

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

*The Assembly met at the Assembly Chamber, Shillong, at 2 p.m. on Friday the 10th
December 1937*

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Scheme for water-supply to the Maulvibazar Municipality

BABU DAKSHINARANJAN GUPTA CHAUDHURI asked :

- *15. (a) Has Government received any representation from the Maulvibazar Municipality for a Government grant for water-supply ?
(b) If so, what action, if any, has Government taken on the representation, and (c) if not, what action do Government propose to take on it ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

15. (a)—Not since 1927-28.

(b)—A scheme for water-supply for this Municipality was prepared in 1929 by the then Public Health Engineer but was not proceeded with by the Board as the cost (Rs.70,000) was considered to be prohibitive.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Is Government prepared to take any action on the scheme ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It is for the Municipality to take the initiative, Sir.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: If the Municipality takes the initiative will Government come forward to implement the scheme ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government will consider that when the Municipality takes the initiative. I cannot say what will be the attitude of Government then.

Re pay of Rangers, Deputy Rangers and Foresters

MR. ARUN KUMAR CHANDA asked :

- *16. (i) Is it a fact that Rangers, Deputy Rangers and Foresters are not allowed the advantages of time-scale in their pay ?
(ii) If not, why not ?
- *17. Will Government be pleased to state whether the same system of pay prevails in the entire Forest Department ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

16. (i)—Yes.

(ii)—In view of the peculiarly difficult conditions under which these officers have to serve, Government considered it desirable to provide a means of promptly rewarding good work, for which purpose the system of promotion by grades is more suitable than the time-scale system.

MR. ARUN KUMAR CHANDA : *Have Government satisfied themselves that this is a system which is liked by the officers concerned ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : *Government satisfied themselves that the system was more suitable.

MR. FAKHRUDDIN ALI AHMED : *More suitable to whom ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : *Both to the officers and to Government.

MR. ARUN KUMAR CHANDA : *Will Government be pleased to state why is it that two systems prevail in the same department ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : *I have already replied, because Government considered it desirable to promptly reward officers who do good work.

MR. ARUN KUMAR CHANDA : *Is it meant that those officers who are governed by the other system are not promptly rewarded ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : *No, I have already replied under question No. 16(ii).

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied :

17.—No.

Free Supply of Government Publications to the Hon. Members of the Provincial Legislature

MAULAVI ABDUL BARI CHAUDHURY asked :

*18. Will the Hon'ble Minister in charge please consider the desirability of supplying the following Government publications to the hon. members of the Provincial Legislature free of charge—

- (i) All Acts passed by the Assam Legislative Council ?
- (ii) All Rules framed by the Government under such Acts ?
- (iii) All Regulations and other Acts, in force in this Province ?
- (iv) Assam Quarterly Civil List ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

18. (i) & (ii)—All Acts passed by the Provincial Legislature and all rules framed thereunder are published in the *Assam Gazette*, a copy of which is supplied free of charge to each member of the Legislature.

(iii)—All Regulations and Acts in force in Assam, including those passed by the Central Legislature and the Legislatures of certain other provinces, are available in the Council and Assembly libraries. As they are

priced publications, and some of them are costly, their free supply would entail heavy expenditure.

(iv)—The Assam Quarterly Civil List is already being supplied to all members of the Legislature who apply for it.

SRIJUT SARVESWAR BARUA: 18(iv)—We have not received any copy of it.

SRIJUT PURNA CHANDRA SARMA: Are they sent free of cost?

MAULAVI ABDUL AZIZ: Is it supplied free of charge?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes.

MAULAVI ABDUL AZIZ: Is any application necessary for it?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

Scheme for improvement and extension of the Tezpur Water Works

SRIJUT OMEO KUMAR DAS asked:

83. (a) Is it a fact that the Tezpur Municipality asked for a grant of Rs.16,000 (Sixteen thousand) and a loan of Rs.15,000 (Fifteen thousand) from Government?

(b) If so, will Government be pleased to state what steps have been taken about it?

84. Is Government aware that the present plant of the Tezpur Water Works, cannot supply water to some localities lying at the extreme ends of the Tezpur Municipality?

85. Is it a fact that the Tezpur Municipality prepared a scheme for improvement and extension of the existing water-works at a cost of Rs.1,80,000 (one lakh, eighty thousand) and submitted to Government for sanction and granting a loan of the amount required for the purpose?

86. Will Government be pleased to state what steps have been taken for the extension and improvement of the water-works at Tezpur?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

83. (a)—Yes.

(b)—A grant of Rs.16,000 has been sanctioned. Government have agreed that the loan should be given and the application was published in the *Assam Gazette* of the 24th November 1937 under rule 7 of the Local Authorities Loan Rules.

84.—Yes.

85.—Government have no information about such a scheme.

86.—Government have given a grant of Rs.16,000 during the current year to a scheme for the improvement of the water-supply of this Municipality and contemplate giving a loan of Rs. 15,000 in addition. The total cost of the approved scheme is Rs.44,319. Government are particularly interested in this municipal scheme because it makes provision for improving the water-supply of the Tezpur Mental Hospital and Jail.

Instances of technical cases disposed of by the Personal Assistant to the Inspector-General of Civil Hospitals

BABU KARUNA SINDHU ROY asked :

87. Will Government please cite a few instances of technical cases disposed of by the Personal Assistant to the Inspector-General of Civil Hospitals and Prisons and state what extra benefit the Inspector-General gets from his Personal Assistant ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied :

87.—The Personal Assistant to the Inspector-General of Civil Hospitals and Prisons disposes of many cases requiring technical knowledge during the absence on tour of the Inspector-General of Civil Hospitals and Prisons. Among the classes of medical cases may be mentioned the checking of indents for medical requirements for dispensaries both of the Medical and Jail Departments and in general all administrative matters of the Department in which technical knowledge is necessary. The extra benefit which arises from a Personal Assistant who is a medical man in the administration of the Medical Department consists in the technical knowledge which such officer possesses of the medical requirements of the Department.

Proposal to censor certain Cinema pictures exhibited in Assam

BABU KARUNA SINDHU ROY asked :

88. Do Government propose to make enquiries as to whether certain cinema pictures directly or indirectly incite or encourage the motive of crime or familiarise the audience with matters of crime ?

89. Do Government propose to arrange for better censorship with a view to raise the moral standard of pictures exhibited in Assam ?

90. Will Government please state—

(a) Whether there is any separate Board of Censors for Assam ?

(b) If not, do Government propose to consider the formation of a separate Board for Assam ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

88.—Government are prepared to take it from the hon. member that films of this description are sometimes exhibited in Assam. They do not therefore consider an enquiry necessary.

89 and 90:—Under existing arrangements the Government of Assam only admit films certified by the Bengal, Bombay, Madras or Rangoon Board of Censors. In addition, under section 7 (5) of the Cinematograph Act II of 1918, the District Magistrate has the power to suspend the certificate of any film pending the orders of the Provincial Government and under subsection 7 of the same section, the Provincial Government have the power to cancel the certificate. Government do not propose to alter the existing arrangements or to create a separate Board for Assam, which would involve expense.

BABU KARUNA SINDHU ROY: Will Government write to Bengal, Bombay, Madras or Rangoon Board of Censors to be more strict in passing films which encourage the motive of crime ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This Government has no reason to suppose that the censors in those provinces are not performing their duties with due care and have failed to notice the nature of the films as indicated in my hon. friend's question.

Grant of Rs. 500 to Mr. Sharfuddin Muhammad Chaudhury towards his study expenses.

BABU RABINDRA NATH ADITYA asked :

91. Will Government be pleased to state—

(a) If Rs. 500 has been given to Mr. Sharfuddin Muhammad Chaudhury, brother of Mr. Ashrafuddin Chaudhury, M. L. A., by the Hon'ble Finance Minister from the discretionary grant ?

(b) If so, will Government please state the reasons for doing so ?

(c) Whether there was any other candidate for this grant ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

91. (a) & (b)—A grant of Rs. 500 was given to Mr. Sharfuddin Muhammad Chaudhury, M. A. (Alig.) of King's College, London, towards his study expenses as he applied stating that for want of funds, he was about to stop his education before completing the course.

(c)—The question is not understood. Applications for allotments from the discretionary grant are not invited. Such applications as are received are considered on their merits, and suitable grants made in deserving cases.

Such grants are usual and have been made by all the Ministers ever since Discretionary allotment funds were placed at their disposal.

So far, this year, I have made grants in six cases.

BABU RABINDRA NATH ADITYA: Was poverty the only consideration for this grant, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir.

BABU RABINDRA NATH ADITYA: Was any enquiry made as to his poverty ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I know the boy personally, Sir, and it was not necessary for me to enquire into his ability to bear his expense of study in England.

SRIJUT SARVESWAR BARUA: Is he the brother of our hon. friend Mr. Ashrafuddin Md. Chaudhuri ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir. If the implication is that he received this grant from me because he is the brother of one of the hon. members of this House (Srijut Sarveswar Barua:—No, not that) the hon. member may disabuse his mind of that.

I had been a Minister for five years before and in charge of Education, and during that time I helped many stranded students in foreign countries including England and America, who belong to the community from which the hon. questioner comes.

BABU HARENDRA NARAYAN CHAUDHURI: On the denial of Mr. Barua that this was not the implication, why did the Hon'ble Chief Minister come forward with an explanation, Sir?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If that was not so, there was absolutely no necessity for the supplementary question whether he was brother of so and so.

SRIJUT SARVESWAR BARUA: Does not the Hon'ble Minister realise that question may also arise in connection with the financial condition of the student? When he is the brother of our friend.....

MR. BAIDYANATH MOOKERJEE: Is it a disqualification to become the relation of a member of this House?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The fact that the grantee is a brother of our friend Maulavi Ashrafuddin Md. Chaudhuri does not show that he is in such affluent circumstances that he is able to bear expenses of his education in England.

BABU RABINDRA NATH ADITYA: Does the Hon'ble Minister know the economic condition of his family and the income of his property?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Of course, I don't know the actual income of his family but I know this much that it is impossible for his family to bear the expenses of his education in England.

BABU RABINDRA NATH ADITYA: May I know what is the source of information of the Hon'ble Minister?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The student sent a letter saying that he is unable to prosecute his studies in England if the Hon'ble Minister is not disposed to make him a grant from his discretionary allotment.

BABU RABINDRA NATH ADITYA: Does the Hon'ble Minister come forward for giving help whenever any student writes to him saying that he is about to discontinue his studies for want of funds?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am a bit charitable in this matter as I have already said.

BABU RABINDRA NATH ADITYA: Am I to understand that the Hon'ble Minister got the information only from the petition of the boy that he is unable to prosecute his studies for want of funds?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, I generally enquire from the institution as to an applicant's condition. I do not give money to the student himself but I place the money with the institution so that Government money may not be squandered. It is given in monthly instalment.

BABU RABINDRA NATH ADITYA: Is the Hon'ble Minister aware that there has been duplication of charity by Ministers?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not know that there has been duplication of charity but there may be such cases.

BABU RABINDRA NATH ADITYA: Will the Hon'ble Minister please inquire whether there was any duplication of charity or not?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is no necessity for such an inquiry. I know the case of a Brahmin boy from Nowgong which was supported by my hon. friend Srijut Purna Chandra Sarma. He asked me for a certain sum but I found that I could not spare the total amount from my discretionary grant. However, I gave him some amount and then passed his application to my Hon'ble Colleague the Minister in-charge of Medical Department whether he could spare some money for that boy for reading in Ayurvedic College in Calcutta. He was

supported by the Local Board of Nowgong but in his representation he says that the Local Board grant is not sufficient as it has been reduced and therefore he wants a bigger sum.

SRIJUT DEBESWAR SARMA: Sir, is it pertinent to ask if there were any condition at the time of giving the money that his brother should always support the cabinet.

THE HON'BLE THE SPEAKER: I don't think such a question can be put.

Right-of-way over the Patiapathar Road

SRIJUT RAJENDRA NATH BARUA asked:

92. Will Government be pleased to state—

(a) Whether, with reference to unstarred question No.1105 of the last Budget Session, Government recognise the Patiapathar Road as one over which the public have a right-of-way?

(b) Whether with reference to unstarred question No.1107 of the said Session, Government have issued instructions to the managers of the Badlipar Tea Co., Ltd., to keep the road open without closing it by gates at any time?

(c) If not, do Government propose to issue the instructions now?

THE HON'BLE REV. J. J. M. NICHOLS-ROY replied:

92. (a)—Government have no information that a right-of-way has been established over the road and it is clear that the Company does not recognize such a right.

(b)—No: but Government have asked the Deputy Commissioner to make a personal local enquiry into the matter and try to settle the matter amicably.

(c)—The question of issuing *instructions* does not arise at present.

SRIJUT RAJENDRA NATH BARUA: May I ask, Sir, whether the Hon'ble Minister said during the last session of the Assembly that right-of-way existed over this road?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already replied Sir, that the Company does not seem to recognise such a right.

SRIJUT RAJENDRA NATH BARUA: In answer to unstarred question No.1107 during the Budget Session of the Assembly it was said that the road through the Badlipar Tea Company Limited will remain opened. Am I to take that the Hon'ble Minister said that a foot-path also existed?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There was a foot-path. I do not know whether the right-of-way exists over it. We have asked the Deputy Commissioner to see that this matter is settled amicably somehow or other.

SRIJUT SARVESWAR BARUA: When did the Hon'ble Minister ask the Deputy Commissioner?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: As soon as we got this question we issued orders to ask the Deputy Commissioner to make an inquiry and to try to settle the matter amicably.

SRIJUT SARVESWAR BARUA: May we know how long ago?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: We asked the Deputy Commissioner about two or three weeks ago.

SRIJUT RAJENDRA NATH BARUA: Will the Hon'ble Minister be able to give us the result in this session or in the next session of the Assembly whether the right-of-way has been established?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It will be impossible to give the result in this session. Of course, if we can get the result in this session, we shall be only too glad to give the result to the hon. member.

SRIJUT RAJENDRA NATH BARUA: Are Government aware that these people are absolutely marooned and that they have no other way.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It is stated in the reply that Government have no information. We have not yet got any report in regard to that.

Expenditure to meet the expenses of the Selection Boards

MAULAVI ABDUL AZIZ asked:

93. Will the Hon'ble Minister in charge be pleased to place on the table a statement showing year by year, the expenditure incurred to meet the expenses of the Selection Boards for making selection for recruitment in various branches of the Public Service for the five years preceding the advent of the Assam Public Service Commission?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

93.—The hon. member is referred to the reply to question No.1441 asked by him at the last session of the Assembly.

Names of all the Forest Reserves in the Province

SRIJUT JOGESH CHANDRA GOHAIN asked:

94. Will Government be pleased to lay on the table—

(a) A list of the names of all the Forest Reserves of the Province subdivision by subdivision, with an approximate area of each such Reserve?

(b) A list of the names of those Forest Reserves which contain "Forest Villages"—with the number of such villages in each reserve?

95. Are Government aware that the ryots of many different villages of Hapjan, Doom-Dooma, and Saikhowa Mauzas of Dibrugarh Subdivision, submitted a petition sometime in November or December 1936 to the Deputy Commissioner, Lakhimpur District, praying for de-forestation of a part of the "Dibru Forest Reserve" and to throw open the same to the use of the ryots?

96. Will Government be pleased to state—

(a) What action was taken by the Deputy Commissioner on the aforesaid petition?

(b) Whether the Deputy Commissioner referred the matter to the Local Government?

(c) If not, why not?

(d) Whether the Deputy Commissioner is in full possession of any authority to dispose of such petitions without referring the same to the Local Government?

(e) If so, how?

97. Will Government please state whether there are some 'Forest Villages' in the Dibru Forest Reserve; and whether the abovementioned petition contained any serious allegation of oppressions against the officers of the Forest Department of the Reserve?

98. Is it a fact that the Forest Department was asked by the Deputy Commissioner to enquire into the aforesaid allegations made against the officers of the Department by the *ryots* and that the said petition was disposed of by the Deputy Commissioner only on the report of the Forest Department without making any other independent enquiry?

99. If Government have no previous information of the above

(a) do Government propose to make a sifting enquiry into the matter at an early date and take steps if necessary?

(b) If not, why not?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED replied:

94. (a)—The hon. member is referred to the list of Reserved Forests given in the Quinquennial Review of Forest Administration in Assam for the period 1929-30 to 1933-34, a copy of which is laid on the Library table.

(b)—A statement is laid on the table.

List showing the names of Forest Reserves in Assam containing Forest Villages with the number of Forest Villages in each Reserve

Name of Divisions	Name of Reserves	Number of Forest Villages in each Reserve
Haltugaon ...	Monas ...	11
	Chirang ...	2
	Bengtal ...	2
Kochugaon...	Kochugaon ...	90
	Ripu ...	3
	Guma ...	12
Garo Hills ...	Bagmara ...	4
	Angratoli ...	3
	Dibru Hill ...	3
	Rongrenggiri...	1
	Dambu ...	1
	Darugiri ...	1
	Dhima ...	1
	Rajasimla ...	1
	Dilma ...	1
Ildek ...	1	
Lakhimpur...	Dibru ...	4
	Barrajan ...	1

Name of Divisions	Name of Reserves	Number of Forest Villages in each Reserve
Lakhimpur—concl'd.	Dehingmukh	1
	Namdang	1
	Upper Dehing West Block	2
	” ” East Block	2
	Bogapani	2
	Kakoi	1
Kamrup	Garbhanga	4
	Barduar	16
	Mayang	1
	Kulsi	3
	Pantan	2
	Chaygaon	2
	Milmillia	3
Nowgong	Laokhowa	2
	South Dijoo	1
Sibsagar	Doyang	4
	Upper Daigrung	1
	Kaliani	1
	Mikir Hills	1
	Nambor	2
	Hollongapar	1
	Desoi	1
Sylhet	Barsijura Hill	1
	Western Bhanugach	1
	Rajkandi Hills	1
	Harargaj	4
	Patharia Hills	1
	Tarap Hill	14
	Raghunandan	7
	Longai	25
	Singla	14
	Kapnagarh	3
Cachar	Inner Line Reserve	21
	Katakhal	13
	Upper Jiri	3
	Lower Jiri	1
	So'nai	3
Darrang	Naduar	2
	Balipara	5
	Charduar	1
	Rowta	1
	Gohpur	2

96. (a)—The Deputy Commissioner called upon the petitioners to substantiate their representations.

(b)—No.

(c)—The Deputy Commissioner was competent to dispose of the matter.

(d)—Yes.

(e)—Under the orders contained in Chapter I, page 95 of the Assam Forest Manual, Volume I.

97.—Yes.

98.—Yes. The petitioners did not come forward to substantiate their allegations, although asked to do so.

99. (a) and (b)—Government do not consider that any further enquiry is called for. A sufficient amount of forest land must be kept in each district for the provision of forest produce for local demands, especially as the unclassified State Forests are rapidly disappearing.

MAULAVI GHYASUDDIN AHMED: The latter portion of the reply is that a sufficient amount of forest land must be kept in each district for the provision of forest produce for local demands, especially as the unclassified State forests are rapidly disappearing. May I know what does the Hon'ble Minister mean by the word 'local demand'?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: Local demand means the supply of fuel and thatching materials.

SRIJUT RUPNATH BRAHMA: Supply to whom, Sir?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.

WAHEED: For supply to the people of the locality.

SRIJUT RUPNATH BRAHMA: Is it within the forest area or in any other area?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.

WAHEED: Sometimes within the forest area and sometimes outside.

MAULAVI GHYASUDDIN AHMED: Are they supplied free of charge?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.

WAHEED: They are supplied free of charge within the forest area but on payment to those living outside the forest area.

MAULAVI GHYASUDDIN AHMED: I understand that fuels are supplied to the people living inside the forest reserve free of charge.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD.

WAHEED: The fuel materials are supplied to the people living within the forest reserve free of charge in lieu of labour but to outsiders on payment of Government dues.

Re time of tabling amendments to Sylhet Town Tenancy Bill, 1937

THE HON'BLE THE SPEAKER: Order, order. The hon. members must have seen from the provisional programme that the Sylhet Town Tenancy Bill will be taken up clause by clause on the 16th December next. Under rule 59(1), notices of amendments should therefore reach the Assembly Department before 3 p. m. on the 12th December.

I may also inform the hon. members that the Hon'ble Revenue Minister has agreed to have a discussion on the Report of the Land Revenue Committee which was presented the other day and 18th December, 1937 has been fixed to be the date for such a discussion. Any hon. member intending to table any amendment on this may do so two clear days before that date.

THE ASSAM MUNICIPAL (AMENDMENT) BILL, 1937

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Mr. Speaker, Sir, I said in my speech yesterday that I was going to deal with the principles of the Bill. I referred to the fact that when once the Bill has been referred to a select committee the House is committed to its principles. That has been the ruling of the President of the old Council. Now, Sir, it has been suggested by the hon. mover that if this Bill be referred to a select committee, the select committee can amend the Bill and introduce the principles of reservation of seats. I say that if we follow the convention or the ruling that has been given by the old Council, a select committee cannot do that. We had an instance in regard to that in the year 1934. There was a Bill— [The Assam Municipal (Amendment) Bill] moved by my hon. friend Srijut Rohini Kumar Chaudhuri. That Bill was referred to a select committee and the select committee presented its report, and that report changed one of the principles of the Bill and introduced a new principle. The President gave his ruling on that occasion — (I am going to read the ruling of the President.) Debates of the Assam Legislative Council, 1935— Vol. XIII. "The Chair cannot allow this report to be presented to the House without a comment. The object of referring a Bill to a select committee is to amend that Bill without interfering with the principles of the Bill. The select committee must confine itself within the scope of the Bill. If it goes beyond the scope of the Bill, or if any of the amendments is destructive to any of the principles of the Bill then the amendment is not in order". Then he went on to say— "The Hon'ble Minister for Local Self-Government opposed the motion for reference to a select committee stating that the Bill introduced a new principle which in the opinion of Government the Council should not accept by referring to a select committee". Then he said— "The Hon'ble Minister in his concluding speech has rightly defined the scope of the select committee". He said as follows :—"Then, Sir, most of the members of this House who have supported reference of this Bill to a select committee seem to have very little idea of what the business of the select committee should be. Is it the business of the select committee to draft a new Bill, can the select committee introduce any principle which is not in the Bill itself, or can the select committee override any principle which is actually introduced into the Bill by the hon. mover? I think they cannot. So if there is any principle in the Bill which is wrong that cannot be altered by the select committee. The scope of a select committee was rightly enunciated by the Hon'ble Minister for Local-Self Government" That was the ruling of the President of the old Council. Then he went on to say—"The select committee has every power to negative the principles of the original Bill. If the select committee want to modify the principles of the Bill or want to negative them it can come to the House for instruction, but it cannot of its own accord modify any of the principles of the Bill". Then he was questioned by myself at the time—"Do we understand then that the select committee will have to confine itself to the principles of the original Bill?" The President said—"Yes." That has been the understanding from the beginning of the Montford Reforms, and the ruling of the Presidents of the old Council, I therefore say, Sir, that if this Bill be referred to a select committee this House is committed to its principles and the select committee cannot change those principles. If we introduce a new principle it will be a new Bill altogether, and we might as well give up this Bill and have a new Bill altogether.....

SRIJUT DEBESWAR SARMAH: Sir, I rise on a point of order. Is the Hon'ble Minister for Local Self-Government right in saying, in view

of the statement made by the Hon'ble Minister in charge of the Bill yesterday that there is a considerable volume of opinion in favour of reservation of seats for minorities, that the select committee cannot introduce that amendment ?

THE HON'BLE THE SPEAKER : It is not necessary for me to give a definite ruling on the point at this moment. The ruling read out by the Hon'ble Minister that a select committee cannot depart from the principles of the Bill is quite correct, but what is the principle of a Bill is a question of fact, and again if a select committee make any changes then whether those changes go against the principles of the Bill is another question of fact. So unless the Bill modified by the select committee comes before me I cannot give any ruling on the grounds which are being put forward which appears to me to be more or less hypothetical.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Sir, in view of what the Hon'ble Speaker has said, I am more than confirmed in my opinion. It is not, therefore, desirable that the Bill should be sent to the Select Committee because we do not know what the Select Committee might do. If they introduce a principle that we may consider to be a principle which is altogether new in this Bill, then we shall be only wasting time and money.

RAI BAHADUR PROMODE CHANDRA DATTA : Unless you think the members of the select committee are a body of lunatics.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The hon. member Rai Bahadur Promode Chandra Datta says "unless we thought that the Members of the Select Committee are a body of lunatics". We do not think so. The other day he himself said that even Government and other people or members are human beings who are liable to err and make mistakes.

RAI BAHADUR PROMODE CHANDRA DATTA : That is right.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Apart from that question, there is the question of the principle of reservation of seats by separate electorates inside the municipality. That is a big question and I suppose the hon. members who will speak after me will have occasion to give their views on this matter. But so far as Government is concerned, we want just now to keep to the principle of nomination and we shall wait and see what the attitude of this House is. If the attitude is to have separate electorates or to have reservation of seats, then bring in a bill to that effect. But as there are now nominations for the Municipalities and this Bill wants to do away with that nomination, we oppose this Bill as it stands and we do not want it to be referred to the Select Committee. I think that is all I have to say now.

BABU HARENDRA NARAYAN CHAUDHURI : Mr. Speaker, Sir, I confess I was a bit surprised when I found the Hon'ble Minister for Local Self-Government rising to oppose the reference of the Bill to the Select Committee moved by my hon. friend Mr. Rajendra Nath Barua. If my memory serves me right, I think it is the Hon'ble Minister himself who moved in the previous session that the Bill should be circulated for eliciting public opinion. Well, Sir, if the intention of the Hon'ble Minister is to throw the Bill away, what was the necessity of his moving for eliciting public opinion ? In that case the gentlemen who were approached for opinion, could have been saved from the trouble of wasting their valuable time and the public exchequer also could have been saved to the extent of a few hundred rupees that had been wasted in paper and ink for printing these opinions. I have a suspicion that at that time the intention of the Hon'ble Minister at least in my mind, it was not honest. Instead of facing the situation

straight and square, he wanted to get round the position and throw out the Bill in a roundabout way.

Coming to the Bill itself, I think, Sir, it is a simple and harmless piece of legislation. The object of the mover is to do away with nomination and to lessen the control of Government to a certain extent. I will deal with the nomination first. Hon. members of this House will surely agree with me that the world is moving towards democracy. We must move with the time. I cannot think, Sir, that in the year of grace 1937 the Hon'ble Minister for Local Self-Government is trying to countenance nomination. We must move with the time spirit, we cannot crush the spirit of democracy. It is argued that some people with some experience are left out in the election and, therefore, it is necessary for them to enter by the back door of nomination. I do not find any force in this argument. I do not share that view. I think it is the people who are the best judges as to who will represent them. Those who are really anxious and willing to serve the country, let those men face the people, let them appeal to the voters, let them face the verdict of the poll. It is the people and not the Government who is the master of the situation. Let the people declare whom they want and whom they do not. Let not Government interfere.

Secondly, about the Government control, Sir, only yesterday the Hon'ble Minister was saying that unless the Municipality is very very badly run the local representatives of Government will not interfere, I am quoting his words. I am afraid, Sir, the Government interference is not far and few. I know there are instances when the local authorities meddle too much even with the daily routine work of the Municipality. I can give an instance. Take for instance the case of the Sunamganj Municipality. There was a resolution of the Board to hoist the national flag and the Chairman in obedience to that resolution hoisted the national flag over the Municipal building but the Subdivisional Officer with all his authority objected to that and the poor Chairman found himself as if between the Scylla and Charybdis, on the one hand there is the Subdivisional Officer and on the other hand the clear mandate of the Board. Why this fuss about the national flag which is a petty matter? Sometimes the interference of the local authorities I must say, is degenerating into pettiness, it is rather meanness I should say.

About the Select Committee, I think the Select Committee proposed by my hon. friend the mover represents all shades of opinion. He has not staffed it with members from this side of the House, he has not staffed with the Congress members only. So the Hon'ble Minister could not have any objection to that.

I hope the House will accept the motion to refer the Bill to a Select Committee. With these words I support the motion.

MAULAVI ABDUL MATIN CHAUDHURY: There are, Sir, three principles involved in this Bill. One is the principle of nomination, that it should go. Second thing is that the official control should be relaxed and the third thing is that joint electorate with reservation of seats should be introduced in Municipalities. These, I understand, are the three principles involved in this Bill. As regards the first one, namely the question of nomination.....

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know if there is provision for nomination at all in the Bill?

SRIJUT RAJENDRA NATH BARUA: I accepted yesterday, Sir, the principle of reservation of seats.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: But there is nothing in the Bill.

THE HON'BLE THE SPEAKER: In order to give effect to the principle of the Bill, if the Select Committee chooses to make any alteration then they may do it and they may also alter that system of election. That is what is said.

KHAN BAHADUR MAULAVI KERAMAT ALI: It is in the speech but there is nothing in the Bill.

MAULAVI ABDUL MATIN CHAUDHURY: As regards nomination, Sir, I am entirely in favour of the abolition of the nomination system. I need not repeat the argument as it has been discussed several times on the floor of this House. On the second question, I am also in favour that the official interference over our Local Self-Government institutions should be lessened as far as possible. But, Sir, on the third question of joint electorates, I am entirely opposed to the continuance of the system of joint electorates in the local bodies. I need not discuss the question of joint electorates *versus* separate electorates. It is an all-India question and for a number of years it has been discussed. So I do not want to worry the House by repeating the same arguments. I only want to point out that in the last session of the All-India Muslim League a resolution was passed, which I would like to read out to the House. It runs:—"This meeting of the All-India Muslim League is strongly of opinion that in the absence of an agreed settlement between the communities the introduction of joint electorates in local bodies will be inconsistent with the spirit of the communal award and will be injurious to the cause of Musalmans in these bodies, particularly in view of the strained relation between the communities and calls upon the Muslim members of the Assembly to oppose the introduction of joint electorates in local bodies in places where separate electorates exist at present and to introduce them in provinces where they do not exist today."

Sir, in view of this definite mandate, I, for one, am opposed to the reference of this Bill to the Select Committee.

SRIJUT GOPI NATH BARDOLOI: Sir, I have heard with great patience the arguments that have been put forward by the Hon'ble Minister for Local Self-Government. He took us through practically all the opinions that were in his favour. But if he had taken care also to read through those opinions, he would have seen that the conclusions which he wants the House to arrive at, are not exactly the conclusions which could be legitimately drawn.

Sir, the main principle of this Bill is to do away with nominations, and how it has got to be substituted is only a corollary of that principle. We may for example agree to the joint electorate system with reservation of seats. There may possibly be also opinion in favour of separate electorates substituting nominations. But the fundamental principle of the Bill is whether representation should be by the system of election or by that of nomination. It is there that the fundamental difference between the view point of the Hon'ble Minister, and our party and (I believe) that portion of the House that is in favour of democracy, lies. Therefore, Sir, we should not be blinded by the issues that have been raised by the Hon'ble Minister, namely that we have not brought in the question of joint electorates or separate electorates into prominence in this Bill. That would naturally arise out of the consideration of the very question as to whether nomination should remain or not; and if you will only go through the various opinions that have been given, you will find that the matter has been discussed in practically all the opinions that have been given in regard to this Bill. It will be seen, Sir, that in all cases even Government officials have acceded to this principle—even every responsible Government officials. I shall take a little time of the House in probably reading one or two such opinions.

Even they are agreed that nomination should go. But if nomination goes, then of course they say that there should be some reservation,—some assurance—some provision—in the Bill by which the interests of the minorities may be represented there. Sir, fundamentally and broadly we also accept the same principle. But as to how that representation is to be secured, whether by a system of joint electorates with reservation of seats or by separate electorates, I submit, Sir, is a matter which could be adequately dealt with by the Select Committee. So I think it is perfectly clear that the principle of the Bill will be there if it is referred to the Select Committee, *I mean the Bill as it stands to-day. Therefore the main matter that we have before the House is whether we are prepared to accede to the broad principles of democracy, or as to whether we will allow representation by nomination.*

It has been stated, Sir, that nominations serve the purpose of representing under-represented or un-represented communities. Sir, if the same object can be fulfilled by a system of election, why should we not go to the system of election, which is surely a far better way of representation than the system of nomination? I think, Sir, this whole House believes in democracy. We are ourselves elected members; and therefore, Sir, the House, will have no hesitation in agreeing to the principle of representation by election and not to the principle of representation by nomination.

Then, Sir, how has this nomination worked? That is also a matter for consideration. In this connection, Sir, I beg to refer to the opinion of Mr. Cantlie. My learned friend skipped over the remarks of Mr. Cantlie the other day. He says:—"The proposal to abolish nominations will probably be resisted by the Musalmans in the Assam Valley and by the members of Council of minority communities. The defence of nomination is that it secures representation of minorities. The nominations of the last ten years have not, in many instances, followed this principle."

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I read that, Sir.

SRIJUT GOPINATH BARDOLOI: I want to read it again, Sir. I say that that Hon'ble Minister skipped over this portion?

THE HON'BLE THE SPEAKER: The hon. member is open to make his own deductions.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I did read that portion, Sir.

SRIJUT GOPINATH BARDOLOI: "A formidable attack in the Assembly is certain, in which examples will be quoted. To this attack a defence can be found only in the plea that nominations are made also for obtaining distinguished persons not available for the community by election. But some nominations have been made which cannot be defended even on this plea." That is the experience of an officer who has worked as Deputy Commissioner in several districts.

Then, Sir, let us go to the evidence of another Indian Deputy Commissioner, Mr. S. Goswami on page 23 of the opinions. He says:—"The outcry against nomination of members as envisaged in clause 2 of Bill, is universal, and is not without justification in the present times. But if nomination is done away with, provision should be made for representation of the minority communities by reservation of seats in proportion to their numerical strength and interest in the municipality."

Sir, there must be certain reasons why this nomination is resented even by high officials who work on the spot and who can see for themselves with their own eyes and who know how best the municipalities could be worked and well administered. Therefore, Sir, the fact remains perfectly

clear that even officials who had chance of looking into the thing from close quarters, are opposed to this principle of nomination. According to their experience nominations have never worked well. It is a fact which remains clear and probably undisputed.

Sir, when inspite of all this we find that an Hon'ble Minister of the State..... I forgot to refer in that connection to the opinion of another Commissioner, *viz.*, Mr. Walker, who says that the principle of election is much better than the principle of nomination. Let me quote a few lines from his opinion. "It is quite true that logically and in theory it is much better to have all the members of a municipal body elected by the municipal voters. It is wrong in principle to have any members nominated by an outside agency. In the Legislative Assembly itself none of the members are nominated." So it appears that almost all agree to the principle of election.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: What he says after that ?

SRIJUT GOPINATH BARDOLOI: My submission to the House is that the principle of election has been acceded to be the best form of representation even by high officials. The system of nomination has been found to be working very unsatisfactorily for reasons which, I think, it is not necessary for me to explain. So it appears to me to be astounding that an Hon'ble Minister of the State should be coming forward for the defence of the principle of nomination. Sir, there can be only one reason for this and it is only that the party in power wants to reserve certain powers in them by this principle of patronage. I cannot ascribe any.....

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That may help the other party also.

SRIJUT GOPINATH BARDOLOI: (Emphatically) We do not want it. There is only one reason why the present Government want to retain it. It is because they are opposed to the fundamental principle of democracy ; because they are afraid to face the vote of the electorate ; because they want to live and strengthen themselves by patronage ; because they want power for themselves in the country through means, I call unfair. The logical sequence of this craving for power results in questionable tactics in elections of Chairmanship. We hear of Ministers of State stooping down to put pressure on the nominated members to elect their nominees ; we hear of their going down to the plains to carry support for their men.

This is surely not what it should be. Nomination surely taints both the giver and receiver. I know, Sir, that members of this House are advocates of democracy and I appeal to them to do away with this vicious principle ; and the sooner we do away with it the better.

Then, Sir, in regard to the laxity of control ; the Bill does not seek very much in this respect. All that the Bill proposes is to do away with the power of the Subdivisional Officer. That is not much. The power of the Deputy Commissioner is retained, the power of the Commissioner is retained. In fact there is nothing much for which the principle of this Bill can be objected to. In reference to this let me read another official opinion. "I am inclined to agree with the promoters of the Bill that the direct interference of Deputy Commissioners and Subdivisional Officers in municipal matters might with advantage be restricted. I think it might be made a rule that District Officers do not inspect municipal offices or records unless specially called upon to do so by the Commissioner". So there is nothing much, in the Bill ; the Bill wants to minimise the power of the Subdivisional Officers only.

My hon. friend Maulavi Abdul Matin Chaudhuri was raising the question that joint electorate system should not be allowed to be evoked for the purposes of these elections. I have already said that this is a matter which can be conveniently discussed in a committee. So I submit that we can very well proceed to the Select Committee and discuss matters there and finally settle what shape the Bill should take.

BABU AKSHAY KUMAR DAS: One of the principles involved in this Bill is to do away with nominations. Of course that is a good idea. We are tired of hearing our Hon'ble Minister for Local Self-Government saying that nomination is meant for doing justice to the communities which are under-represented and unrepresented. May I know from the Hon'ble Minister how many unrepresented communities have been represented by our Hon'ble Minister's nomination last time? I like that the principle of nomination should be done away with.

But I would like to say something about the Bill, because the Bill is lacking in as regards the interest of minority communities. There is no provision for representation of the minority communities in the Bill. So we cannot support this Bill *in toto*. I also think that the Bill is premature because the election is just over and the ringling of the election of Chairmen is still in our ears.

SRIJUT RAJENDRA NATH BARUA: May I inform my hon. friend that we have acceded to the principle of reservation.

BABU AKSHAY KUMAR DAS: Yes, my hon. friend may accede to that, but there is no mention about it in the Bill itself, hence I oppose this Bill. I also think that the Bill is premature and it should not be referred to the Select Committee.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I think, it is my duty to oppose the reference of this Bill to a Select Committee. In the first place, I think, this Bill is altogether unnecessary. There are provisions in the Act itself; I refer to section 10(3). The Local Government may at any time direct that all members of the Municipal Board shall be elected.

Now from the volume of opinions one thing is clear, that there are some boards which are still in the state of undevelopment, and require nomination. Therefore, Sir, abolition of nomination cannot be pleaded uniformly all over the Province. There may be some boards which will require nomination even now. So if that be the case, then I think, this provision in the Act itself may be availed of by any board which require that the system of nomination should be abolished. Whenever and wherever it is necessary, this provision of the Act may be invoked, because it says—"The Local Government may at any time.....". What is this Local Government? It is now in the hands of the representatives of the people. So it will not be difficult to have the abolition of nomination in those bodies where it is thought absolutely necessary. At the same time this provision will protect other boards which are not in a state of development now and which cannot afford to do away with nomination.

In the second place, there is another provision in the Act itself. I refer to section 296(3). Section 296(2)(i) says that "The Local Government may make rules for the purpose of carrying out the provisions of this Act. In particular and without prejudice to the generality of the foregoing powers such rules may"—this is important—"provide for the distribution of elected members among the different sections of the community... ..". Now those boards which wish to have election *in toto*, may ask the Local Government to frame rules under this section for the distribution of those elected seats among the different members of the community.

So my first submission is when there is already provision in the Act itself to meet our demands, what is the necessity of this legislation on which opinions are sharply divided. Secondly, I do not like to refer to the volume of opinions that has been received against the Bill, but I will like to refer to one point. Of course, it has been suggested from the opposite camp that these opinions were obtained to suit the Government view. One member from the opposite Bench yesterday questioned as to whether Congress Committees were consulted in this matter. I say that it was absolutely unnecessary to consult Congress Committees in this matter. This Bill emanated from a member of the Congress Party and I believe it represents the Congress view. So it would be absolutely unnecessary to know what is the view point of the Congress members. There is another factor. I find it is a notorious fact that the hon. member who hails from Golaghat has brought this Bill, but almost all the responsible associations and responsible gentlemen of the locality have given the go-by to this Bill. They have all expressed against this Bill. So, I doubt very much if the hon. member from Golaghat has the sanction of the constituency behind him in ushering this Bill. My inference therefore is that the Bill represents the Congress point of view. May I ask the hon. members opposite, what has been done as regards this in the other Congress run provinces. In Bombay, so far as I know, there is still the system of nomination going on. I am yet to know whether in any of the Congress run provinces nomination has been done away with. (*Voices from the Congress Bench*—They are introducing a Bill). So, should Assam which is the most backward of all provinces lead the whole of India with regard to the abolition of nomination?

MR. BAIDYANATH MOOKERJEE: What is the harm in leading?

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: I think we are always following other provinces. We are always backward. So there is no point in our leading in this matter. Now there is another point which must not be ignored altogether. And that is, will it be just and prudent on the part of this responsible legislature to ignore the opinion of an important community like the Muhammadans. So far as I can gather from the opinions, the community as a whole is opposed to this Bill (*voices*—No). So what is the good of rushing through this legislation when the whole province as a whole is not prepared for it?

MR. BAIDYANATH MOOKERJEE: What did you do yesterday?

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Now, fourthly, and lastly, the point that has been raised by the Hon'ble Minister himself is whether this principle of the reservation of seats can be introduced at all now by the Select Committee. This is a debatable point. As has been said by the Hon'ble Speaker himself, it involves not only law but facts also. As it is a debatable point of law and fact, I think this motion for reference of the Bill to a Select Committee is still more shaky.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Has the election in Dibrugarh been over?

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: It has just been over.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Is he a candidate for nomination?

THE HON'BLE THE SPEAKER: That does not arise at all.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: There is no candidature for nomination. No applications are received. I take strong exception to this.

KHAN BAHADUR MAULAVI KERAMAT ALI: That is childish.

THE HON^{BLE} THE SPEAKER : I would call the hon. Khan Bahadur to order. He cannot say childish.

KHAN SAHIB MAVLAVI SAIYIDUR RAHMAN : So I say this is a debatable point and the motion is shaky on that account. Reservation of seats is not a practical proposition at all in municipal boards because there is division of wards and from experience I can say that Muhammadan population and other minority communities are divided. So it is difficult to have reservation of seats. This is not a practical proposition.

As regards the other provision in the Bill regarding the lessening of control, of course, I have little to say against it but that can be done without this Bill, by an administrative order from the Government. So my submission is that this Bill is not at all necessary and I therefore oppose its reference to a Select Committee.

MR. NABA KUMAR DUTTA : By this Bill, Sir, the hon. member in charge wants to debar the Government servants from seeking election to the Municipal Boards and also he wants to do away with nomination. As regards the first, Sir, I must say that it is a very salutary amendment.

Government servants are all not in a position to exercise their individual judgment, in many matters (*hear, hear*). Again, Sir, those officers sometimes may exercise undue influence from their official position.

As regards nomination, Sir, I must say that this system is an absolutely worn out system in all representative institutions. When wider franchise has been given to all popular institutions it is only just and proper that Municipal Boards should consist of elected members only. But, Sir, there will be some difficulties in such cases. The minority communities may not get a chance to come in through general election. In this connection, Sir, I would like to refer to the recent election of the Dibrugarh Municipality. There was a seating member from the depressed class in that Municipality, and he has been defeated this time by a caste Hindu. But I admit, Sir, that this problem can be solved by keeping seats reserved for all these minority communities. As this Bill goes, Sir, I am afraid it will not be able to solve this problem. If this Bill be referred to a Select Committee, the Select Committee will have to work within the scope of the Bill, and they will not be able to change the principles of the Bill. Moreover, elections of all Municipalities are over now and there is enough time to draft another Bill. So I suggest that this Bill be withdrawn and a new Bill be brought in, in its place, which will solve all these problems.

MR. RUPNATH BRAHMA : Sir, I stand to oppose this Bill. Sir, nowhere in this Bill we find any provision for the minority communities. I have come here as a representative of a certain important minority community, and I apprehend if the Bill, as it stands, is passed, it will shut out the doors of local municipal bodies to the minority communities. This Bill intends to do away with nomination. In my humble opinion the Bill is a premature one. Nomination should go, but it must not be done away with at the present stage as indicated in this Bill. On the same ground, as there is no other provision for minority communities, I am also against referring it to a Select Committee.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY : Sir, the Bill as it stands cannot be recommended to go to the Select Committee. During the last session my hon. friends on the opposition were very lavish in making insinuatory observations when I opposed the Bill because I got a nominated seat in the Municipality. I can say to my hon. friends opposite that I only voiced the opinion of my own constituency.

Sir, you will find at page 52 of the opinions received on this Bill, an expression of opinion of one of the leading men of my constituency, Md. Abdul Hye, Pleader of Habiganj Bar and a prominent member of the

Bar. Hon. members will see that I was not forced to support nomination out of love for a seat in the Municipality, but it was a mandate from my constituency for which I had to support nomination. Of course, with regard to the question of nomination I am at one with my hon. friend Mr. Bardoloi when he says that we are now in an advanced stage and we must not go for nomination. But I cannot forget the stern facts and realities that have been exposed by the answers of the Government to my questions about the results of municipal elections, and the percentage of success of Muhammadan candidates. That is a matter which cannot be ignored as it seriously and vitally concerns my community. Sir, how the voice and interest of my community have been ignored is evident from the opinion of the Secretary, Bar Association, Habiganj—to be found at page 53—when he says “my Association finds itself in complete agreement with the proposed Bill”. But the Secretary did not think it necessary, rather he did not care to consult the Muhammadan members there. At page 52 we find Maulavi Abdul Hye, who is another prominent member of the same Bar, says “If you take into account what actually had been happening in the election of Habiganj Municipality since the creation of the Habiganj Municipal Board, no Moslem member could ever be returned to the Board by election though almost every time Moslem candidates were set up for election”. My hon. friend Babu Akshay Kumar Das was saying that so far as his community was concerned he does not like the idea of nomination. But I shall refer the hon. member to page 9. Another member of Silchar Bar—he comes from a depressed class—Babu Nitai Chand Patni, B.L., Pleader, Silchar, says “If section 2 of the Bill be passed, the interest of the minority community (the scheduled castes) will suffer to a great extent. The strength of the scheduled castes is so poor in the municipal area that it will not be possible for ever, of a candidate from the community to fight out an election and send a representative to the Board to place their grievances there”. Hon. members will find that the Secretary of the Silchar Bar Association in the same way ignored the voice of both the scheduled caste Hindus and Muhammadans, because at page 8 we find he supports this Bill *in toto*. Again at page 9 we find the opinion of Maulavi Rashid Ali Laskar, *ex-M.L.C.*, who is another prominent member of the Silchar Bar. He says “Nomination is intended for unrepresented and under-represented communities and so without making suitable provision for special representation of the communities which are not expected to assert their proper share of representation in the general election, the present system of nomination should not be entirely done away with”.

So, I say, when there is no provision made to safeguard the interest of the Muhammadan community as well as the minority communities, this Bill cannot be referred to a Select Committee. Sir, one of my hon. friends was very much lavish in insinuating that the District Officers were kind enough to send this Bill for opinion to only those persons who were in the list of interview. But my friend forgot the fact that the Hon'ble Speaker of this House happened to be the Secretary of the Sylhet Bar Association. The present Secretary of that Bar Association is also a man who belongs to the same creed. There may be other persons who do not belong to Congress, but they may not be in the waiting list of interview. Now-a-days it does not suit well even for the Congress to say this, when we find they are no less anxious for interview.

So, what I mean to say is that, although we want that nomination should go, but as no special provision has been made in the Bill to safeguard the interest of the minority communities, it cannot be supported.

MR. B. I. BARRY: Mr. Speaker, Sir, I rise to oppose this Bill being sent to a Select Committee. The Bill will debar Ministerial Officers of

Government or persons in part-time service with Government from seeking election as Municipal Commissioners. We can see no justification for this provision which appears to be a distortion of the well known principle that Government Officials must not take an active part in Government politics. That principle is simply based on the idea that a man who has to carry out the policy of Government which incidentally may change according to the party in power should not take part in the controversies concerned and so perhaps put himself in the position of having to carry out some policy which he has publicly opposed before. That same principle would rightly debar Municipal employees from taking part in Municipal politics but we cannot see how it applies to Ministerial Government servants. Still less can we see why for example a part-time retained lawyer who is paid by Government should be debarred from taking part in Municipal politics. In Bengal Government Pleaders have played the greatest part in politics. This Bill very largely transfers supervision from Commissioners and Deputy Commissioners to the Local Government. In view of the possible abolition of Commissionerships this means in practice that the Local Government will be the only supervising authority ; but it is manifestly impossible for a Local Government to exercise direct supervision over so many different bodies. The Bill also proposes to curtail the power of Subdivisional Officers to inspect Municipalities. Experience shows that inspection and supervision by Local Officers are extremely necessary, in the present stage of municipal administration in India and this provision would in our view be very unwise. I therefore, Sir, repeat that in our opinion this Bill should not be sent to a Select Committee.

SRIJUT DEBESWAR SARMAH : Mr. Speaker, we have been patiently hearing from yesterday the learned speeches firstly delivered by the Hon'ble Minister of Local Self-Government and then by others. I confess that I am almost finding myself lost in the midst of arguments. I feel that we are going into the details losing sight of the principle. Firstly, let us see what is the origin of this Bill. I submit, after the introduction of the Government of India Act, 1935, introducing provincial autonomy, the amendment of various Acts keeping with the spirit of time is a logical consequence. So, when the principle of nomination to the Legislative Assembly was done away with, it was only fit and proper that it should not find place in Local Bodies. The hon. member in-charge of the Bill wanted that it should be sent to the Select Committee. The Hon'ble Minister of Local Self-Government vehemently opposed it and he spoke in favour of circulation for eliciting public opinion thereon. That is the position where we are to-day. The Bill was sent for gathering opinion of the responsible bodies and members of societies of different classes and communities of our province and we have them before the House. Sir, I beg to ask the hon. members of this House whether they sent the Bill for opinion out of fun or for any real purpose. If it is said that the Bill was sent for the opinion of the people just for fun then it is a different matter altogether and I have nothing to do with it. But I can hardly believe that the responsible members of this House sent this Bill for gathering opinion simply for the matter of fun. Surely the Bill was sent for the opinion of different people for the purpose of seriously considering them and after due consideration on this matter itself to come to a some sort of a position whether to throw it away or to consider it. Now the opinions were elicited at some cost to Public Exchequer and we are expected to see if there is a *prima facie* case for the Bill to consider. If the volume of opinion is in support of the Bill, then it should be sent to the Select Committee. If the bulk of opinion is against the Bill, then the Hon'ble Minister for Local Self-Government would be justified in

pressing that the Bill should be thrown out. If on the other hand, there is considerable responsible opinion in support of the Bill, then I submit that there is hardly any justification for throwing out the Bill without sending it to the Select Committee. Now I may be excused for repeating that if the Bill was sent not out of fun but for a serious deliberation of it, then it is hardly necessary for me to say that the Bill deserves to be sent to the Select Committee. Now, Sir, the opinions were printed at some cost to the exchequer of this poor, deficit province and I hope and trust that we had had the pleasure to go through these opinions. The hon. member in-charge of the Bill challenged the Hon'ble Minister for Local Self-Government yesterday that there are 77 opinions in favour of the Bill and about 65 opinions against it and the Hon'ble Minister could not contradict it. On this point I may be permitted to say that some sort of fear has been created in the minds of some members that if this Bill is taken up for consideration by Select Committee, then the minority communities or the under-represented communities will go without representation. I beg to submit that it is not so. The hon. mover of the Bill yesterday acceded to incorporation of clauses safeguarding minority interests and it is only fit and proper that there should be safeguard for reservation of seats or preservation of interests of the minority communities. From the reading of the bulk of the opinion, we find that the opinion is strongly in favour of doing away with the principle of nominations and substituting it by some sort of device for safeguarding the interests of the minority communities and for seeing that they are adequately represented. So, although it has been said by my hon. friend Maulavi Abdul Matin Chaudhury and my hon. friend Mr. Das that since there is no such safeguarding clause in the Bill it should be thrown out—I say that in view of the public opinion that has been gathered, it is in the fitness of things that the Bill be referred to a Select Committee for consideration and for inclusion of such safeguarding provision. This is a matter of detail. The volume of the public opinion shows that there is hardly any genuine fear, or sincere fear, that the minority communities will find themselves lost if the Bill is passed for consideration. So at this stage we have to look into the bulk of the public opinion already before this House. I do not propose to take the hon. member, of the House through the entire volume of the opinions, but I would beg leave of them to bear with me for a little while when I go through some of the important opinions. I will not refer to opinions that have a colour of Congress or revolutionary ideas but only to such opinions which cannot be accused by any stretch of imagination of colour of Congress or revolutionary ideas. First of all I will refer to opinions of responsible Muhammadan bodies. To start with I will refer to page 1—Muhammad Ayyub Bakht Mazumdar, Subdivisional Officer, Sunamganj. Here I might be permitted to mention that in the case of Indian Civil Service officers even young men may be placed in charge of Subdivisions, but when we find a non-Indian Civil Service officer in charge of a Subdivision, we can take it for granted that he is an experienced officer and not associated with Congress ideas. This officer says:—"I see no objection to the introduction of the proposed amendment Bill". This is not a Congress opinion certainly. Then, Sir, I beg to refer to page 2—Secretary, Anjuman-i-Islamia, Sunamganj—"I have the honour to say that according to my opinion the Bill as introduced may be passed". Surely this gentleman cannot be accused of being unmindful of Muhammadan interests. Here I may remark that a person who pretends to be kinder than the mother, should be looked upon with mistrust. Then I would refer to page 10—the opinion of the President of the Anjuman-i-Islamia, Hailakandi:—"The Bill is suitable". Which is simple and clear. (Laughter.)

I am not reading opinions from Bar Associations because yesterday the Hon'ble Minister, Local Self-Government, complained they contain Congress members only from other bodies. Then I refer to page 15— Secretary, Anjuman-i-Islamia, Karimganj. It says—"I have the honour to say that I had deeply gone through the Bill and consulted some of the members of my Anjuman. I further beg to say, on behalf of my Anjuman, that I find no reason to interfere into the introduction of the Bill. It may be accepted as it is in its form." May I ask those members, who are against referring the Bill to a select committee on the ground of apprehension that by sending this Bill to the select committee, the interest of the minority communities will be prejudiced, why this gentleman has come forward to say that this Bill is suitable and may be passed in its entirety? Then I refer to page 16—Secretary, Haj Committee, says—"I have the honour to say that myself and my committee have no objection to the Assam Municipal (Amendment) Bill, 1937, being introduced as it is with the modification in section 2 as stated below: Section 2, for sub-section (3) of section 10 of the Assam Municipal Act, 1923, there shall be substituted the following sub-section:—"10 (3) The total number of members of a Municipal Board shall be elected with reservation of seats for Muslims on the basis of population residing within a Municipality." So, Sir, we have to glean the feelings from these Muhammadan opinions. The Muhammadan opinion as a whole is in favour of it. Of course we find a few opinions here and there in favour of reserved seats, but these are matters of detail, and at this stage we have to see whether from the bulk of the opinions there is a *prima facie* case for referring the Bill to a select committee.

Then I come to other opinions. I will now refer to page 2—Christian opinion—Rev. S. C. Das, Sunamganj, says:—"I beg to inform you that I have no objection to the amendments as proposed in the aforesaid Bill". There are other Christian opinions also, but I have no time to go through them all now. It will suffice to say that Christian opinion is not against the Bill, but some seek reservation of seats for minority communities.

Then I come to the most important of all—opinions of experienced and responsible Government officers. Here I would request those hon. members who are opposed to the principles of the Bill to be pleased to consider carefully the opinion of these experienced Government officers. Of course I may be permitted to point out here that the opinions of the junior officers may not be taken into much consideration at this stage for the reason that the Hon'ble Minister for Local Self-Government had vehemently opposed the principle of this Bill and had delivered a fighting speech to start with in the last session and you cannot expect junior officers whom the Hon'ble Minister can make or mar with one stroke of the pen, to go against expressed Government opinion. If they did so it would be something against human nature, and human nature always looks to self-preservation first, and the junior officer would hardly have the boldness to write against Government opinion although it might have given them pain in their hearts to forbear. Even so, some junior officers expressed themselves in favour of the Amendment Bill. So I would refer only to senior officers of the Government. Here is a gentleman who is not particularly known for his sympathy with Congress. I mean the Deputy Commissioner of Sibsagar, Mr. S. C. Goswami. He is not an I. C. S. man and the fact that he has been promoted to be a Deputy Commissioner shows that he is a very experienced officer. At page 23 he says:—"The outcry against nomination of members as envisaged in clause 2 of the Bill is universal, and is not without justification in the present times. But if nomination is done away with,

provision should be made for representation of the minority communities by reservation of seats in proportion to their numerical strength and interest in the Municipality”.

At page 30, Sir, this is what Mr. Straw, the Deputy Commissioner of the Garo Hills, says: “I have the honour to say that there is no Municipality in the Garo Hills and no one has experience of Municipal laws among the public. I personally consider the amendment in line with principles of Reform but I consider Government control is essentially necessary from my past experiences”. So, Sir, the principle of the Bill, he says, is in keeping with the lines of reforms, and that he has categorically and definitely stated.

Another gentleman and this represents the last of its kind is Khan Bahadur K. Ali; of course not the Khan Bahadur K. Ali who is a member of this House, but the Khan Bahadur Khijnur Ali who is a retired Deputy Superintendent of Police and who since his retirement is intimately associated with the local bodies of Sibsagar. Let us turn to page 33. He is even now a member of the Sibsagar Local Board. So this Khan Bahadur who is a retired Deputy Superintendent of Police cannot be said to have any sympathy with any revolutionary ideas but he is in keeping with the spirit of the times and that is why I take the pains to draw the attention of the hon. members to his opinion. He says:

“*Clauses 2 and 4 of the Bill.*—The amendments are necessary with the inauguration of Responsible Government”.

That is what we learn from a responsible gentleman who has been in close touch with the affairs of the Government all through his life and who is now intimately associated with the local board of Sibsagar and was sometimes a Chairman of it. He then says—“*Clauses 3, 5 and 6 of the Bill.*—They automatically follow the amendments suggested in clauses 2 and 4.”

“*Clause 7 of the Bill.*—In a constitution composed of elected body, the lesser the control from Government the better it is. So I am of opinion, the amendment is desirable”.

Lastly, Sir, I will not take the House long through this process of dry, dreary reading, but I beg leave to refer to the opinions of the two Commissioners of the two Valleys. These opinions required deep and careful reading if I may be permitted to say so. These Commissioners cannot be expected to use the language of a member of this House and much less the language of a member of the opposition benches. They are responsible senior officers of Government and directly under the Cabinet. If I may make myself bold to say so, any one reading these two opinions will find that all the arguments that we have advanced are incorporated therein. It is opined firstly this Bill is suitable and in keeping with the spirit of the times. Secondly nomination is unnecessary and thirdly nomination leads to corruption. I did say that nomination leads to corruption and how I say, I will read from this opinion. At page 19, paragraph 2 of Mr. Cantlic’s opinion: “The nominations of the last ten years have not, in many instances, followed this principle” that is to say the principle of giving representation to unrepresented communities or minority communities. Then he says “A formidable attack in the Assembly is certain, in which examples will be quoted. To this attack, a defence can be found only in the plea that nominations are made also for obtaining distinguished persons not available for the community by election” but this also do not happen in all cases.

Then, Sir, I draw the particular attention of the House to what follows, *viz.*, “But some nominations have been made which cannot be defended even on this plea”.

Sir, reading between the lines we get to the irresistible inference that nominations are given on the principles, *viz.*, that of acquiring power by the party in power. Further down we find "If they are to be retained, a section of the Municipal Act should be drafted directing that nomination should be made to secure representation of minorities. Even if this purpose be kept in mind in nominating, altering the balance of power, when parties are almost equal in elected strength, is hard to avoid". What do we therefore find? Even when the parties are evenly balanced, the Ministers can give nomination to certain persons for various considerations and the balance of power will be disturbed by having the power with a certain party and I can give any number of instances. If the hon. members will refer to the previous debates on the matter, they will find that we gave instances where gentlemen who did not belong to the minority communities but who belonged to the very well represented communities have been given nomination which will mean the upsetting of the balance. Then the opinion reads:

"In any case the nomination of non-party men in a town divided into two parties is almost impossible".

Sir, I make no apology for repeating this opinion of the two Commissioners of the two Valleys because they are the opinions of the two most senior officers and they are as such entitled to the greatest consideration from this House. Mr. Walker says, the Commissioner, of Surma Valley:—

"It is quite true that logically and in theory it is much better to have all the members of a Municipal Body elected by the municipal voters. It is wrong in principle to have any members nominated by an outside agency. In the Legislative Assembly itself none of the members are nominated. But it must be remembered that even in the Legislative Assembly provision is made by reservation of seats for the representation of minority communities. In Municipalities on the other hand there is no such provision. It was for this reason that hitherto Government has insisted on reserving a small number of seats, so that the communities unrepresented and under-represented by elected members might have some voice, proportional to their numbers and importance, in the management of municipal affairs".

Then, Sir, in the middle of paragraph 3, and I would draw particular attention to what he says—

"Sometimes these suggestions have been accepted, sometimes they have not".

In the beginning of the paragraph he says "The Assam Municipal Act (I of 1923), section 10(3) provides that at least four-fifths of the members shall be elected. It also provides that the local Government may at any time direct that all members of a Municipal Board shall be elected. It seems, therefore, unnecessary to make separate legislation for this purpose. However, there is another point which appears to be overlooked sometimes and that is that where there are nominations these are made by local Government, *i.e.*, under this New Constitution, by the Minister. Hitherto it has been the practice for Government to ask the Commissioners to make suggestions for nomination of members to Municipal Boards. Sometimes these suggestions have been accepted, sometimes they have not". What further language is required from a Commissioner to show that the Ministers take to corrupt practices in giving nominations to persons? On this matter I think this responsible Officer of Government is in favour of the Bill, that is the principle of the Bill should be accepted. As regards the second item whether the Government officers should be allowed or not to take part in municipal elections, one hon. member was enquiring whether any other province has taken to some such legislation or not. I would

read from the message of the Associated Press of India, dated September 18th. This is with regard to the same thing that has taken place in the province of Sind, a province which has not a Congress Cabinet.

Sind is just like Assam, a smaller and poorer province, and, if I may be permitted to use the term used by my hon friend Khan Sahib Sayidur Rahman but which I do not agree to, and backward province. Sind and Assam stand on the same category. Let us see, Sir, what they have done in Sind. I will read from a report of the Associated Press, dated the 18th September 1937. It says:—

“Reforms of outstanding importance and unique in the history of provincial administration are being introduced in Sind in the shape of orders implementing the Government’s assurance to the Asse nibly circulated to officials concerned. The first of these reforms expresses the Governor’s appreciation of the useful and arduous work of various official and nominated members to local bodies, but declares that the stage has been reached when in the interests of development of local self-Government local bodies should be allowed to carry on work without their help and guidance. Hence, the Governor directs that all salaried servants, who are members of Local Boards and Municipalities, should resign their seats forthwith, and steps should be taken to appoint suitable non-officials in their places”.

I may say, Sir, without taking any further time of hon. members that is a complete answer to the attack that has been levelled against the principle that Government officials should not take part in local bodies.

THE HON’BLE REV. J. J. M. NICHOLS-ROY: Is it appointed or elected, Sir ?

SRIJUT DEBESWAR SARMAH: Would the Hon’ble Minister like me to read the paper again? Sir, a very pertinent question has been raised by the Hon’ble Minister and I owe it to myself as well as to hon. members of the House to answer it. He has raised the question whether it is appointed or nominated. There are two issues, Sir, and let us not confuse them.

THE HON’BLE REV. J. J. M. NICHOLS-ROY: Is it written there appointed or elected? That is what I want.

SRIJUT DEBESWAR SARMAH: If I am given two minutes, Sir, I will explain.

THE HON’BLE THE SPEAKER: The hon. member should give a direct answer to the question.

SRIJUT DEBESWAR SARMAH: I am giving a direct answer, Sir. But give me breathing time to speak.

There are two issues. The first issue is, as expressed in the Bill itself, to do away with nominations and substitute them by some other means; and the second issue is that Government officials should not be in the Municipalities. I am now dealing with the second issue. The word is here ‘appointed’. But whether it is ‘appointed’ or ‘nominated’, it has nothing to do with the principle. How, Sir? Because the question before the House just is whether Government servants should be in the Municipalities or not, and the question was put whether in any other province any such practice has been, considered or observed or not. As regards the first point, I have already shown that the volume of opinion is for doing away with nomination. The recommendation is for election and that recommendation is from public bodies, both Hindu and Muhammadan, and from very responsible and senior Government officials. I am now dealing with the second point, namely the question whether Government officials should be in the municipalities or not. As regards this the point was raised whether any such practice has been observed in any other province or not, and that is why I quoted the report about Sind. I say, Sir, that the Government officials

there, are asked to vacate and other members are appointed in their seats. These are the two distinct issues, which should not be confused although it pays some one to do so.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: Sir, I beg to say a few words regarding the Assam Municipal (Amendment) Bill moved by Srijut Rajendra Nath Barua. At the very outset, let us examine what is the fundamental principle and basis on which he is trying to construct his theory. Mr. Barua in his Statement of Objects and Reasons says :—

“It is only in the fitness of things that with the inauguration of the Government of India Act, 1935, nominations to the municipal bodies by the Government be done away with and boards be constituted with only elected representatives of the municipal voters”. So it clearly appears that he accepts and supports the Government of India Act, 1935 and its principle. But, Sir, I should like to remind the House of one thing. In order to serve his view he only supports one side of the Government of India Act and rejects the other side ; that is to say he argues for the abolition of the nomination system, but at the same time rejects the principle of communal separate electorate which has been advocated by the Act. I do not know Sir, how Mr. Barua will reconcile these two contradictory and conflicting principles. The declared policy of the Congress is to wreck the present constitution and repeal the Government of India Act. Mr. Bardalai, the leader of the Congress Party has also tabled a resolution (No. 7) to repeal the Act. As such, he as a Congress member cannot refer to the Government of India Act for his purpose. But if he says that after the Congress decision for acceptance of office, the policy of the Congress has altogether changed, then I have nothing to say. I welcome him and offer my heartiest congratulations for his wisdom. Now, Sir, if he accepts the one part of the Act, the other logical consequence will be to introduce separate communal electorates in Municipalities. I know, Sir, that nomination is an evil, it must go and whole-heartedly agree with Mr. Birendra Chandra Biswas, the Secretary of the District Bar Association, Sylhet, that the nomination system is an anomaly and reprehensible. But, Sir, the main problem is how to safeguard the interest of Moslems and other minority communities. It is a matter of great regret that there is no provision in his Bill to safeguard the representation of the minority in the Municipal Boards. We Muslims are a minority community not only in Assam but also in India. We, Muslims and other minority communities in India sail in the same boat. Our future in India is very dark and our political existence will be moulded by the same destiny. So here I not only voice the sentiments of the Muslims but also of the other minorities. The best course to safeguard the interests of the Muslims is to introduce the system of separate communal electorate in the Municipal Board. Separate electoral rolls should be prepared and each community will send its own representative who will serve his community best as in the cases of Legislative Assemblies and Councils.

On principle, Sir, I am against the system of joint electorate. From our past experience I can say that it is very difficult and sometimes impossible to return the best men whom we want. Moreover, if the principle of joint electorate is accepted, it may be extended to other local bodies and provincial Legislatures. Some of my hon. colleagues on the opposite side may characterise the communal electorate as a retrograde and reactionary measure and may not like to go back. May I ask a question with all due respect to them whether the acceptance of office by the Congress is not a reactionary move? If this is the case, I find no reason why we should be at all ashamed to accept the principles of separate electorate in the Municipal Board.

However, Sir, I do not like to renew the vexed question and embitter the very atmosphere of this House. In order to support my case I quote below the opinions of the Secretaries of the Anjumans Islamia of Habiganj and Maulvibazar, in the district of Sylhet.

Maulavi Abdul Hye, Secretary of the Anjuman Islamia, Habiganj in page 52 of the report says:—

“You will be convinced of this view of my Anjuman, which we believe, will be the opinion of all well-wishers of the representative system of Government. If you take into account what actually had been happening in election of the Habiganj Municipality since the creation of the Habiganj Municipal Board, no Muslim member could ever be returned to the Board by election, though almost every time Muslim candidates were set up for election.”

“In all Municipalities the Mussalmans are numerically very poor and so it is simply impossible for them to cope with their sister community in matters of voting.”

“In these view of things my Anjuman is of opinion that the interest of the minority communities, specially the Muslims, can best be safeguarded by means of ‘separate electorate with proper weightage’.”

Again the Secretary of the Anjuman Islamia, Maulvibazar, in page 12 says:—

“While dealing with facts, this Anjuman is constrained to remark that even at Maulvi Bazar although the numerical strength of the Muslim rate-payers is not so poor, the Musalmans cannot have adequate representation at the Municipal Board. The reason being, the holdings of the Musalmans are so scattered all over the Municipality that the Muslim voters are in the minority in all wards except one, which makes it very difficult for the Muslim candidates to cope with the Hindu candidates in other wards. Furthermore, the fact that the Muslim rate-payers are almost invariably under the obligation of the Hindu either by way of residing in holdings belonging to the Hindus or by being under monetary obligation of the Hindu money-lenders, they are very often compelled to cast their votes, in spite of themselves, in favour of the Hindu candidates. It has, therefore, been proved beyond doubt that the system of Joint Electorate under the present condition of India.

Under the circumstances this Anjuman is of opinion that to safeguard the interests of the minority communities, particularly of the Muslim community, the system of separate electorate with proper weightage be introduced, and until then the system of nomination be maintained; otherwise the minority communities will always remain at the mercy of the majority community”.

With these few words I oppose the Bill and I beg to resume my seat.

The Assembly was adjourned to 11 a.m. on Saturday the 11th December 1937.

Shillong:

The 8th January 1938. }

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

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