended by the House. In the first place, I should like to refer to the expression of gratitude made by the Hon'ble Khan Bahadur Maulavi Sayidur Rahman, the Revenue Minister, in the course of which he was kind enough to acknowledge the effort and work put in by me in drafting this Bill,

introducing it and piloting it before the Select Committee and the the House. Sir, I should like to add in this connection that, as an individual, I do not count for anything. If I performed any work deserving gratitude, I did it under the inspiration and guidance of the organisation to which I have the honour to belong. When I came before the House with this Bill to provide for better conditions of life of peasants in Goalpara I had before me as guidance the policy and principle which the Congress organisation follow in adjusting the relation between Zeminders and tenants. If, therefore, any thanks are due for this useful legislation, it must go to the great Congress organisation which has not for a moment shirked from the task of helping to remove the just grievances of the Indian peasants including those of the Goalpara district. Sir, as the hon members are aware, this Bill was drafted by me as soon as our Ministry came into power and also introduced by me in the House during the Budget Session of 1939 after the Tenancy Bill ushered in by the previous Saadulla Ministry, which was then pending before the House had been withdrawn by us. It is needless for me to go into the provisions of the Goalpara Tenancy (Amendment) Bill, introduced by the previous Saadulla Ministry because they are very well-known to the hon. members of this House as well as to the public outside. It is also needless for me to detail here all the various provisions of the present Bill which I had the honour of introducing and piloting before this House. But, Sir, I cannot help stating that our Bill stamps out clearly a definite step towards removing the grievances of the peasantry in the Goalpara district in contrast to the feeble effort made in the Bill which was ushered in by the previous Saadulla Ministry. I was at the time of placing this Bill before the House, criticised by many hon. members who considered that the Bill was a half-hearted measure. But to-day I am gratified to find that those very hon. members who had so vehemently criticised me a year ago, have at last seen the wisdom of giving them unstinted support to the measure which was introduced by me on behalf of the Congress Coalition Ministry. Sir, the Bill was the result of a close and careful investigation of the real and just grievances of the tenants of the Goalpara district and the claims regarding rights and privileges put forward by the Zemindars. We have a definite attitude as to how a Zemindar should treat his tenant. We know that Zemindars have acquired rights which cannot be wiped out in one day. If we take, for granted, that abolition of Zemindary system is out of question for the present, we must necessarily pay due regard to the just rights of the Zemindars which they have been claiming for the last 150 years, provided at the same time, we are not unmindful of the untold miseries and oppression to which the tenants become victims at the hands of some Zemindars. Our approach to the tenancy legislation is and should be the proper adjustment of conflicting demands and claims of the Zemindars and peasants in a way which would enable both the classes to live in peace and amity. This peaceful relationship can only be brought about if the actual grievances of the peasants are removed and the tenants on their part fulfil their legal and proper obligation to the Zemindars. Acting on these lines, at the time of drafting the Bill, I gave my consideration not only to the various grievances of the peasants but also to the desirability of incorporating such provisions in the Bill which may be helpful in removing the tension between the Zemindars and the tenants should it at any time exist on the removal of which alone can depend the happiness of both the classes. My hon. friends, the members from Goalpara and also the representatives of the tenants outside this House may have a complaint against me for not making provisions for the relief in respect of some of the grievances of the tenants regarding which they made personal representation to me both here

and outside particularly when I visited the district. All I need say in this connection is that if any omission were made in this Bill, it was on account of the fact that some of those reliefs could not have been lawfully and properly provided here because this Bill only seeks to regulate the relationship between a Zemindar and a tenant. I would particularly refer here to one of such grievances and that is regarding the Khudgari tax. The exemption from the payment of this tax has been claimed by practically all the representatives of the tenants of the district of Goalpara. I gave my personal attention to this matter and came to the conclusion, after I had obtained the proper legal advice, that this was a relief which could not be provided within the purview of this Bill ; because the exemption claimed from this tax concerned not only the Zemindars and tenants but also other persons who were not tenants. Khudgari tax, as you may perhaps know, Sir, is a tax which a person has to pay to the Zemindar, the owner of the land, for mooring his boat. The person from whom this tax is taken for mooring is very often not a tenant. I do not therefore understand how Khudgari tax can come within the purview of the Goalpara Tenancy Act which only seeks to regulate the relationship between the Zemindars and the tenants. There are other similar grievances which, more or less, concern and relate to the easementary rights and which, therefore, cannot properly come within the scope of this Bill. If, therefore, any omission was made by me it was not because I was unmindful of those grievances but because under this Bill. I could not lawfully and properly provide. (*A voice: Why ?*) I have already stated the reasons and it is for the hon. members, who seem to be so keen on this matter, to give their consideration and find out a remedy.

Then, Sir, as regards the Bill in the first place I provided for the deletion of section 57 of the Act, abolishing damages on arrears of rent altogether. Under the existing Act, if rent fell in arrear and if the landlord was compelled to take the help of the Court for the purpose of realising his rent from the tenant, he had the right of including in his claim damages to an extent of 25 per cent. of the rent due from the tenant, and the Court usually included in the decree such damages. We consider that this penalty is very harsh and must have caused a great hardship to a poor cultivator. I, therefore, felt that section 57 of the Act should be deleted. Damages on arrears of rent, Sir, have now been completely abolished. The relief provided to the tenants in this matter is of such substantial value that it will help the peasantry to an enormous extent.

Another important relief provided to the tenants in the Bill is for facilitating the division of tenancies and distribution of rents. Under the existing Act, a tenant is prevented from splitting up his holding and surrendering to the Zemindar only a portion of the holding, but we have provided that in case a tenant seeks to give up a portion of the holding for reason of its having become deteriorated he may be allowed to do so without having to surrender his entire holding. The spectre of enhancement of rent so far as the cultivating classes are concerned has vanished as the Bill further seeks to provide that rents shall not be enhanced for a period of ten years. Moreover, relief is made possible in cases where the existing rents are found to be excessive by a provision in the Bill to the effect that after Government, on enquiry, have been satisfied that rent in any particular area is excessive, it will be reduced to a reasonable extent for instance, to the level of rent prevailing for a similar kind of land in near about that locality.

Then, Sir, another important relief provided in the Bill and to which my hon. friend Maulana Abdul Hamid Khan was the other day pleased to refer is in respect of the landlord's transfer fee. I realised that the transfer

fee exacted from the tenants by the landlord, under the existing Act, was excessive, but at the same time I had to concede to the claim put forward by the Zemindars that they ought to be entitled to know when a transfer took place; and that they were also entitled to compensation for expenditure incurred in keeping the record of transfers.

For these reasons, landlord's transfer fee was considerably reduced by me and substituted by a nominal registration fee of 2 per cent. of the annual rent of the holding transferred.

The hon. Maulana Abdul Hamid Khan stated that it was an irony of fate that I, having claimed 50 per cent. of land revenue reduction in the case of raiyat under temporarily-settled area, should have now been opposed to the complete abolition of the landlord's transfer fee. If my hon. friend had been careful enough to calculate the percentage of the reduction in the matter of transfer fee I had provided in the Bill, he would have had no difficulty in coming to the conclusion that in this matter I had provided for about 300 per cent. relief to the peasants by substituting the existing transfer fee to a nominal registration fee. While I was for 50 per cent. of land revenue reduction in temporarily-settled areas, here I can claim that I provided 298 per cent. relief to the peasants. Therefore I do not know how the hon. member could have even conceived to call me inconsistent in the matter of my standing for substantial relief to the cultivators and in coming forward with an amendment which I thought was only equitable fit and proper. It meant no hardship to the peasants, but provided on the other hand, a substantial relief. Then, Sir, impediments to *bonafide* litigation are sought to be removed by amending amendments went beyond what was provided by me in the Bill. In this connection I should like to make our position clear. Sir, under the existing sections if a tenant admitted that rent was due from him to the landlord but raised some other plea, he was required to deposit in Court the amount admitted as due by him before the cognizance of his other objections could be taken. The Government, of which I was a member, gave their very serious consideration to the matter and came to the conclusion that, though such cases would be rare and would occur only when a tenant failed to pay his rent and though they did not concern the matter of daily and normal relationship of the landlords and tenants, it was desirable that impediments to *bonafide* litigation should be reduced. Therefore, amount of such deposits was considerably reduced. The Court was given the power to require such amount, not exceeding half the amount admitted by the tenant, as it may think proper. If a tenant admits that he has to pay rent, it is only proper that he should be required to pay into Court the amounts so admitted by him. If, however, hon. members felt that some relief was necessary in these matters also, it was provided in the Bill by reducing substantially the amount so required for deposit. If relief is made possible in cases where existing rents are found to be excessive, if the privileges and rights of Zemindars are considerably curtailed and they are thereby prevented from resorting to oppression and if the tenants fulfil their obligation of paying rents to the Zemindars regularly, the need to resort to these sections will be rare and any amendments made therein will be of little value to the cultivators. It will, on the other hand, encourage *malafide* litigation which must necessarily entail as much hardship to the tenants as it will cause inconvenience to the Zemindars. The whole process may only help the lawyers. We had for these reasons opposed amendments made by the Select Committee and suggested that clauses 31, 32 and 33 of the Bill be restored to the form they were given in the Bill. But as now the amendments of the

Select Committee have been accepted. I can only hope and wish that the amended sections 140, 142 and 148 of the Act will serve the purpose of reducing the grievances of the tenants without involving them to unnecessary and *malafide* litigation. I personally feel that the entire absence of check to litigation will cause to the tenants greater hardship and difficulties than the substantial reductions in the amount of deposits originally provided by me in the Bill. Now, however only the future working of the changed provisions can say whether the course suggested in those matters by the Select Committee and now accepted by this House will really be in interest of the tenants.

Another important matter to which I should like to refer is regarding the special procedure, suggested under clause 35 of the Bill, for recovery of landlords' dues in circumstances in which the existing legal sanction fail to achieve their purposes. As you have noticed, Sir, under clause 30 of the Bill Government in special circumstances, have been given the power of settling, and reducing the rents where they are found to be excessive. It is only in the fitness of things that Government should be given similar power, particularly after all the privileges and the rights of the Zaminders have been curtailed, to be able to give protection to the Zeminders by helping them to realise their dues from the tenants by means of special procedure in circumstances where the existing legal sanctions fail to achieve their end. We should not be denying justice either to the tenants or to the Zeminders. If a relief is made possible in cases where the existing rents are found to be excessive, it should also be seen that landlords are guaranteed the recovery of their legitimate dues. The inclusion of a special procedure was envisaged in circumstances where Government were convinced and satisfied that the existing legal sanctions would fail to help the Zeminders to realise their dues. The present Government have thought it fit to oppose the provisions for special procedure for recovery of Zeminders' dues, but have supported the provision for determining and reducing the rent. I feel that peace and amity between Zeminders and the tenants can not be expected unless both of them work in a spirit of give and take, that is to say, unless the tenants pay their legitimate rents to the Zeminders regularly and the latter cease to look up on the tenants as men chattels. The aim of any Government should be to bring harmony between the two conflicting claims. Any Government which, in regulating the relationship between the landlords and tenants, is influenced by extraneous views will fail to achieve the purpose for which tenancy legislation is undertaken.

Sir, as regards my amendment under clause 19 of the Bill, seeking to restore the rate of interest, as I had provided in the Bill, I am glad that the House has accepted it in preference to alteration made by the Select Committee. It is impossible for Zeminders or any one to raise loans from market at lower rate than 6 per cent. Should the rate of interest, considered proper by the Select Committee, have been accepted, it would have been too inequitable and unjust. If tenants regularly pay their rent, there is no necessity for the Zeminders to file a suit for their dues and the tenants are not liable to pay any interest, whatsoever. The interest can only be charged in case of default, but in such cases also a substantial relief for all classes of tenants has been provided by reducing the interest from $12\frac{1}{2}\%$ to $6\frac{1}{4}\%$ and by complete abolition of damages on arrears of rent.

The extent of the relief can be measured only when it is realised that Court generally awarded damages to an extent of 25% of the claim on arrears of rents, but now under the Bill the damages have been completely abolished.

Not the least important is the provision in the Bill which seeks to improve the position of all classes of the lower grade tenants who are generally termed as under-raiyats. They have now been given more or less similar rights as tenants (raiyats). I have enumerated some of the salient features of the Bill which in addition to what I have stated seeks to provide various other reliefs to the tenants.

Sir, one word more and I shall finish. Legislations regulating the relation between the Zemindars and the tenants have been recently enacted in other provinces of India, particularly in the provinces of Bengal and Bihar. And I may assert that by what we have sought to provide towards the relief of the peasantry in our Bill and by means of the amendments subsequently suggested by the Select Committee and accepted by the House, our approach and Tenancy Bill as it now stands, may well be called revolutionary. The amended Bill, if placed on Statute Book, shall have removed many of the grievances of the tenants and provided them with substantial reliefs. But no legislation is of any use unless it is well understood by those for whom it is made. I hope the peasantry of Goalpara will try to understand their rights and obligations and will make the best use of the improvement made for their benefit in the Tenancy Act. The success of this enactment will depend on response both from the landlords and tenants. If Zemindars on their part discharge their functions with leniency and consideration for the well being of the cultivators, the tenants fulfil their obligations with respect and courtesy, the spectre of tension will vanish. Sir, I hope that this enactment will be taken advantage of in this spirit on which a law will depend the success of substantial and manifold relief provided in the Bill.

Maulana ABDUL HAMID KHAN : Mr. Speaker, Sir, প্রবল প্রতাপশালী জমিদার নিঃসহায়—এই কথা শুনার পর হইতে সর্বদাই আমার মনে জাগরিত হইতেছে যে তাঁহাদের এরূপ করুণ আবেদন মোটেই আন্তরিক নহে। বৃটিশ গভর্ণমেন্টের মত তাঁহাদের বন্ধু থাকা স্বত্বেও তাঁহারা ঘোষণা করেন যে তাঁহারা নিঃসহায়। আমরা জানি বিদেশী শাসক শোষকের সহিত আমাদের দেশের জমিদারদের কি সম্বন্ধ। দীর্ঘকাল যাবৎ প্রজার রক্ত শোষণ করিয়া জমিদারগণ যে তাবে সুখে কালান্তিপাত করিতেছেন, দীর্ঘকাল যাবৎ প্রজার উপর অন্যায় অত্যাচার করিয়া জমিদারগণ যে বাহাদুরি দেখাইতেছেন, তবুও আজ তাঁহারা বিদেশী শাসক বৃটিশ গভর্ণমেন্টের নিকট আর্তনাদ করিয়া অরণ্যে রোদন করিতেছেন। বৃটিশ গভর্ণমেন্টের মত বন্ধু থাকা স্বত্বেও জমিদারগণের এরূপ করুণ আবেদন প্রকাশ করা হাস্যকর প্রহসনের কথা। যদি বৃটিশ গভর্ণমেন্ট আমাদের দেশে না থাকিতেন তাহা হইলে এরূপ অত্যাচার—মূলক জমিদারী প্রথা প্রবর্তিত হইতনা। যেখানে জমিদারগণ লক্ষ লক্ষ টাকা প্রজার নিকট হইতে আদায় করিয়া প্রজার মঙ্গলের জন্য কপর্দক পয়ান্ত ব্যয় করেননা—শুধু নিজের ভোগ বিলাসের জন্যই ব্যয় করিয়া থাকেন, যেখানে জমিদারগণ প্রতিশ্রুতি দিয়াছিলেন যে প্রজার ভিতর শিক্ষা প্রবর্তন করিবেন, শান্তিরক্ষার ব্যবস্থা করিবেন, রাস্তা-ঘাট নিৰ্ম্মান করিবেন এবং প্রজাদের ভিতর ধর্ম্মভাব জাগাইয়া তুলিবেন, সেখানে তাঁহারা বিদেশী শাসক-শোষকের সঙ্গে সম্বন্ধ স্থাপন করিয়া প্রজার রক্ত শোষণ করিতেই ব্যস্ত। এমতাবস্থায় জমিদারদের প্রতি এই Houseএ অনারেবোল মেম্বারদের দৃষ্টি বার বার আকর্ষণ করা হইতেছে। কিন্তু দুঃখের বিষয় গোয়ালপাড়া জেলার প্রজাবণের যে

ভয়াবহ অবস্থা তাহার প্রতি কেহই লক্ষ্য করিতেছেন। গত কয়েক বৎসর পূর্বের পূবল ভূমিকম্পে অধিকাংশ জমিতে বালু পড়িয়া আবাদের অযোগ্য হইয়াছে, পাটের দর অত্যন্ত পরিমাণে কমিয়া যাওয়ার তাহারা দিবা রাত্র মৃত্যু কামনা করিতেছে (laughter) এবং সর্বদাই তাহারা গভর্ণ মেন্টের নিকট loan প্রার্থনা করিতেছে। তৎসঙ্গেও মিষ্টার ফকরুদ্দিন আলী আহমদ সাহেব নজির পেশ করিতেছেন যে শতকরা ৫০ টাকা হারে খাজানা কম করা হইতে গোয়ালপাড়া জেলার প্রজারা তাহাদের নজর কমানোর জন্য অনেক লাভবান হইয়াছে। এই উক্তির কোন যুক্তি আছে কি না, জানি না। গোয়ালপাড়া জেলার জমিদারেরা দশ হাজারের মত টাকা নজরানার বাবদ পাইয়া থাকেন। সুতরাং সেখানে তাহারা কেবল দশ হাজার পরিমাণ টাকা রেহাই পাইয়াছে। গোয়ালপাড়া জেলার খাজনার মোট পরিমাণ প্রায় ৪০ লক্ষ টাকা হইবে। তাহাদের খাজানা যদি শতকরা ৫০ টাকা হ্রাস করা হইত তাহা হইলে তাহারা ২০ লক্ষ টাকা রেহাই পাইত। সুতরাং মিষ্টার ফকরুদ্দিন আলী আহমদের দাবীর ভিতর কোন যুক্তি থাকিতে পারেনা। প্রজারা দীর্ঘকাল যাবৎ জমিদারের নিকট প্রার্থনা করিতেছে—“পাশ্ব বর্তী খাসমহালে যখন গভর্ণ মেন্ট খাজানা কমাইয়া দিয়াছেন, তখন আপনারাও অনুগ্রহ করিয়া প্রজার প্রতি লক্ষ্য করুন, আইন পাশ করিবার কোন দরকার হইবেনা। আইনের ভিতর দিয়া আমরা এই কম পাইবার অধিকার লাভ করিতে চাইনা।” জমিদারগণ সব সময় বলিয়া থাকেন—“ আমরা প্রজার পিতা তুল্য।” দীর্ঘকালযাবৎ আমরা পিতার নিকট আবেদন করিয়াছি—“বিলের দরকার করেনা, কোন আইনের দরকার করেনা, পিতা হইয়া পুত্রকে রক্ষা করুন—এই আমাদের আবেদন।” গভর্ণ মেন্ট যে রকম শতকরা ৫০ টাকা কমাইয়া দিয়াছেন, আমরাও সেইরূপ খাজানা কম পাইলে এই বিল চুলায় যাক, আমাদের আপত্তি নাই। Mr. Whittaker বলিয়াছেন যে বাজারে কম স্কুদে টাকা পাওয়া যায়না—পাব্লিকের কাছ হইতে গভর্ণ মেন্ট Defence loan এর টাকা শতকরা ৩১০ আনা হার স্কুদে গ্রহণ করিতেছেন এবং গোয়ালপাড়া জেলার মরণাপন্ন প্রজার জন্য ৩৬০ আনা হারে স্কুদে ধরা হইলে অন্যায় হইবে! এই দেশের কৃষক প্রজাদের প্রতি ইহাই দয়ার নমুনা! দুনিয়া শক্তের ভক্ত, নরমের যম হইলে চিরকাল চলিবেনা। তাহাদের ঘরে অনু নাই, পরিধানে কাপড় নাই, চলাচলের রাস্তা নাই, রোগের ঔষধ নাই এবং মনুষ্য লাভ করিবার শিক্ষা নাই, সেই প্রজার প্রতিনিধি মূলক সভায় যদি এই বিল অগ্রাহ্য হয়, তাহা হইলে আমি বলিব সম্বর এমন দিন আসিতেছে যখন তাহারা তাহাদের অবস্থা পরিবর্তন করিবার জন্য বন্ধপরিষ্কর হইবে এবং বৃটিশ গভর্ণ মেন্ট ও তখন তাহাদের আবেদন অগ্রাহ্য করিতে পারিবেননা। এই আমার বক্তব্য।

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, the time at our disposal is very short. So, I shall not attempt to reply to the most uncharitable and ungracious criticisms which have been levelled against the Government. I am sorry that Mr. Mookerjee has taken advantage of this occasion to charge me with inconsistency. He should know that my personal views must not be confused with the views of the Government. I hold the same views as I held before, and it is with that view that I held a conference of the representatives of the Zemindars and the tenants. But I have stated and made clear to the House that the agreement arrived at in that conference was violated. The Government has now been charged with breach of compromise. I repudiate that charge with all the emphasis at my command. It will be remembered by hon. Mr. Barua, who chose to level this charge against the Government, that he gave a solemn undertaking at the time when the conference met that he would not table any amendments beyond those which were arrived at by way of compromise. But soon after he had left the place he forgot all about that and chose to table some amendments which were also discussed in the conference and dropped. It is for this reason that the other members who attended the conference were annoyed and did not wish that the compromise should be given effect to. If there had been any breach of promise, it was on the part of Mr. Barua himself.

Mr. FAKHRUDDIN ALI AHMED: On a point of information, Sir. As far as I understood from the speech of Mr. Barua he said that an agreement was arrived at before the last Budget Session between the Zemindars and tenants' representatives, that the Hon'ble Revenue Minister was also present and hence a party to the agreement. Government in their letter to the Zemindars' Association dated, 8th July 1940 said that an agreement had been arrived at and there was no further necessity for a conference. Mr. Barua had submitted his amendments before that date and during the session. So, there could not have been any breach of compromise even according to Government as far as late on 8th July, that is much after the amendments were submitted by Mr. Barua, the Government admitted the existence of an agreement. Is it not a fact?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: That is not the position, Sir. It was decided at the last session that the Government will not move those amendments which were already tabled.

Mr. FAKHRUDDIN ALI AHMED: Then why did you write the letter on the 8th July?

The Hon'ble the SPEAKER: Order, order.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Now Sir, in view of what I have stated, the Government had no other alternative but to take the attitude which they have taken. So with these remarks, Sir, I would not detain the House. I hope the motion will now be put.

The Hon'ble the SPEAKER: Order, order. The question is: "That the Goalpara Tenancy (Amendment) Bill, 1939, as settled by the House be passed".

The motion was adopted.

The Hon'ble the SPEAKER: Do the hon. members desire that the other items should be taken up just now or there should be an adjournment for 10 to 15 minutes.

Mr. FAKHRUDDIN ALI AHMED: I think the House should adjourn for the day after considering the amendments of the Sylhet Tenancy (Amendment) Bill.

The Sylhet Tenancy (Amendment) Bill, 1939

The Hon'ble the SPEAKER: We may now take up consideration of the Sylhet Tenancy (Amendment) Bill, 1939, clause by clause. I take up clause (3)—Mr. Mookherjee.

Mr. BAIDYANATH MOOKERJEE: Not to speak of this, I am not going to move any of my amendments, Sir. Because I have been requested to expedite the passing of this Bill by withdrawing all my amendments.

The Hon'ble the SPEAKER: Will the hon. member help me? How many amendments are to go?

Mr. FAKHRUDDIN ALI AHMED: All amendments will go except Nos. 39 and 47, if a similar decision is taken by my hon. friends Maulavi Maqbul Hussain Chaudhury and Babu Karuna Sindhu Roy. If that be so, two amendments, *i.e.*, amendments Nos. 39* and 47†, will remain in addition to a few verbal amendments.

The Hon'ble the SPEAKER: The first verbal amendment is No 2. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman may move.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to move

“That after clause 3, the following be inserted as clause 3A:—

“3A. In sub-section (2) of section 7 of the said Act for the word ‘accept’ the word ‘admit’ shall be substituted.”

This is a verbal amendment, Sir. Only the word ‘accept’ should be replaced by the word ‘admit’. This is only to meet the objection raised by the Inspector General of Registration.

The Hon'ble the SPEAKER: Amendment moved:

“That after clause 3 the following be inserted as clause 3A:—

3A. In sub-section (2) of section 7 of the said Act for the word ‘accept’ the word ‘admit’ shall be substituted.”

(After a pause)

The motion was put and adopted.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move, Sir, that at the beginning of clause 23, the following be added:—

“For section 103 of the said Act, the following section shall be substituted, namely:—”

This is also only a verbal amendment, Sir.

The Hon'ble the SPEAKER: Amendment moved: “That at the beginning of clause 23, the following be added:—

“For section 103 of the said Act, the following section shall be substituted, namely:”

(After a pause)

The motion was put and adopted.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Sir, I beg to move that in the first line of sub-section (1) of proposed section 116B, for the word “may”, the word “shall” be substituted.

A similar amendment has been made in the Goalpara Tenancy (Amendment) Bill also.

The Hon'ble the SPEAKER: Amendment moved:

“That in the first line of sub-section (1) of proposed section 116B, for the word ‘may’ the word ‘shall’ be substituted.”

(After a pause)

The motion was put and adopted.

*39. **The Hon'ble Khan Bahadur Maulavi Sayidur Rahman** to move:—

That for sub-section (4) of the proposed section 116 B, the following be substituted namely:—

(4) The order of the Revenue Officer shall be appealable before the Revenue Tribunal or such other authority as may be prescribed by the Provincial Government.

† 47. **Mr. Fakhruddin Ali Ahmed** to move:—

That clause 29 of the original Bill shall be restored.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg to move, Sir, that for sub-section (4) of the proposed section 116B, the following be substituted, namely—

“(4) The order of the Revenue Officer shall be appealable before the Revenue Tribunal or such other authority as may be prescribed by the Provincial Government”.

This amendment is in keeping with the provision in the Goalpara Tenancy Bill.

The Hon'ble the SPEAKER: Amendment moved:

“That for sub-section (4) of the proposed section 116B, the following be substituted, namely—

“(4) The order of the Revenue Officer shall be appealable before the Revenue Tribunal or such other authority as may be prescribed by the Provincial Government.”

(After a pause)

The motion was put and adopted.

Mr. FAKHRUDDIN ALI AHMED: Mr. Speaker Sir, I beg to move that clause 29 of the original Bill shall be restored.

The purpose of this amendment is to restore the clause 29 of the amending Bill to the shape as it was introduced before the House and submitted to the Select Committee. This clause refers to the power given in certain circumstances to the Government to make an enquiry into the disputes which exist between the Zemindars and the tenants and if necessary to help the landlord to realise rents from the refractory tenants or such other tenants who have resorted to no-rent campaign. The purpose is to restore the provision under clause 29 as provided in the Bill, and I hope, Sir, this will be accepted by all the members of the House.

The Hon'ble the SPEAKER: Amendment moved:

“That clause 29 of the original Bill shall be restored”

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Mr. Speaker, Sir, this clause was deleted by the Select Committee at a meeting which was presided over by the hon. Mr. Fakhruddin Ali Ahmed. I wish he had stood by the decision of the Select Committee. Now it is certainly painful to hear him speaking for safeguarding the rights of the Zemindars. Zemindars are all influential persons who can fight out their cases in the courts while the tenants are almost all uneducated, disorganised and poor.

Mr. BAIDYANATH MOOKERJEE: Is that your experience?

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI: Mr. Fakhruddin Ali Ahmed was known as the friend of the tenants and today it is really surprising to me that he is trying to do away with the right of the tenants and is looking after the interests of the Zemindars. I simply appeal to him that he would see his way to withdraw his motion and stand by the decision arrived at by the Select Committee so far as this clause is concerned.

With these few words, I oppose the motion.

Babu KARUNA SINDHU ROY: Mr. Speaker, Sir, I was also on the Select Committee. I, with Mr. Aditya and Maulavi Maqbul Hussain Chaudhury, was instrumental in deleting clause 29. I therefore request hon. Mr. Ahmed to withdraw his amendment. The Sylhet District Congress Committee has sent certain resolutions which have demanded that the clause 29 shall be deleted and another provision shall be included in the Bill. The District Committee's suggestion runs thus: “We are opposed

to realisation of rent by certificate procedure or by any other special procedure, accordingly we propose that the whole Chapter X, Part II of the said Act be deleted, so also clause 29 of the proposed Bill, as there is every likelihood of this procedure being used, willing or unwillingly to the great hardship of the tenants." They have also demanded for inclusion of other provisions, but I shall only press for the deletion of clause 29. So I again request the hon. Mr. Fakhruddin Ali Ahmed to withdraw his amendment.

Mr. FAKHRUDDIN ALI AHMED: I think the hon. members, who have made this appeal to me, have entirely misunderstood the circumstances under which this provision was made by me, and also they have not fully appreciated the wordings of the provision. Sir, when all the rights and privileges of the Zemindars have been curtailed, it is but proper that facilities should be given to them.....

Maulavi MABARAK ALI: On a point of order, Sir. Has the mover of an amendment got a right to reply?

Mr. FAKHRUDDIN ALI AHMED: I am replying to the appeal made to me. When all the privileges of the Zemindars have been curtailed, it is but proper that facilities should be given to them in circumstances where the Government are satisfied that in an area tension between the landlords and tenants demanding their interference exist to help the landlords to realise rents from their refractory tenants; and it is for this purpose that this provision is made. Hon. members need not be frightened and need not think that it will mean any hardship or oppression to the tenants because in normal circumstances, Government under this provision cannot give any help to the Zemindars. It is only in exceptional circumstances, such as those referred to the other day by my Hon'ble friend, the Premier, that Government have been given the power to take action for the purpose of helping the Zemindars to realise rents from the refractory tenants.

In view of this explanation, I hope the two hon. members will not press their objection.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, I have no objection to this amendment, if the House agrees to it. In the Goalpara Tenancy (Amendment) Bill we opposed such an amendment, but there the matter was somewhat different, because Chapter XII was also omitted. But in the Sylhet Tenancy (Amendment) Bill, the Select Committee thought it fit to retain it, and therefore I think if the House agrees the clause may be retained.

The Hon'ble the SPEAKER: The question is:

"That clause 29 of the original Bill shall be restored."

(The Assembly divided.)

Ayes—49.

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| 1. Kumar Ajit Narayan Dev. | 10. Srijut Gopinath Bardoloi. |
| 2. Mr. Arun Kumar Chanda. | 11. Srijut Haladhar Bhuyan. |
| 3. Mr. Baidyanath Mookerjee. | 12. Babu Harendra Narayan Chaudhuri. |
| 4. Srijut Beliram Das. | 13. Srijut Jadav Prasad Chaliha. |
| 5. Srijut Bepin Chandra Medhi. | 14. Srijut Jogendra Chandra Nath. |
| 6. Srijut Bishnu Ram Medhi. | 15. Srijut Kameswar Das. |
| 7. Srijut Debeswar Sarmah. | 16. Babu Kamini Kumar Sen. |
| 8. Srijut Ghanashyam Das. | 17. Srijut Krishna Nath Sarmah. |
| 9. Srijut Gaurikanta Talukdar. | |

Ayes—49—concl'd.

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| 18. Srijut Lakshesver Borooh. | 35. Srijut Siddhi Nath Sarma. |
| 19. Babu Lalit Mohon Kar. | 36. Srijut Sonaram Dutta. |
| 20. Srijut Mahadev Sarma. | 37. Mr. Fakhruddin Ali Ahmed. |
| 21. Srijut Mahi Chandra Bora. | 38. Khan Bahadur Maulavi Mahmud Ali. |
| 22. Mr. Naba Kumar Dutta. | 39. Khan Bahadur Maulavi Mufizur Rahman. |
| 23. Babu Nirendra Nath Dev. | 40. Mr. A. F. Bendall. |
| 24. Srijut Omeo Kumar Das. | 41. Mr. F. W. Blennerhassett. |
| 25. Srijut Paramananda Das. | 42. Mr. N. Dawson. |
| 26. Srijut Purandar Sarma. | 43. Mr. W. R. Faull. |
| 27. Srijut Purna Chandra Sarma. | 44. Mr. E. B. Sim. |
| 28. Srijut Rajani Kanta Barooah. | 45. Mr. P. Trinkle. |
| 29. Srijut Rajendra Nath Barua. | 46. Mr. C. W. Morley. |
| 30. Srijut Ram Nath Das. | 47. Mr. R. A. Palmer. |
| 31. Srijut Sankar Chandra Barua. | 48. Mr. A. Whittaker. |
| 32. Srijut Santosh Kumar Barua. | 49. Babu Sanat Kumar Ahir. |
| 33. Srijut Sarveswar Barua. | |
| 34. Babu Shibendra Chandra Biswas. | |

Noes—11.

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|---|--|
| 1. Srijut Jogendra Narayan Mandal. | 6. Maulavi Muhammad Amjad Ali. |
| 2. Maulavi Abdul Aziz. | 7. Khan Bahadur Dewan Eklimur Roza Chaudhury. |
| 3. Maulavi Abdul Bari Chaudhury. | 8. Maulavi Ghyasuddin Ahmed. |
| 4. Maulana Abdul Hamid Khan. | 9. Maulavi Jahanuddin Ahmed. |
| 5. Maulavi Dewan Muhammad Ahab Chaudhury. | 10. Maulavi Mahammad Maqbul Hussain Chaudhury. |
| | 11. Maulavi Naziruddin Ahmed. |

The motion was carried.

The Hon'ble the SPEAKER : Then, I take it that no other amendment is going to be moved by any hon. member. I see that there are amendments in the names of several other members.

Mr. FAKHRUDDIN ALI AHMED : I think they are not moving the amendments standing in their names.

The Hon'ble the SPEAKER : I may call out the names of the rest of the members who have tabled amendments and if they do not rise in their seat, I shall take that they are not moving their amendments.

(The names of the following members were then called out and no body rose to move their amendments—

- Maulavi Muhammad Maqbul Hussain Chaudhury.
- Babu Rabindra Nath Aditya.
- Babu Karuna Sindhu Roy.
- Babu Akshay Kumar Das.
- Babu Balaram Sircar.)

I think these exhaust all.

Mr. FAKHRUDDIN ALI AHMED : A few amendments stand in the name of the Hon'ble Revenue Minister.

1710 TEMPORARY POSTPONEMENT OF EXECUTION [22ND NOV.
OF DECREES BILL, 1938

The Hon'ble the SPEAKER: The Hon'ble Revenue Minister is not going to move. Mr. Fakhruddin Ali Ahmed comes next.

Mr. FAKHRUDDIN ALI AHMED: No, Sir, I am not moving any other amendments.

The Hon'ble the SPEAKER: I shall first put the clauses to which amendments have been accepted and then I will put other clauses.

The question is that the new clause 3A as inserted stands part of the Bill.

The question was adopted.

The question is that clause 23, as amended, stands part of the Bill.

The question was adopted.

The question is that clause 25, as amended, do stands part of the Bill.

The question was adopted.

The question is that clause 29, as restored, stands part of the Bill.

The question was adopted.

These are the only clauses to which amendments have been made. Now I shall put the other clauses.

The question is that clauses 1, 3, 4 to 22, 24, 26 to 28, 30 to 36 do stand part of the Bill.

The question was adopted.

The question is that the title and preamble do stand part of the Bill.

The question was adopted.

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I beg, Sir, to move that the Sylhet Tenancy (Amendment) Bill, 1939, as settled by the House be passed.

The Hon'ble the SPEAKER: The question is that the Sylhet Tenancy (Amendment) Bill, 1939, as settled by the House be passed.

The motion was adopted.

The Temporary Postponement of Execution of Decrees, Bill, 1938

Srijut GOPINATH BARDOLOI: Since this Bill has been passed I do not think it is necessary for us to sit any more to-day.

Babu RABINDRA NATH ADITYA: The Temporary Postponement of Execution of Decrees Bill, 1938, may be taken up as there are no amendments.

Maulavi MUHAMMAD AMJAD ALI: Sir, should we not take up the Assam Local Board Elections (Emergency Provisions) Bill ?

The Hon'ble the SPEAKER: Members on this side (looking to his right) want to take up the Temporary Postponement of Execution of Decrees Bill. It will take only two minutes. There are no amendment to this Bill.

The question is:

“That in the preamble the words ‘by Civil Courts’ be omitted”.

The question was adopted.

The question is:

“That in item (i) of sub-clause (2) of clause 2, after the word ‘person’ the words ‘whose main source of livelihood is agriculture and’ be added”.

The question was adopted.

The question is:

“That in item (i) of the first proviso to sub-clause (2) of clause 2, after the word ‘or’ the words ‘the Assam Agricultural Income-tax Act or’ be added”.

The question was adopted.

The question is:

“That in sub-clause (1) of clause 3, the words ‘passed by a Civil Court’ be omitted”.

The question was adopted.

The question is:

“That in clause 4 for the word ‘void’ the words ‘voidable at the option of the person defrauded’ be substituted.”

The question was adopted.

The question is:

“That the following be added as proviso to clause 4:—
‘Provided that nothing in this section shall impair the rights of a transferee in good faith and for consideration’ ”

The question was adopted.

The question is:

“That in sub-clause (1) of clause 5, the words ‘passed by a Civil Court’ be omitted.”

The question was adopted.

The question is:

“That the following be added as clause 8:—

Decision of questions arising under this Act.

‘(8) All questions arising under this Act will be decided by the Court in which the execution proceeding is pending or the decree is executable.’ ”

The question was adopted.

Now when the House has agreed to the amendment made by the Assam Legislative Council to this Bill, message under the rules will be sent to that House in due course.

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

The Hon’ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: There is also a Bill entitled the Assam Local Board Elections (Emergency Provisions) Bill.

The Hon’ble the SPEAKER: Yes.

Mr. FAKHRUDDIN ALI AHMED: We shall discuss it to-morrow, Sir.

The Hon’ble the SPEAKER: There is an amendment, I think, in the name of Srijut Kameswar Das.

The Hon’ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: We shall accept the amendment.

The Hon’ble the SPEAKER: Then let us finish this matter when there is an agreement.

1712 ASSAM LOCAL BOARD ELECTIONS (EMERGENCY [22ND NOV. PROVISIONS) BILL, 1940

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I beg, Sir, to move that the Assam Local Board Elections (Emergency Provisions) Bill, 1940, be taken into consideration.

Sir, I have ascertained from some of the members of the Opposition that they agree to the principle of the Bill and in pursuance thereof one of the hon. members of the Opposition has tabled an amendment and wants that this amendment be accepted by the Government. We have decided to accept the amendment. Under these circumstances, I think, I need not take time of the House any more and my motion may be put now.

The Hon'ble the SPEAKER: Motion moved: "That the Assam Local Board Elections (Emergency Provisions) Bill, 1940, be taken into consideration."

(After a pause)

The motion was put and adopted.

Srijut KAMESWAR DAS: I beg, Sir, to move: "That in clause 2, the 'full stop' occurring after the word 'necessary' shall be deleted and the following words shall be added thereafter:—

'but not exceeding the 31st March, 1942'."

Sir, one of the reasons for Government to bring this measure is that certain sections of the communities are under-represented or unrepresented in the present Boards. My object in moving this amendment is to give proper representation to any such sections without undue delay. In the present Local Boards no due representation has been given to certain communities and this is why I do not want that this under-representation or unrepresentation of certain communities should be allowed to continue longer than one year. Government's point for this measure is that the census figures will not be available before the 1st March, 1941 to enable the holding of the election in due time, but it is hoped that by the 31st March 1942 these figures will be available. Government want to examine the question of various demands of the backward communities for separate representation before they go in for another new election. My suggestion is that Government should take up these questions immediately and come to a decision as early as possible so that they may be in a position to come up with a new amending measure after population figures are available. With these few words, I commend my amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved: "That in clause 2, the 'full stop' occurring after the word 'necessary' shall be deleted and the following words shall be added thereafter:—

'but not exceeding the 31st March, 1942'."

Mr. FAKHRUDDIN ALI AHMED: May I say one thing, Sir, in this connection? Sir, we on this side of the House in agreeing not to stand in the way of the consideration of this Bill have done so for the purpose of giving the Government an opportunity of amending the Local Self-Government Act; we feel that the Government should utilise this opportunity of placing before the House a proper amending Bill which will, at least, do away with the system of nominations to the Local Bodies and also remove such other defects in the Act. The Congress-Coalition Ministry had given their due consideration to the matter and before resignation had a draft of the amendment Bill ready. I hope, Sir, this period will be utilised by the Government for making improvements in the Act and in doing so, suggestions left by us will be taken into consideration by them.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir. The statement made by my hon. friend Mr. Fakhruddin Ali Ahmed will be given due consideration by the Government. The reason why in our Bill as drafted, no time limit has been fixed is this that in the normal course of things, general election for this Assembly will come sometime in January, 1942 and if we extend the Local Boards by one year only, the Local Board Election will also come simultaneously. It was for this reason we kept the period in wide terms. There should not be two elections at one time, as we thought that both the elections of the Local Boards and the Assembly will cause great inconvenience to hon. members.

Srijut DEBESWAR SARMAH: There will be no general election. This constitution must be changed.

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

The Hon'ble the SPEAKER: The question is: "That in clause 2, the 'full step' occurring after the word 'necessary' shall be deleted and the following words shall be added thereafter:—

'but not exceeding the 31st March, 1942'."

The motion was adopted.

The question is that clause 2 as amended stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER: The question is that clause 1 stands part of the Bill.

The question was adopted.

The question is that the title and the preamble of the Bill stand part of the Bill.

The question was adopted.

The Hon'ble Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I beg, Sir, to move that the Assam Local Board Elections (Emergency Provisions) Bill, 1940, as settled by the House be passed.

The Hon'ble the SPEAKER: Motion moved: "That the Assam Local Board Elections (Emergency Provisions) Bill, 1940, as settled by the House be passed".

(After a pause.)

The motion was put and adopted.

Adjournment

The Assembly was then adjourned till 11 a.m., on Saturday, the 23rd November, 1940.

SHILLONG,
The 17th January, 1941.

A. K. BARUA,
Secretary, Assam Legislative Assembly.

APPENDIX G

AUTHENTICATED SCHEDULE OF SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR THE YEAR 1940-41, LAID BEFORE THE LEGISLATIVE ASSEMBLY IN THE NOVEMBER SESSION, 1940, UNDER SECTION 81 OF THE GOVERNMENT OF INDIA ACT, 1935

Number of Grant	Heads	Amount already authenticated under sections 80 and 81 of the Government of India Act, 1935			Supplementary amount laid before the Assembly			Amount of cut made by the Assembly			Amount included by Governor			Amount now authenticated			Remarks	
		Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas	Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas	Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas	Non-excluded areas (Voted)	Non-excluded areas (Charged)	Excluded areas	Rs.	Rs.	Rs.		Rs.	Rs.
1	2	3	4	5	6	7	8	9	10	11	12	13	14					
	4.—Taxes on Income other than Corporation Tax.	Rs. 30,000	..	..	Rs. 3,350	..	..	..	..	Rs. 33,350	..	..	..		
	7.—Land Revenue	15,21,200	..	..	10,785	..	..	..	..	15,31,985	..	..	..		
	37.—Education	37,91,500	..	..	66,457	..	..	..	..	38,57,957	..	..	..		
	38.—Medical	10,77,700	..	..	2,200	..	..	..	..	10,79,900	..	..	..		
	40.—Agriculture	6,08,400	..	..	4,260	..	..	..	..	6,12,660	..	..	..		
	43.—Industries	2,11,300	..	..	31,383	..	..	..	..	2,42,683	..	..	..		
	50.—Civil Works (excluding Tools and Plant and Establishment charges).	49,16,500	..	..	7,000	..	..	..	..	49,23,500	..	..	..		
	Total	1,21,56,600	1,25,435	1,22,82,035					

The 20th November 1940.

A. G. P. (L. A.) No. 173—122—21-1-1941.

R. N. REID,
Governor.

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