

**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 11 a.m. on Tuesday, the 14th December 1937*

QUESTIONS AND ANSWERS

STARRED QUESTIONS

**Travelling allowance of the Hon'ble Speaker for attending the Congress Presidents' and Speakers' Conference held in Calcutta**

MR. ARUN KUMAR CHANDA asked :

\*51.(a) Has the attention of Government been drawn to the issue of the *Amrita Bazar Patrika* (Town Edition) dated the 17th November, 1937 wherein it is stated that Government have refused to sanction travelling allowance of the Hon'ble Speaker in connection with his attendance at the Speakers' Conference held in Calcutta in the last week of October ?

(b) If so, will Government be pleased to state why such sanction was refused ?

\*52. Will Government be pleased to state—

- (a) If there are any definite Governmental Rules defining the class or classes of Conferences which the Hon'ble Speaker can attend ?
- (b) If so, will Government be pleased to quote the same ?
- (c) The purposes for which the Hon'ble Ministers and the Hon'ble Speaker can undertake journeys beyond the province and draw halting and travelling allowances ?
- (d) Who is the authority to decide the purpose or purposes for which the Hon'ble Ministers and the Hon'ble Speaker can travel beyond the province and draw allowances therefor ?
- (e) What is the procedure for the Hon'ble Ministers to obtain sanction from the authority and whether such sanction is obtained prior to the journeys being undertaken ?
- (f) Whether the said procedure is applicable in the case of the Hon'ble Speaker also ?
- (g) If so, how ?
- (h) If not, what is the procedure in that behalf in the case of the Hon'ble Speaker ?
- (i) Whether the Hon'ble the Speaker is required to obtain the sanction of Government for the purpose of drawing necessary allowances when he undertakes any journey for transacting any business connected with his official duties within the province ?
- (j) Whether Government can by any procedure prevent the Hon'ble the Speaker from drawing the said allowances if in his opinion there is a purpose for which he should undertake a journey and accordingly, such journey is actually performed ?



- (k) If so, what is the procedure ?  
 (l) Whether it is within the competence of Government to call for any explanation from the Hon'ble Speaker in regard to his movements and actions on the basis of any decision made by him touching the performance of his duties ?

\*53. (a) Did the Hon'ble Chief Minister state on the floor of the House during the last budget session that the Assembly Department is under the Hon'ble Speaker ?

(b) Will Government be pleased to say why it is so and what are the rights of the Hon'ble Speaker and what are the implications of the Hon'ble Speaker being the controlling authority of the Legislative Assembly Department ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

51. (a)—Yes.

(b)—The Conference referred to was not one convened by the Government of India or any Provincial Government but a private meeting in a private house and composed of the Presidents and Speakers who are members of the Congress Party. Government are prohibited under the rules from granting travelling and halting allowance where the journey is not in the interests of the public service and on duty.

MR. BAIDYANATH MOOKERJEE : Did the Hon'ble the Chief Minister make himself sure that the conference of the Presidents and Speakers is ever convened by the Government of India ?

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

MR. ARUN KUMAR CHANDA : Do the rules state anywhere that the Speaker of the Assembly cannot attend any conference which has not been convened by the Government of India ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY : Has there been any occasion for the Government of India to call for any conference of Speakers ?

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

BABU HARENDRA NARAYAN CHAUDHURY : Does the venue of the Conference take away anything from its merits ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The venue of the conference, if it was a public conference, would be in a public place. But the present conference as reported in the press was to be held in a private residence.

MR. BAIDYANATH MOOKERJEE : Is it a fact that the convener of the first Presidents' conference, Sir, Frederick Whyte, while speaking on the floor of the Assembly in 1925, said that the Government of India could not convene such a conference ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir Frederick Whyte stated that in order to convene such a conference they had the approval of the Government of India.

MR. ARUN KUMAR CHANDA : Will the Hon'ble the Chief Minister please state what is a public conference and what is a private conference ?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I need not expound or explain what is a public conference and what is a private conference. So far as this Government is concerned, it is of opinion that if it was a conference of all the Speakers and of all the Presidents of the different provinces, then that will be a public conference.

MR. ARUN KUMAR CHANDA : Was the conference which was attended by the Hon'ble the Chief Minister in Bombay a public conference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes, every Provincial Government was addressed and Ministers from various provinces attended the conference.

BABU KAMINI KUMAR SEN : Is there any bar to granting travelling allowance to the Speaker only because he attended the conference in a private place ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There is absolutely no bar. I am just anticipating an answer to the subsequent question. The Government did not place any obstacle, on the other hand it welcomed the idea when the Hon'ble Speaker, immediately after his assumption of office, went to Calcutta to discuss with the Bengal Speaker and the Bengal President, and Government sanctioned his travelling expenses.

BABU KAMINI KUMAR SEN : Is there any bar to grant this allowance if the conference is not convened by the Government of India ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If it is a public conference there is absolutely no difficulty as I have said.

MR. ARUN KUMAR CHANDA : Was that Bombay conference, the proceedings of which were not released to the public and even when the House which paid for the travelling expenses of the Hon'ble the Chief Minister was not taken into confidence about its proceedings, a public conference in the opinion of the Hon'ble the Chief Minister ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Proceedings of that conference were held within closed doors and were not published.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY : The conference is always called by the President of the Assembly and not by the Government of India. Then why the sanction has got to be taken ?

(No reply)

BABU RABINDRA NATH ADITYA : Where is the rule that the conference must be held in a public place ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There is no rule, but the convention is that public conferences must be held in public places.

MR. ARUN KUMAR CHANDA : If for instance the Hon'ble the Chief Minister wanted to consult a Government pleader and he met him in his office and not in his chamber, would that not be considered as in the public interest ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That is not a parallel case at all.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY : To have a private consultation with the Speaker of Bengal Assembly—was that a public conference ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The Hon'ble Speaker definitely went to Calcutta to settle the procedure of this House.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY : Did the Hon'ble Speaker definitely say that he was going to attend the All-India Congress Committee meeting ?



**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** It was stated that there would be a sitting of the all-India Congress Committee in Calcutta where members of the provincial Congress Cabinets would be available and an opportunity would be taken to discuss informally about the procedure of the House.

**MR. BAIDYANATH MOOKERJEE :** When the Hon'ble the Chief Minister had a talk with the Hon'ble the Speaker, did the latter say that he was going to Calcutta as a member of the Congress and not as Speaker of the province ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** Government took that he was going there as a Congress member. If that was a public conference the President of the Upper House would have also gone.

**BABU KAMINI KUMAR SEN :** Was it not solely for the benefit of this House that the Hon'ble the Speaker went to attend the conference ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** I do not think so because it was a conference of a particular party and the Hon'ble the Speaker went from that party.

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA** replied :

52. (a) and (b)—There is no definite rule except the general one that the journey must be connected with the business of the Assembly and in the interests of the public service.

(c)—For journeys on duty in the interests of the public service.

(d)—The Administrative department of Government concerned [*vide* item 1(a) of Appendix II to the Fundamental Rules and Subsidiary Rules (page 192)].

(e)—The Hon'ble Minister communicates his intention of proceeding beyond the limits of the province to the competent authority before the journey is undertaken and that department examines the necessity of the journey, *i.e.*, whether it is on duty and in the interests of the public service.

(f)—Yes.

(g)—Any person paid by Government is bound by the rules framed by that Government.

(h)—Does not arise.

(i)—Not for journeys within the province.

(j) and (k)—Yes. Such a case would however only come to notice through the audit authorities, who, if they considered a journey did not fall under the rules, would report the matter to Government for orders.

(l)—This is a matter for decision when a concrete case arises. Should however the Audit authorities report a case which they considered did not fall within the four corners of the rules, Government would naturally enquire the circumstances from the Hon'ble the Speaker before coming to a decision.

**RAI BAHADUR PROMODE CHANDRA DATTA :** May I suggest that the opinion of the Comptroller be taken on this matter ?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :** There is no need to take the opinion of the Comptroller, and we did not consult him.

**MR. FAKHRUDDIN ALI AHMED :** Will the Hon'ble the Chief Minister be pleased to state whether the general rule referred to in reply to question 52(a) is a written rule ?

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



MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble the Chief Minister please read out that rule ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The general rule is Fundamental Rule No.9, sub-rule (32). "Travelling allowance means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service."

MR. BAIDYANATH MOOKERJEE: Is the Hon'ble the Speaker a Government servant ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already answered that. The person paid by the Government is a Government servant, in a sense.

MR. FAKHRUDDIN ALI AHMED: Who is to decide that the journey performed by the Hon'ble Speaker is in public interest or not ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: By Government.

MR. FAKHRUDDIN ALI AHMED: Does the Hon'ble the Chief Minister mean to say that any one drawing an emolument from the Government is a Government servant ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We say that any person who is paid by Government is bound by its rules.

MR. ARUN KUMAR CHANDA: Who is to decide whether a journey is connected with the business of the Assembly or not ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is to be decided by Government.

BABU KAMINI KUMAR SEN: Cannot the Hon'ble the Speaker give a certificate to the effect that the journey was performed in the public interests ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: He cannot give a certificate to that effect, as this rule is applicable to the Heads of Departments.

BABU KAMINI KUMAR SEN: May I know who is the Head of this Department ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: All the powers of a Head of a Department have not yet been delegated to the Hon'ble the Speaker.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble the Chief Minister please state whether the Fundamental Rules and Subsidiary Rules have been framed afresh since the new Constitution came into being ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister please state whether there are special Rules governing the travelling allowances and halting allowances of the Presidents of the old Councils ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We follow in this matter the Government of India Rules. The Government of India Rule is perfectly clear: The President of the Council may travel at Government expense when the journey is concerned with the business of the Council from and to his home to preside over a meeting of the Council, to attend a Conference of Presidents, etc.

MR. FAKHRUDDIN ALI AHMED: How does and can the Hon'ble the Chief Minister say that the Hon'ble the Speaker did not attend this Conference in connection with the business of the Assembly ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: This was a subsidiary conference held during the sitting of the All-India Congress Committee meeting.



MR. BAIDYANATH MOOKERJEE: Has the Hon'ble Minister seen the Correction slip No. 216 to the Companion to Fundamental Rules where it is definitely stated that the President can go anywhere he likes.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Correction slip under what rule? The correction slip must refer to some rules.

MR. BAIDYANATH MOOKERJEE: I refer to Correction slip No. 216.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I cannot find out any such correction slip.

BABU KAMINI KUMAR SEN: Is the Hon'ble the Chief Minister prepared to enquire from other provinces whether the Speakers of those provinces have been granted travelling allowance and halting allowance for the same conference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I see no necessity for doing so. The Government under the Congress Ministers may have granted travelling allowance but we follow the travelling allowance rules of this Government.

MR. NABA KUMAR DUTTA: May I know whether Speakers of all the provinces were invited to attend this Conference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I enquired from the Hon'ble President of the Upper House and he said he was not invited.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister please read Appendix II (1) (a) to the Fundamental Rules and Subsidiary Rules?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Power to sanction journeys beyond jurisdiction—Departments of the Government of Assam—Extent of power delegated—To sanction journeys in India of Hon'ble Members and Ministers, Secretaries to Government, Heads of Departments and other officers under their administrative control to attend conferences, meetings and committees.

MR. FAKHRUDDIN ALI AHMED: What is the justification, Sir, for the Hon'ble the Chief Minister for saying that under this Rule the Hon'ble the Speaker is a Government servant?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The Speaker has not been delegated with the power to sanction journeys beyond jurisdiction without reference to competent authority.

MR. FAKHRUDDIN ALI AHMED: Is there any definite rule stating that the Speaker is a Government servant.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already answered that.

MR. ARUN KUMAR CHANDA: Is the Speaker of the Assembly Head of a Department.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No.

MR. ARUN KUMAR CHANDA: Was not the Secretary to the now defunct Assam Legislative Council recognized and declared as the Head of the Legislative Department?

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

MR. ARUN KUMAR CHANDA: Following the same analogy, is not the Secretary of the Legislative Assembly also the Head of the Department?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
No, Sir.

MR. FAKHRUDDIN ALI AHMED: What is meant Sir, by a  
"Departmental Head" ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
"Departmental Head" means an officer who presides over a particular  
department.

MR. ARUN KUMAR CHANDA : Is it not a fact that Fundamental  
Rule 10 and Subsidiary Rule 4 mention who are the "Departmental Heads" ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
Fundamental Rule 10 is this " Except as provided by this rule, no person  
may be substantively appointed in India to a permanent post in Government  
service without a medical certificate of health, which must be affixed to his  
first pay bill."

Is my hon. friend referring to this ?

MR. ARUN KUMAR CHANDA : No, Sir, obviously not. I refer to  
Subsidiary Rule 4.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
But the hon. member originally referred to Rule 10.

MR. ARUN KUMAR CHANDA : Clearly it does not apply. I refer  
to Subsidiary Rule 4 " Head of a Department means any authority which the  
Governor in Council may by order to be the Head of a Department for the  
purposes of these rules."

Then there is a long list of names.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
Yes, Sir, Subsidiary Rule 4 sub-rule (3) is this "Head of a Department means  
any authority which the Governor in Council may by order declare to be the  
Head of a Department for the purposes of these rules".

MR. FAKHRUDDIN ALI AHMED : Is it not a fact that the  
Secretary of the old Council was declared by the Governor to be the Head  
of the Legislative Department ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
No, Sir, in the sense in which it has been placed in these rules. He was to  
be only in charge of the office.

MR. ARUN KUMAR CHANDA : Will the Hon'ble the Chief Minister  
see the note and No. (7) of the list ? " The following Officers have been  
declared to be Heads of Departments.....(7) Superintendent and  
Remembrancer of Legal Affairs, Administrator General and Official Trustee,  
and Secretary to the Legislative Council "

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
To a limited extent.

MR. FAKHRUDDIN ALI AHMED : Is the extent defined there ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
In the orders that were passed, it was defined.

MR. FAKHRUDDIN ALI AHMED : Will the Hon'ble the Chief  
Minister please read it ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
That was not asked, and so I have not got papers with me.

MR. FAKHRUDDIN ALI AHMED : If any such order was passed, I  
think it would and should have been incorporated in these rules.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
Not necessarily.

MR. ARUN KUMAR CHANDA : Does not the Secretary of the  
Legislative Assembly sign the travelling allowance bills of the members of this  
House ?



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

MR. FAKHRUDDIN ALI AHMED : Is he not to be treated as a  
Head of the Department in this sense ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
No.

MR. FAKHRUDDIN ALI AHMED : Then how and in what capacity  
does he sign the travelling allowance bills of the members of this House ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
He has been given that power.

BABU RABINDRA NATH ADITYA : Did the Hon'ble Speaker get his  
salary for the period when he was absent from the station and went to  
Calcutta ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
It is for the Hon'ble Speaker to say. I do not see his pay bills ?

BABU RABINDRA NATH ADITYA : Did Government refuse his pay ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
It is for the Comptroller to find out if any sum was drawn by any one for a  
period not on public duty.

MR. ARUN KUMAR CHANDA : If Subsidiary Rule 13 were to apply  
to the Speaker, is it not a fact that he would also be deprived of his salary for  
the period he was in Calcutta ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
It is not for me to say. It is the duty of the Comptroller to check all pay  
bills.

RAI BAHADUR PROMODE CHANDRA DATTA : In view of all  
these doubts and differences of opinion, may I request the Hon'ble the Chief  
Minister to refer the matter to the Comptroller for opinion ?

[No reply.]

BABU RABINDRA NATH ADITYA : Is there any controlling authori-  
ty for the travelling allowance bills of the Hon'ble the Speaker ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
None, so far as journeys within the province.

BABU RABINDRA NATH ADITYA : Where is the difference between  
" within the province " and " outside the province " ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir,  
I have already said that for journeys beyond the province certain powers  
have been delegated to the Heads of Departments, but not to the Hon'ble  
Speaker.

BABU RABINDRA NATH ADITYA : This with regard to those  
governed by the Fundamental Rules. But to whom does the Fundamental  
Rules apply ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : As I  
have said they apply to all persons paid by Government.

BABU RABINDRA NATH ADITYA : In the introduction to the  
Fundamental Rules it has been distinctly laid down that it applies to the  
people in Civil Service, and does it apply to the Speaker.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
The spirit is to apply to others who are paid by Government.

BABU RABINDRA NATH ADITYA : Who gathers this spirit ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :  
The Local Government.

BABU DAKSHINARANJAN GUPTA CHAUDHURY : May I know  
if a person is selected by Government to attend a private conference,  
whether he will get travelling allowance ?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That depends on the nature of the conference. Even if it is a private conference and if any one is sent by Government to represent the province, in that case he will surely be entitled to travelling and halting allowances.

BABU RABINDRA NATH ADITYA: There was a conference in Kulaura in which the Chief Minister attended. Was that a private conference or a public conference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It was a public conference.

BABU RABINDRA NATH ADITYA: Who were invited there?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Nobody outside a party was invited there. It was the conference of a definite party and was attended for the purpose of forming the Cabinet.

BABU RABINDRA NATH ADITYA: Did he go under the instructions of the Government?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, the Governor entrusted me with the duty of forming the Cabinet, and I had to travel to ascertain the opinion of the different parties.

MR. FAKHRUDDIN ALI AHMED: Am I to understand that the conference convened by a certain party is a public conference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, so far as that party is concerned.

BABU RABINDRA NATH ADITYA: Was it held at a public place or a private place?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: In a public place.

BABU RABINDRA NATH ADITYA: What was that public place?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The Inspection Bungalow.

BABU RABINDRA NATH ADITYA: Is it a public place?

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

SRIJUT PURNA CHANDRA SARMA: Is the selection of the members of the Cabinet a private affair or a public affair?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: A public affair.

SRIJUT PURNA CHANDRA SARMA: Is it not still being done in camera in the private house of the Hon'ble the Chief Minister?

KHAN BAHADUR MAULAVI KERAMAT ALI: Is the question in order, Sir?

BABU RABINDRA NATH ADITYA: Where is the rule that a conference must be held in a public place? Is there any definition of "public place"?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have nothing to add to what I have already said.

BABU DAKSHINA RANJAN GUPTA CHAUDHURY: Mr. Basu's house was made the venue of the conference, and we do not think it was a private conference. We want to know whether the Ministry consider it to be a public or a private conference?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have nothing to add.

MR. ARUN KUMAR CHANDA: If the Hon'ble the Speaker consider it necessary to undertake a journey to Calcutta to meet certain other Speakers in order to equip himself better to discharge his duties as Speaker of this House, would the Government stand up and say it was not in the



interests of public service or that it was not a business connected with the Legislative Assembly ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have already replied that on a previous occasion when the Hon'ble the Speaker gave out his intention that he was going to consult the Hon'ble Speaker and Hon'ble President of Bengal, Government put absolutely no obstacle, and granted his travelling allowance.

MR. ARUN KUMAR CHANDA : It is an analogous case.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I doubt whether in this case, the matter can be put in that light.

BABU HARENDRA NARAYAN CHAUDHURI : Shall I be wrong if I suspect that the Hon'ble the Finance Minister has some hand in the matter because you are a Congress Speaker, Sir ?

(At this time several hon. members stood up, and the Hon'ble Speaker called out the next question).

BABU RABINDRA NATH ADITYA : Sir, this affects the rights and dignities of this House. We must have a clear opinion of the Government on this point, and it should be thrashed out in the interests of public service. Sir, the rights of the House are jeopardised here. We submit that you will kindly give us time to continue the discussions.

SRIJUT DEBESWAR SARMAH : Are we to understand that the present Government holds that the Hon'ble the Speaker attended that conference for private purpose ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I never suggested that and I have nothing to add.

SRIJUT DEBESWAR SARMAH : On a point of order, Sir. What did he say ? The question of adding something comes when something has been said on the subject. If this is the point, I demand an answer.

THE HON'BLE THE SPEAKER : If the Hon'ble Minister does not give any answer I cannot compel him to do so.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have already answered that point, Sir.

SRIJUT DEBESWAR SARMAH : Did not the Hon'ble Chief Minister draw travelling allowance for his journey for framing the present Cabinet even before he became Minister ?

THE HON'BLE THE SPEAKER : The hon. member is going beyond the scope of the question.

SRIJUT DEBESWAR SARMAH : On a point of personal explanation, Sir. The position is rather a bit delicate. What I submit to the House is that the Hon'ble Speaker went to attend the conference of the Speakers. Are we to understand from the present autonomous Government that the Speaker went on private duty ? Apparently Government hold this view and refuse travelling allowance to the Hon'ble Speaker ; but we learn at the same breath that the Hon'ble Chief Minister when he was a private person went through out the country for canvassing people from different parties and groups and then he included all these incidental charges in his travelling allowance bill after he became Minister. Is this a happy position, Sir ?

BABU DAKSHINARANJAN GUPTA CHAUDHURI : In reply to another question the Hon'ble the Chief Minister said that previously the Hon'ble the Speaker went to discuss with the Speaker of the Bengal Assembly and this time he said that he went on private duty. May we know, Sir, exactly the colour in which it was placed ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : have not got the paper with me now.



BABU DAKSHINARANJAN GUPTA CHAUDHURI : May we know, Sir, in which colour it has been placed ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The papers are in the Assembly office.

BABU DAKSHINARANJAN GUPTA CHAUDHURI : May we know on what authority the Hon'ble the Chief Minister said that it was placed exactly in the same manner ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I never said that, Sir. It was out in the papers that a Conference of the All-India Congress Committee will be held in Calcutta. It was also said that the Hon'ble Speakers and Presidents of the Congress group will attend the conference and they want to hold an informal talk. That is what we gathered. It was nothing but an informal conference.

MR. ARUN KUMAR CHANDA : Sir, supposing the Hon'ble Speaker went to Calcutta to attend an informal conference. What basis is there for Government to arrive at the conclusion that such a journey was not performed by the Speaker in the interest of the public service ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : This conference was held only among the Speakers and Presidents of the Congress party.

THE HON'BLE THE SPEAKER : I do not think that the hon. members should proceed further, as the question has been sufficiently discussed.

BABU RABINDRA NATH ADITYA : It is said Sir, that those who receive pay from the Government are Government servants. Is the Advocate-General also a Government servant ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : He draws salary from Government.

BABU RABINDRA NATH ADITYA : Is he governed by Fundamental Rules ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes Sir. He is governed by Fundamental Rules.

BABU RABINDRA NATH ADITYA : Is it stated in the Fundamental Rules that he can draw travelling allowance ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If he wants to draw travelling allowance from the Government he will have to say that the journey was for public purpose.

BABU RABINDRA NATH ADITYA : Who is the competent authority to decide this ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Local Government is the proper authority to decide this.

KHAN BAHADUR MAULAVI KERAMAT ALI : Will not the other questions be taken up to-day ?

THE HON'BLE THE SPEAKER : Yes, other questions will have to be taken up.

BABU DAKSHINARANJAN GUPTA CHAUDHURI : Is there any expression "The Local Government" under the Government of India Act, 1935 ?

THE HON'BLE THE SPEAKER : We should take up the next question.

BABU DAKSHINARANJAN GUPTA CHAUDHURI : I want a reply to my question Sir.

MR. BAIDYANATH MOOKERJEE : Sir, I am not going to put any supplementary question. We have heard the reply from the Government side and in my opinion, the position of the Hon'ble the Speaker has been stated to be what it is actually not. For the dignity of this Hon'ble House.....

KHAN BAHADUR MAULAVI KERAMAT ALI : It is question time, Sir.



MR. BAIDYANATH MOOKERJEE: Yes it is question time.

THE HON'BLE THE SPEAKER: What does the hon. member want to say?

MR. BAIDYANATH MOOKERJEE: Sir we want to know whether you are going to make any statement. We wish you should make one, Sir.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: May I know from the Hon'ble the Chief Minister whether there is any expression "The Local Government" under the present Government of India Act, 1935?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There may not be any expression. We are now discussing the provisions of Fundamental and Subsidiary rules.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: replied:

53. (a)—It was stated that the Hon'ble the Speaker was in charge of the Assembly Chamber.

(b)—The Hon'ble the Speaker is treated as Head of the Department so far as the Legislative Assembly is concerned. He is allowed the privilege of signing his own travelling allowance bills, but is of course subject, like any other Head of a Department, to the rules in the Assam Fundamental Rules and Subsidiary Rules.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister quite sure that he only stated during the last session of the Assembly that the Hon'ble the Speaker was in-charge of the Legislative Chamber.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I do not remember what I said previously.

MR. FAKHRUDDIN ALI AHMED: In reply to question 53(a) the Hon'ble Minister said that the Hon'ble Speaker was in-charge of the Legislative Chamber. Now I want to know whether the Hon'ble Minister is sure about the statement he made during the last budget session.

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

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister, please, refresh his memory by referring to page 1574 of last session's proceedings. Has the Hon'ble Minister got the copy of the proceedings and of the answer with him?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, I have not got the answer with me.

MR. FAKHRUDDIN ALI AHMED: I can read out to him. It was thus stated "I am in difficulty as regards this motion. The Hon'ble the Speaker is in charge of Assembly department as well as the Chamber."

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That does not make him a "Pucca Head of the Department".

MR. FAKHRUDDIN ALI AHMED: I only want to know whether the Hon'ble Minister stated during the last session that the Hon'ble the Speaker was in charge of the department as well as the Chamber and not of the Chamber alone as is now stated by him.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Though the Hon'ble Speaker is treated as Head of the Department, still all the powers are not delegated to him.

MR. FAKHRUDDIN ALI AHMED: I only want to know what the Hon'ble Minister had stated during the last session.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If it is stated in the proceedings then of course I had said and I stick to that.



MR. FAKHRUDDIN ALI AHMED: May I know how in view of that statement the Hon'ble the Speaker is now considered by him only in charge of the Legislative Chamber?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have cleared that in reply to question No. 53(b). The Hon'ble Speaker is treated as Head of the Department so far as the Legislative Assembly is concerned. He is allowed the privilege of signing his own travelling allowance bills, but is of course subject, like any other Head of a Department, to the rules in the Assam Fundamental Rules and Subsidiary Rules.

MR. FAKHRUDDIN ALI AHMED: Sir, it is of course very clear from the reply to the question No. 53(b). The Hon'ble the Chief Minister said on the floor of this House during the last budget session that the Assembly department is under the Hon'ble Speaker. Now his reply to question 53(a) is that the Hon'ble the Speaker was in charge of the Assembly Chamber. In view of the statement which has now been made by him, can the Hon'ble Minister deny that he did not say during the last budget session that the Hon'ble Speaker was in charge of the Legislative Assembly Department as well as the Chamber?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I never deny that Sir. I have explained what I mean by the reply to question 53(b). There it is definitely stated that the Hon'ble Speaker is treated as Head of the Department so far as the Legislative Assembly is concerned.

MR. FAKHRUDDIN ALI AHMED: In view of what we have heard from the Hon'ble Chief Minister, I have nothing to add,

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: May we know the interpretation of the term "Pucca Head of the Department"?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: "Pucca Head of the Department" means an Officer to whom all the powers of the Head of the Department have been delegated.

SRIJUT PURNA CHANDRA SARMA: Sir, may we know what is meant by "Cacha Head of the Department"?

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: What is the definition of "Cacha Head of the Department"?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already referred to Appendix 2.

SRIJUT PURNA CHANDRA SARMA: We want to know the power of a Head of the Department.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: So far as journey outside the province is concerned he has got to take sanction from the Government.

### Conferences attended by the Hon'ble Ministers and payment of halting and travelling allowances

MR. ARUN KUMAR CHANDA asked:

\*54. (a) Will Government be pleased to state how many Ministers and who among those Ministers attended the Muslim Students' Conference at Sylhet in October last?

(b) Did the Hon'ble Ministers who attended the said conference record anywhere the purposes for which they undertook their journeys on the occasion?

(c) If so, what was the purpose recorded?



(d) Did the Hon'ble Ministers draw any halting and travelling allowances for the occasion ?

(e) Is it a fact that the Hon'ble Ministers held a private conference at a private house at Sylhet on that occasion ?

(f) If so, at whose house, with whom and with what object ?

(g) Will Government please state—

(i) The places at which the Hon'ble Chief Minister held conferences while forming his Ministry, for which he drew halting and travelling allowances ?

(ii) The authority who sanctioned the expenses of the said conferences ?

(iii) Whether there was any conference held in Calcutta ?

(iv) If so, at whose place ?

(v) Whether any travelling allowance was drawn for that purpose ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

54. (a)—Three Hon'ble Ministers journeyed to Sylhet in October last.

(b)—The purpose of the journey was recorded in their travelling allowance bills as required by rule.

(c)—The purpose recorded by the Hon'ble Chief Minister and the Hon'ble Minister for Agriculture was 'Tour of Inspection' and by the Hon'ble Minister for Education 'To open the title course in the Sylhet Madrassa and the Surma Valley Students' Conference'.

(d)—Yes.

(e)—No.

(f)—Does not arise.

(g) (i)—Kulaura, Gauhati and Shillong.

(ii)—Government in the Finance Department.

(iii)—No.

(iv)—Does not arise.

(v)—No.

SRIJUT PURNA CHANDRA SARMA: Is the attendance of a public conference a public duty ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, if it is not a conference on public affairs.

SRIJUT PURNA CHANDRA SARMA: May I know the purpose of the Hon'ble Minister's visit to Sylhet ? Was it a tour of inspection or attending the Surma Valley Students' Conference ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Tour of inspection and to save the lives of nearly a hundred cattle.

BABU RABINDRA NATH ADITYA: How to save the lives of a hundred cattle ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The Sylhet Cattle Farm has been converted into a repository by the previous Government of all animals suffering from Johne's disease from the other Government Farms, and a proposal from the Livestock Department had come that all these diseased animals should be destroyed. On the other hand it was reported to me that to all outward appearance these animals looked quite healthy and therefore to decide whether we should pursue the previous policy of killing all such diseased cattle, I had to go and look into the matter. I found absolutely no sign of these cattle having any disease ; they were the healthiest looking animals. It was reported that if they were not allowed to come into contact with other cattle there was no



chance of their contaminating the other cattle of the province. The Veterinary Department further suggested that if these cattle were only stall fed and not allowed to roam about in the Farm, they need not be killed. The Veterinary Department and the Agricultural Department differed in their opinion, and I had to go and see for myself and to decide whether these animals should be killed or not.

BABU RABINDRA NATH ADITYA: Was not the Minister for Agriculture competent for that purpose?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: He was also with me.

BABU RABINDRA NATH ADITYA: Was he not competent to deal with the question?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The question involved a loss of nearly 100 cattle purchased by Government at heavy cost and I being the head of the present Government thought it advisable to go myself and look into the matter.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI: Is the Hon'ble the Chief Minister an expert in veterinary matters?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I was for five years in charge of the Veterinary Department.

BABU HARENDRA NARAYAN CHAUDHURI: The Hon'ble Ministers went to Sylhet on duty and they also attended the Students' Conference. May I know if it was not just like the case of *Rath dekha kala becha*?

THE HON'BLE THE SPEAKER: As the question is a bantering one I cannot allow it.

BABU RABINDRA NATH ADITYA: Was this tour programme made at the time?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No, Sir, this tour was programmed long ago and it simply coincided with the Students' Conference.

BABU KAMINI KUMAR SEN: Was the protection of cattle the only object of that visit?

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

SRIJUT GAURI KANTA TALUKDAR: Will the Hon'ble the Chief Minister let us know what was the decision regarding these cattle?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I hope I was instrumental in saving the lives of these cattle. The Minister for Agriculture was in a difficulty; the Agricultural Department, the Livestock Branch had recommended their destruction and the Veterinary Department said that they need not be killed. When two different Departments were giving him different recommendations, I thought it necessary to go myself and look into the matter.

SRIJUT GAURI KANTA TALUKDAR: Do we understand that the cattle are not really diseased?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: They are suffering from Johne's disease right enough, but outwardly they are very healthy looking and can be left alone provided they are not allowed to contaminate other cattle.

SRIJUT PURNA CHANDRA SARMA: How many days were required for this work?

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

BABU RABINDRA NATH ADITYA: Was there a meeting at Sylhet, at which the member of the Central Assembly Maulavi Abdur Rashid was present?



THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No, Sir, I never saw him.

**Journeys performed beyond the Province by the President of the old Council**

MR. ARUN KUMAR CHANDA asked :

\*55. Will Government please state—

- (a) On how many occasions did the President of the now-defunct Legislative Council undertake journeys beyond the province during the term of his office ?  
 (b) What are the places he visited and for what purposes ?  
 (c) Whether Government refused sanction to any such journey and allowances, incidental thereto ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

55. (a) and (b)—Maulavi Abdul Hamid attended the Presidents' Conference at New Delhi on two occasions, once in 1928 and again in 1929.

Maulavi Faiznur Ali attended the Presidents' Conference at Simla in the year 1933 and visited Nagpur in the year 1935 to see the working of the Central Provinces Legislative Council.

(c)—No.

MR. NABA KUMAR DUTTA : Were these conferences convened by the Government of India ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes, Sir, the first two were convened at the instance of the Government of India.

BABU RABINDRA NATH ADITYA : Is it not a fact that the rules regarding the Travelling Allowance of the Council President were framed when the President was not elected but appointed by Government ?

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

BABU RABINDRA NATH ADITYA : Has there been any modification of the rules since ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : None, Sir.

**Appointment of Maulavi Abed Ali in the Office of the Examiner of Local Funds, Gauhati**

SRIJUT RAJENDRA NATH BARUA asked :

\*56. Will Government be pleased to state whether the article named "KARTRIPAKSHYAR VICHAR VAICHAMYA" কৰ্তৃপক্ষৰ বিচার বিধান in the "TINDINIA ASSAMIYA" of 22nd October last has come to the notice of Government ?

\*57. Will Government be pleased to state whether Maulavi Abed Ali, B. A., is an Accountant and clerk under the Examiner of Local Funds, Gauhati ?

\*58. Will Government be pleased to state whether the said Maulavi Abed Ali, B. A., is continuing his law studies in the Gauhati Earle Law College ?



\*59. Will Government be pleased to state the following—

- (a) The date when Maulavi Abed Ali, B. A., was permanently appointed to the post he is holding now ?  
 (b) The name of the home district to which Maulavi Abed Ali, B.A., belongs ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

56.—Government have seen the article.

57.—Yes. (Maulavi Abed Ali is a B. Sc., and not B. A.).

58.—No.

59. (a)—12th August 1935.

(b)—Kamrup District (Gauhati Town).

SRIJUT RAJENDRA NATH BARUA : Mr. Speaker, Sir, the whole of my questions have been mutilated and the portions that I wanted to bring out have not come out, and as such I do not want any answers.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : As regards separating the questions it is not our concern. It is done in the Assembly Office.

**Regarding inclusion of Assamese as a subject in the M. A. course of the Calcutta University**

SRIJUT RAJENDRA NATH BARUA asked :

\*60. Will the Hon'ble Minister of Education be pleased to enquire and state—

- (a) what are the vernaculars that are included in the M. A. Examination of the Calcutta University ?  
 (b) Whether Assamese is a subject in the M. A. Examination of the Calcutta University ?  
 (c) If not, do Government propose to take steps to include Assamese as a subject for a degree in M. A. ?

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

60. (a)—The following vernaculars are included as (i) Principal and (ii) Subsidiary subjects :—

(i)—Bengali, Hindi, Maithili, Urdu, Oriya, Gujarati,

(ii)—Bengali, Assamese, Oriya, Marathi, Hindi, Gujarati, Urdu, Tamil, Telegu, Malayalam, Kanarese, Sinhalese, Maithili, Pali, Prakrit and Persian.

(b)—Yes, as a Subsidiary subject.

(c)—The University has been moved to recognize Assamese as a principal subject.

MR. BAIDYA NATH MOOKERJEE : “Has been moved”, when, Sir ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Sometime ago. I cannot tell exactly the date, Sir.

SRIJUT RAJENDRA NATH BARUA : May we know when we can expect the reply ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : That depends upon the University.



**SRIJUT MAHI CHANDRA BORA:** Will Government be pleased to place on the table the correspondence with the Calcutta University on this subject ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED:** These are not public documents.

**MR. BAIDYA NATH MOOKERJEE:** Did the present Ministry take initiative or the previous one ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED:** I think the present Ministry took the initiative after the last session.

**SRIJUT MAHI CHANDRA BORA:** Has Government received any reply from the Calcutta University on this matter ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED:** Not as yet.

**SRIJUT MAHI CHANDRA BORA :** When did they move the Calcutta University for the inclusion of Assamese in M.A., Indian Vernacular Course of the University ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED:** I cannot tell the exact date ; I want notice.

**SRIJUT MAHI CHANDRA BORA :** Did Government send a reminder ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED:** No reminder has yet been sent.

**SRIJUT RAJENDRA NATH BARUA:** Will Government be pleased to send a reminder ?

**THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED :** We shall send a reminder.

### **Issue of permits for running buses on the Shillong-Sylhet Road**

**MAULAVI ABDUL BARI CHAUDHURY** asked :

\*61. Will Government be pleased to state—

- (a) How many permits for running buses for carrying passengers and lorries for carrying goods between Sylhet and Shillong were granted in the years 1936 and 1937 to particular persons and Companies ?
- (b) When will the tenure of these permits expire ?
- (c) What is the permit fee charged for each of the buses and lorries ?
- (d) The names of these individual persons and Companies ?
- (e) What was the principle adopted in granting these permits ?

**THE HON'BLE MAULAVI SAYYID SIR MUHAMMAD SAADULLA** replied :

61. (a)—

1936-37—Five goods lorries and 32 combined goods and passenger lorries.

1937-39—Fourteen goods lorries and 19 passenger buses.

(b)—31st December 1939.

(c)—Rupees 4,000 for each goods lorry and Rs. 3,000 for each passenger bus.

(d)—The hon. member is referred to the reply given to question No. 879 asked by Maulavi Abdur Rahman at the last Session of the Assembly. The statement is again placed on the Library Table.



(e)—Permits were given after considering the bids offered by the various persons or firms who submitted quotations for running the services. In finally allotting the permits, such matters as the financial stability of the tenderer, his experience in transport work, and whether he was a native of the Province or not, were taken into consideration.

### Establishment of Debt Conciliation Boards

MAULAVI ABDUL BARI CHAUDHURY asked :

\*62. Will the Minister in charge be pleased to state in how many centres in Assam, Debt Conciliation Boards have been established under the Assam Debt Conciliation Act (Act X of 1936) ?

\*63. Do Government propose to set up such Debt Conciliation Boards in the Surma Valley Districts immediately ?

\*64. Are Government aware that the Mahajans (money-lenders) have been alarmed by the recent enactments and are exerting every pressure in exacting their loans from the poor agriculturists ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

62.—At present in one centre only, Gauhati for South Kamrup.

63.—Another Board is proposed to be formed almost immediately in North Sylhet. The future policy of Government in this respect will depend on the amount of success achieved by these two Boards.

MAULAVI SAYID ABDUR ROUF: Will Government be pleased to establish a Debt Conciliation Board in Barpeta as it is needed most there ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: As I have already replied, the future policy of Government in this respect will depend upon the amount of success of these two Boards.

MAULAVI MUNAWWAR ALI: Will the Hon'ble Minister state why so much delay is being caused in establishing Conciliation Boards ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There are various reasons. For one, the rules under the Act were not translated into vernacular. We have just now finished, I think, the Assamese translation and the Bengali translation is still under progress. It was thought that it would be convenient to have these translations made before the Boards actually function. That took sometime.

MAULAVI MUNAWWAR ALI: Is that the only reason, Sir ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That is one reason of course. I have taken up this matter immediately after assumption of office and I have been trying to do my best.

MAULAVI MUNAWWAR ALI: How many Boards does he propose to establish in the Surma Valley ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Just now one. And if it is successful we may be starting more.

MAULAVI MUNAWWAR ALI: Does the Hon'ble Minister realise that delay in this respect defeats the real purpose ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am inclined to agree with the hon. member and so I am trying to do my best.

MAULAVI MUNAWWAR ALI: How long does the Hon'ble Minister propose to see the experiment ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It all depends upon the progress made. It may be a very short time and I am waiting to see the success of these Boards. The only question is whether this is popular and the parties will approach the Debt Conciliation Board or not, or, whether they will go directly to the Court. We are trying to have some propaganda in order that the parties both the debtors and the creditors go to the Conciliation Board.



MAULAVI MUNAWWAR ALI : Is the Hon'ble Minister aware that there is a great demand in this respect on the part of the debtors to see the creation of Debt Conciliation Boards at the earliest ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I hope that is so. But I also understand that there is counter propaganda carried out in order to dissuade parties from taking to the Conciliation Board. So we are trying to have propaganda through our officers to explain the whole position to the parties and make them realise that it would be in the interests of both creditors and debtors to approach the Boards.

MAULAVI MUNAWWAR ALI : Is the Hon'ble Minister prepared to amend the present Act in view of the fact that it is not binding on the parties ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : If such a demand comes we are prepared to consider that. But so far as I know our Act has gone further than similar Acts in other provinces in one important matter. We have inserted a clause whereby it is laid down that the Court will be bound to take into consideration the award given by the Board whether both parties agree to it or not. I may mention also that in the Central Provinces Law no such clause exists and it is purely left to the option of the Court to recognise the award or not. Even then in Central Provinces the Act has been very successful in conciliating a large amount of debts although there is no compulsion.

MAULAVI MUNAWWAR ALI : Will the Hon'ble Minister take it from me that "the sooner a large number of these Boards are established the better it is for the province" is the opinion of the bulk of the people in the Surma Valley ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I shall give this information very careful consideration.

BABU BALARAM SIRCAR : Will the Hon'ble Minister be pleased to state who selects the personnel of the Board ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The Government ; we try to take the best type of men, honest men who can be impartial, at the same time having some influence in order to be able to persuade the parties to come to an amicable settlement.

MAULAVI GHYASUDDIN AHMED : Has the Hon'ble Minister received any information that the creditors are doing any propaganda against this Board in any subdivision ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I have not received any written complaint as such. But I have got verbal complaints that counter propaganda is going on.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

64.—Government have no information.

### Representation of Muhammadans in the constabulary of Assam

KHAN SAHIB MAULAVI SAYIDUR RAHMAN asked :

\*65. Will Government be pleased to state—

- (a) Why the Muhammadan community is so inadequately represented in the constabulary of Assam ?
- (b) Whether it is due to non-availability of suitable applicants ?

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA replied :

65. (a) & (b)—The reason suggested by the hon. member is correct.



**Re Castration of bulls**

SRIJUT MAHI CHANDRA BORA asked :

\*66. (a) Is it a fact that the 93 bulls supplied by Government and the Local Boards in 1935-36 are not sufficient for the area where 25,733 weedy bulls were castrated ?

(b) If so, will Government be pleased to state what steps are being taken for the prevention of the evils arising out of such wide castration ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : As my Hon'ble Colleague, the Minister for Agriculture, is ill and unable to attend, I am replying on his behalf.

66. (a) & (b)—The hon. member is referred to the replies given to similar questions asked by him at the Budget Session of the Assembly.

**REQUEST MADE TO THE HON'BLE SPEAKER FOR MAKING A STATEMENT WITH REGARD TO HIS POSITION IN RELATION TO EXECUTIVE GOVERNMENT.**

MR. ARUN KUMAR CHANDA : On a point of information, Sir. I am not sure if it is open to the members of this House to put any questions directly to the Hon'ble Speaker. But in view of the fact that the questions which I had tabled and the replies which Government have given thereto, raise big constitutional issues affecting the relations between the Legislature and the Executive, may I request, Sir, on behalf of the House that you, as Speaker, will be pleased to make a statement about the attitude you have taken in the matter since your name is intimately involved in these interpellations and replies. I believe the House has a right to hear what the Hon'ble Speaker had to say in the matter.

THE HON'BLE THE SPEAKER : I am fully alive to the fact that it would be incompatible with the decorum of the proceedings of this House to drag the Speaker into a controversy on the floor of the House and it will be also derogatory to the dignity of the House to get himself so involved. When these questions were tabled I was really thinking whether I should admit them or not. But having found that all these have been given rise to by some publications in the Press, I thought that I would be depriving the hon. members of this House of an opportunity to know in what exact position the Speaker stands in relation to the Executive Government. That is why I admitted these questions. I have listened to the answers that have been given by the Hon'ble the Finance Minister, and I think Mr. Chanda is right in asking me to make a statement. So I propose to make a statement, but I am not prepared to do it to-day. I shall do so in the course of this session. But I must make it clear, if there is any difference of opinion between me and the Government, then it must be either to a *bona fide* mistake on my part or on the part of the Government. But a time will certainly come when this difference will be reconciled and the clear position realised.

Next I go to other business.

**THE ASSAM LEGISLATIVE CHAMBERS (MEMBERS' EMOLUMENTS) BILL, 1937.**

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I beg, Sir, to move that the amendments made by the Assam Legislative Council on the Assam Legislative Chambers (Members' Emoluments) Bill, 1937, be taken into consideration.

THE HON'BLE THE SPEAKER : The motion moved is that the amendments made by the Assam Legislative Council on the Assam Legislative Chambers (Members' Emoluments) Bill, 1937, be taken into consideration.



RAI BAHADUR PROMODE CHANDRA DATTA: There are two amendments, Sir.

THE HON'BLE THE SPEAKER: First this question will be disposed of whether the amendments would be taken into consideration or not. Then after the motion is disposed of, I will take the amendments one after another. First there will be a debate whether these amendments should be taken into consideration.

RAI BAHADUR PROMODE CHANDRA DUTTA: I am afraid, Sir, the amendments have got to be considered.

THE HON'BLE THE SPEAKER: Only after this motion is disposed of. First the House has to decide whether this motion is to be at all accepted or rejected. If this motion is accepted, then the amendments will come. That is my reading of the rule.

MAULAVI MUNAWWAR ALI: Supposing the amendments are rejected, what will be the position?

THE HON'BLE THE SPEAKER: Then it comes to this that this House is not prepared to accept the amendments so to pass the Bill as passed by the Upper House.

MAULAVI MUNAWWAR ALI: Then does the original Bill stand?

THE HON'BLE THE SPEAKER: The only conclusion would be that this House refuses to pass the Bill as passed by the Upper House.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: What will be the next procedure if this motion is passed?

THE HON'BLE THE SPEAKER: Then the amendments will be taken up one after another.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURY: If consideration is refused, what will happen next?

THE HON'BLE THE SPEAKER: Then the Bill will again go to the Upper House.

MAULAVI ABDUR RAHMAN: I want to know one thing, Sir. If it is refused here and it goes to the Upper House, what will be the next position?

RAI BAHADUR PROMODE CHANDRA DATTA: May I know what is the view of the Hon'ble the Chief Minister about this?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My view is the same as that of the Hon'ble the Speaker. First we have got to consider whether this House will consider its own verdict and accept the amendments which have been made by the Upper House.

RAI BAHADUR PROMODE CHANDRA DATTA: Consideration is different. Do we understand, Sir, that the procedure is that the first motion will be taken into consideration and after that, if it is refused, it will go to the Upper House?

THE HON'BLE THE SPEAKER: Not the Bill but the amendments.

RAI BAHADUR PROMODE CHANDRA DATTA: Then it goes to the other House. If this motion is accepted, then each of the amendments will be put separately and considered.

THE HON'BLE THE SPEAKER: And the House will be allowed to put other amendments also, either alternative or consequential.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN: Sir, since the adoption of the Bill by this House, there has been much reflection on the conduct of members of this House not only in the Press but also in the platform. A storm of protest has been raised everywhere. But I beg to assert—and assert it boldly on the floor of this House—that this criticism proceeds from an imperfect understanding of the principles on which we take out



stand. (Laughter from Congress benches.) I am surprised to find that the opposite bench is laughing. (Renewed laughter) I can at once say that I yield to none of them in the spirit of self-sacrifice or self-denial for the service of our mother land (*hear! hear!*). But this is a question of principle.

SRIJUT DEBESWAR SARMAH : Dangerous too.

THE HON'BLE THE SPEAKER : Such interruptions are not permissible.

KHAN SAHIB MAULAVI SAIYIDUR RAHMAN : Sir, the distinction sought to be made between members of the Legislatures and the public service is really a distinction without a difference. Sir, the spirit of the age is in favour of paying for services rendered. People all over the world have come to recognise this as the best policy as much for the State as for any private employer. It tends to secure efficiency and honesty. Sir, we are all aware of the multifarious calls on our purse as members of the Legislature. We have not only to maintain ourselves and our family, but to work for our country and our community by lending financial support to individuals, societies and institutions. Members of the Congress and of the League are to work in the villages for rural uplift and rural regeneration, "Mass contact" requires ways and means. Patriotism is no doubt a heroic virtue but a needy patriot is a public menace (*hear! hear!*). In Britain, where there is no want of patriotic fervour or spirit of active service for the people, we find that the Prime Minister is drawing an allowance of £ 10,000 (Rs.133,333-5-4) from the public exchequer and the members of the Parliament are not ashamed to receive £ 600 (Rs.8,000) a year or Rs.668-10-8 a month as remuneration for the sacrifice of their time and labour. Would any one in this House be prepared to think of those British politicians as wanting in the spirit of service or to hold them up to ridicule and contempt, as mere self-seekers, simply because they receive payment for the service they render to their country?

There is another factor which must not be lost sight of. Denial of remuneration to the members of the Legislature means the creation of close preserves for the rich. That means you want to shut out our best brains and talents from the field of service to the country. Who will deny that such materials are to be found not among the Zemindars or industrial and other business magnates but among the poorer middle classes?

Some visionary or I should say missionary might pooh pooh this view from the loopholes of his retreat and isolation, but practical men like my friends sitting over there will, I am sure, appreciate this view point.

Now it has been said that Assam is the poorest of all provinces and so there ought to be no drain on the provincial exchequer, people's "good money" should be spent for their benefit only. I venture to say that money will be better spent by the members for the good of the people than if the money be locked up in the State coffers. Each constituency has its particular needs. If you ask the money from the Government for a particular need of your constituency, you cannot get it for the asking. But if you have enough money to spend in your own hand you can make it available for that particular need of your constituency. I think, as accredited representatives of the people we are entitled to that much of confidence from the people of our constituency. We cannot be apathetic to the genuine needs of our own people. Call it salary, call it emolument—that will be a sort of discretionary grant in the hands of the members to be spent for country's needs whenever and wherever it is found necessary.



This is why, I believe, the members' salary has not been condemned by the Congress. On the other hand, if my information is correct, Pandit Jawharlal Nehru in course of his recent tour to Assam advised his friends to accept the salary and remit this money to the Congress fund for "Mass contact" work.

On the above considerations I cannot agree to the amendments that have been proposed by my elders. On the principle enunciated by me, I think, the salary that is proposed is a nominal salary; it tantamounts to negation of salary that is too little for us. On the other hand, if we take the public view that we should not take any salary, then the allowance proposed by the Upper House is too much. So on either of these grounds I refuse to consider the amendments which had been passed by the Upper House.

KUMAR AJIT NARAYAN DEV: Mr. Speaker, Sir, I rise to oppose the amendment. This amendment is nothing new to us. It has been introduced and rejected by this House after ample discussion. So, Sir, it is needless to go into the merits of these amendments in detail. The question before us to-day is the question of principle. It is for us to decide whether we shall stick to our principle. Those of us who have rejected the amendments and voted for the original Bill on principle will surely stick to the principle as before. I find no reason, Sir, why there should be any diversion from that principle. Again it is the question of honour and prestige. We are facing a grave question whether we should try to withhold our honour and prestige, or whether we should give way to the opinion of a body which we have described as useless (*laughter*) and obstacle to the path of democracy. Some hon. members might say that if we are mistaken and some one corrects us why should we not avail of the opportunity to correct ourselves. But, Sir, we are no mere children. We do not want to be corrected specially by a House which we have declared useless. The original Bill has been discussed in detail and all members have given serious consideration to it and I do not think that there is any chance of mistake. It has been passed by an overwhelming majority. Now should the opinion of the majority of the House be flouted by the opinion of the few members of that useless House? Those of us who think it a credit to refuse the Bill as passed by this House even at the cost of honour and prestige of the House will be disappointed, because the credit, if there is any, will go to the Upper House (*laughter*). So, Sir, I appeal through you to the hon. members of this House not to be led away by the Upper House when our prestige and honour are at stake.

Sir, if I am allowed to add a note of personal explanation. I have not come to the political field to earn money.....

MR. BAIDYANATH MOOKERJEE: Why not all? Please say all of us.

KUMAR AJIT NARAYAN DEV: Many of us. I have been given a little by God, enough for my livelihood. It is not for the temptation of Rs.100 a month that we have voted for this Bill. Everybody of us has got some kind of business and if they devote their time to politics as they really are expected to do, their business suffers a lot and it is in the fitness of things that there should be a little remuneration for them.

Sir, I believe there is a rule laid down by the Congress that certain share received by the Congress members from legislatures should be given to the Congress. If I remember aright some of the Congress members of the Bengal Legislature have lately approached the Congress President asking him to make a special consideration for them to allow them to retain the whole amount of the allowance. I think there is a justification for that. But if the hon. members are inclined not to take any money as allowance



they might give it away as suggested by my hon. friend Khan Sahib Maulavi Saiyidur Rahman. Instead of spending money for the poor peasants through Government officers, we can do very well spend it directly through ourselves. The other day, Sir, we came to know that the Hon'ble the Chief Minister had given a donation of Rs. 500 to a student from his discretionary grant. We all put questions why that should be done. Now, Sir, if we have our own money to spend in our own discretion we would be able to satisfy the poor and there will be no reason to grudge for others.

With these words, I oppose the motion.

MAULAVI JAHANUDDIN AHMED : Sir, I rise to oppose these amendments and support the Bill as passed by this Assembly. I do not consider that the amount given by the Provincial Assembly is a monthly salary befitting a member of this House. I consider this as a discretionary grant from the Government just like the Ministers who have some discretionary grant at their disposal given by this House. I think, Sir, a member can spend this money in his own constituency as he likes to help the poor people.

With these few words, I support the Bill as passed by this House and oppose the amendments passed by the other House.

SRIJUT GOPI NATH BARDOLOI : Sir, I rise to support the motion for consideration of this Bill. I have not the eloquence of my hon. friend Khan Sahib Maulavi Saiyidur Rahman in a cause like this. Nor do I think that this is necessary at this stage. The Upper House took full note of the feelings of the country in this matter. They had some time between the passing of our amendment and now. They had some time before them to consider this matter seriously and to take notice also of the feelings of the country. And after full consideration they have come to the conclusion which has come in the form of this amended Bill. The only matter that is before this House at this stage is whether we are prepared to consider this amendment or not. Personally on behalf of the party which I represent I welcome (at any rate) the consideration of this Bill in view of the fact that we have got a chance once more to put forward our view point on the matter before the House. Secondly we have also received what opinion has been given by the country in the meanwhile. My friend hon. Khan Sahib Maulavi Saiyidur Rahman was pleased to say that the opinion of the country is decidedly against the acceptance of any salary by the members. But there is one other serious matter also which he should have taken into consideration. I am not very much opposed to the principle of salary ; but we have got to consider the condition of the poor people of our country ; we have got to consider that we cannot impose one single pie of burden on the poor.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : On a point of information, Sir. May I ask the hon. member if he draws any allowance from the Municipality ?

SRIJUT GOPI NATH BARDOLOI : I do. An allowance of Rs.50 pensem. I draw as motor car allowance but I spend much more than that. This is, however, an allowance.

So, Sir, we cannot impose one single pie of burden on the poor if we can help it. Therefore our position is that we should not be responsible in imposing any burden on the tax-payer by refusing to consider the amended Bill.

MAULAVI JAHANUDDIN AHMED : What is the policy of other Congress Provinces in regard to this salary ?

SRIJUT GOPI NATH BARDOLOI : I may tell the House very definitely that in each province the principle of fixation of salary and of the rate of allowance has been to decrease the expenditure on the head of allowance and pay. It has been an economic measure.



Regarding what Pandit Jawharlal Nehru said to the party on this matter I can tell hon. Khan Sahib Maulavi Saiyidur Rahman definitely that all that he indicated was that we should follow the rules that have been laid down by the Working Committee in this matter. The Working Committee has given full authority to go on with our allowance and that allowance may come up to Rs. 10 according to the rules of the Working Committee. Then we can charge only double third class also for travelling. I think the halting allowance is also much smaller than what has been proposed in the Bill that was passed by this House.

So, Sir, my position is that at any rate we should consider this Bill once more. We can take note of the public opinion in the country. Therefore I beg to support the motion for consideration of the Bill.

MR. F. W. HOCKENHULL: Sir, on behalf of our party I should like to say that we support, in principle, the payment of members (*hear! hear!*). But we do say that this is a question—and I would emphasise—this is the only question regarding which we propose to detach ourselves and leave it to the other parties of the House to decide.

THE HON'BLE THE SPEAKER: Then I think, I can put the question now. The question is that the amendments made by the Assam Legislative Council on the Assam Legislative Chambers (Members' Emoluments) Bill, 1937, be taken into consideration.

A division was claimed, but before the House divided, Maulavi Abdul Matin Chaudhury rose to a point of order.

MAULAVI ABDUL MATIN CHAUDHURY: On a point of order, Sir. I think there is a good deal of confusion in the minds of the hon. members as to what we are going to vote for. Would you kindly explain what is the effect of voting either for "Ayes" or for "Noes" on the motion.

THE HON'BLE THE SPEAKER: I refer the hon. member to rule 113. "After an amended Bill has been laid on the table", *i. e.*, a Bill amended by the Upper House, "any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member, after giving seven days' notice or, with the consent of the President or Speaker, as the case may be, without notice, may move that the amendments be taken into consideration." That is what exactly has been done by the Hon'ble the Chief Minister; he has moved that the amendments which have been introduced into the Bill by the Upper House be taken into consideration. That is the substantial motion. Then "If a motion that the amendments be taken into consideration is carried, the President or Speaker, as the case may be, shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration". So, if this motion is carried the next duty of mine would be to put the amendments made by the Upper House to the Bill one after another. So, if the House carries this motion I shall put the amendments of the Upper House. To those amendments further amendments may be made by any member of this House. If this motion be not carried, I shall not proceed any further. The rule does not allow me and the Bill shall again go to the Upper House, and it will be reported that the Bill with their amendments has not been accepted.

MAULAVI MUNAWWAR ALI: Sir, one more point, which needs little elucidation. The question is whether this is a Government motion emanating from the Government, and if this motion is defeated would it be tantamount to a defeat of the Government? My view is that if consideration is not accepted then it is not a Government defeat.

THE HON'BLE THE SPEAKER: I shall not enter into that question. This much I shall say that this is a Government Bill and the Hon'ble the Chief



Minister has made the motion for consideration of the amendments introduced in the Bill by the Legislative Council. If the motion is defeated, what would be the constitutional position, I am not competent to say anything off-hand now.

RAI BAHADUR PROMODE CHANDRA DATTA: My submission, Sir, is that the original Bill was drafted by the Government, and so they are in charge of it. It was passed in the House.....

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It was slightly amended.

RAI BAHADUR PROMODE CHANDRA DATTA: It was slightly amended by this House. Government stand by that Bill. The Bill went to the other House, and the other House made certain amendments. Government do not say that they accept those amendments. The Government only put those amendments as they have to put before this House either to accept or to reject them. So it cannot mean a defeat of Government even if the motion for consideration is carried.

THE HON'BLE THE SPEAKER: Therefore I said I am not in a position now to say whether it would be a Government defeat. The amendments are not the amendments put forward by Government. The amendments are amendments of the Upper House.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: May I make a submission, Sir? I think the position has not been understood in many quarters including myself. I have not seen any specific rule that when an amended Bill from the Upper House is placed before this House for re-consideration, and this House totally rejects consideration preventing that Bill again going to the Upper House. But if this House considers the amendments passed by the Upper House and then comes to any decision, even then the Bill goes to the Upper House again and on their rejection only His Excellency is to convene a joint Session. Am I correct, Sir?

THE HON'BLE THE SPEAKER: If the motion be carried.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If the Bill is taken into consideration now and then this House gives its verdict against the amendments or amends the amended Bill of the Upper House, then will not there be a joint Session?

THE HON'BLE THE SPEAKER: The rule is perfectly clear. "If the Chamber agrees to the amendments made by the other Chamber, a message intimating its agreement shall be sent to that Chamber. If the Chamber disagrees with the amendments made by the other Chamber or any of them, the Bill with a message intimating its disagreement shall be sent to that Chamber." Whether it rejects this motion or rejects the amendments to the Bill the position remains the same. The Bill will be sent to the Upper House. "If the Chamber agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the other Chamber the Bill as further amended with a message to that effect shall be sent to the other Chamber. The other Chamber may either agree to the Bill as originally passed in the originating Chamber or as further amended by that Chamber as the case may be or may return the Bill with a message that it insists on an amendment or amendments to which the originating Chamber has disagreed. If a Bill is returned with a message intimating that the other Chamber insists on amendments to which the originating Chamber is unable to agree that Chamber may report the fact of the disagreement to the Governor." The report of the Governor would come after some other stages have been gone through. (*Laughter.*)

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Whether it rejects this motion for consideration or the amendment, when it is put before the House, the Bill shall have to be again discussed in the Upper House. That is what I wanted to emphasise.



THE HON'BLE THE SPEAKER: The question is that the amendments made by the Assam Legislative Council on "The Assam Legislative Chambers (Members' Emoluments) Bill, 1937" be taken into consideration. The motion was put and the House divided with the following result:—

## Ayes—36

1. Mr. Arun Kumar Chanda.
2. Mr. Baidyanath Mookerjee.
3. Srijut Beli Ram Das.
4. Srijut Bhuban Chandra Gogoi.
5. Srijut Bipin Chandra Medhi.
6. Babu Dakshinaranjan Gupta Chaudhuri.
7. Srijut Debeswar Sarmah.
8. Srijut Ghanashyam Das.
9. Srijut Gaurikanta Talukdar.
10. Srijut Gopi Nath Bardoloi.
11. Srijut Haladbar Bhuyan.
12. Babu Harendra Narayan Chaudhuri.
13. Srijut Jadav Prosad Chaliha.
14. Srijut Jogendra Chandra Nath.
15. Srijut Jogendra Nath Barua.
16. Srijut Jogesh Chandra Gohain.
17. Babu Kalachand Roy.
18. Srijut Kameswar Das.
19. Babu Kamini Kumar Sen.
20. Babu Karuna Sindhu Roy.
21. Srijut Krishna Nath Sarma.
22. Babu Rabindra Nath Aditya.
23. Srijut Lakshesvar Borooh.
24. Babu Lalit Mohon Kar.
25. Srijut Mahadev Sarma.
26. Srijut Mabi Chandra Bora.
27. Srijut Omeo Kumar Das.
28. Srijut Paramananda Das.
29. Srijut Purna Chandra Sarma.
30. Srijut Rajani Kanta Barooah.
31. Srijut Rajendra Nath Barua.
32. Srijut Sankar Chandra Barua.
33. Srijut Sarveswar Barua.
34. Babu Shibendra Chandra Biswas.
35. Srijut Siddhi Nath Sarma.
36. Mr. Fakhruddin Ali Ahmed.

## Noes—47

1. The Hon'ble Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
2. The Hon'ble Rev. J. J. M. Nichols-Roy.
3. The Hon'ble Srijut Rohini Kumar Chaudhuri.
4. Kumar Ajit Narayan Dev.
5. Srijut Jogendra Narayan Mandal.
6. Dr. Mahendra Nath Saikia.
7. Mr. Naba Kumar Datta.
8. Srijut Purandar Sarma.
9. Srijut Ram Nath Das.
10. Srijut Santosh Kumar Barua.
11. Maulavi Abdul Aziz.
12. Maulavi Abdul Bari Chaudhuri.
13. Khan Bahadur Hazi Abdul Majid Chaudhuri.
14. Maulavi Abdul Matin Chaudhuri.
15. Maulavi Abdur Rahman.
16. Maulavi Syed Abdur Rouf.
17. Maulavi Dewan Muhammad Ahab Chaudhuri.
18. Maulavi Muhammad Amiruddin.
19. Maulavi Muhammad Amjad Ali.
20. Maulavi Badaruddin Ahmed.
21. Khan Bahadur Dewan Eklimur Roza Chaudhuri.
22. Maulavi Ghyasuddin Ahmed.
23. Maulavi Jahanuddin Ahmed.
24. Khan Bahadur Maulavi Keramat Ali.
25. Khan Bahadur Maulavi Mahmud Ali.
26. Maulavi Matur Rahman Mia.
27. Khan Sahib Maulavi Mudabir Hussain Chaudhuri.
28. Khan Bahadur Maulavi Mufizur Rahman.
29. Maulavi Munawwar Ali.
30. Maulavi Muzarraf Ali Laskar.



31. Maulavi Namwar Ali Barbhuiya
32. Maulavi Naziruddin Ahmed.
33. Maulavi Sheikh Osman Ali Sadagar.
34. Khan Sahib Maulavi Sayidur Rahman.
35. Mr. Benjamin Ch. Momin.
36. Srijut Bhairab Chandra Das.
37. Srijut Bideshi Pan Tanti.
38. Srijut Binode Kumar J. Sarwan.
39. Srijut Dhirsingh Deuri.
40. Rev. L. Gatphoh.
41. Mr. C. Goldsmith.
42. Mr. Jobang D. Marak.
43. Srijut Karka Dalay Miri.
44. Srijut Khorsing Terang.
45. Mr. P. Parida.
46. Srijut Rabi Chandra Kachari.
47. Srijut Rupnath Brahma.

BABU KAMINI KUMAR SEN: On a point of order, Sir, I think the motion under discussion has been moved by the Hon'ble the Chief Minister according to rule 113. If I may be permitted Sir, I may read the rule—“After an amended Bill has been laid on the table any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member, after giving seven days' notice or, with the consent of the President or Speaker, as the case may be, without notice, may move that the amendments be taken into consideration”. The position is this that the Hon'ble the Chief Minister has moved for the consideration of the Bill on behalf of the Government. Is it not a Government motion, Sir ?

THE HON'BLE THE SPEAKER : Will the hon. member further explain the point of order he has raised ?

BABU KAMINI KUMAR SEN : The rule says that any member acting on behalf of the Government may move for consideration of the amendments. The Hon'ble the Chief Minister has moved the motion on behalf of the Government, so that it may be presumed that the other Ministers who are part of that Government will also support the consideration, but is it in order that other members of the Government can oppose this consideration. The motion is moved on behalf of the Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: May I point out that we have voted on the Bill as it has emanated from this House. You have already ruled, Sir, that if this Bill be defeated the Bill will be sent back to the Upper House and it will have the same effect as the amendments had been defeated, and on that consideration we voted against this motion.

BABU KAMINI KUMAR SEN: My point is that the motion that has been moved has been moved on behalf of the Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, is it any concern of the Chair to see how the members exercise their vote ?



**THE HON'BLE THE SPEAKER:** It is not the concern of the Chair to see how the members of the Government vote but the concern of the Chair is to help this House in having strict Parliamentary convention established in this House. The hon. Mr. Sen has raised a point of order whether it was permissible for any of the Ministers to vote against the motion, and he has based his argument on the words "on behalf of the Government in the case of a Government Bill" in rule 113. Now a Bill which is sent from the originating House to the other House, after it has been passed by the originating House, the other House is quite entitled to move thereto any amendments. If they succeed in passing these amendments it is the procedure laid down in the Government of India Act that the Bill should go again to the originating House. Now it is the duty of the Government to bring before the House the amendments and the House will be called upon to vote on the amendments. So if any Hon'ble Minister undertakes to move the motion for consideration of the amendments it does not amount to saying that the Government stands committed to the acceptance of the amendments. (*Hear! hear!*) Therefore in this particular matter if three of the Hon'ble Ministers voted against the consideration I think it is not perfectly inconsistent with their policy of joint responsibility.

**BABU KAMINI KUMAR SEN:** May I be permitted to add a word? Is it not the object of this rule that Government will give an opportunity to this House to consider the amendment which has been passed by the other House? This motion has been moved only for the purpose of giving this House an opportunity so that this House may consider, clause by clause, the amendments that have been passed. And at this stage can the Government be justified in opposing this motion?

**SRIJUT GOPI NATH BARDOLOI:** I want to add, Sir, that this action tantamounts to a no-confidence on the decision of the other House. At present we are not discussing the amended Bill, clause by clause. The point now presented was whether the Ministry was prepared to submit those amendments which were passed by the other House for consideration of this House. Therefore, my interpretation of that rule is that the Ministry cannot have any right at this stage to oppose the introduction of this Bill. They must support consideration by this House if they had any confidence in that House at all.

**THE HON'BLE THE SPEAKER:** With regard to the point raised by Mr. Sen, he argues that Government undertakes to present the amendments before the House and the Government stands committed to support the amendment. That is his contention. The presentation of the amendments is one thing and whether the Government stands committed to support the amendment is another matter. It is only to give the opportunity to this House to consider the amendments passed by the other House that one of the Government Members puts forward the motion. So I do not think that the point which has been raised by Mr. Sen is sound.

With regard to the point raised by the hon. the Leader of the Opposition, the question of confidence or no confidence in the other House does not arise.

**SRIJUT DEBESWAR SARMAH:** On a point of information, Sir. As regards original point of order by Mr. Sen, you were pleased to state that the Chair is concerned with seeing that strict Parliamentary conventions are observed. We, at any rate, anticipated you to say something as regards the joint responsibility, that is to say we wanted to hear from you whether this division in the Cabinet itself does not cut at the root of the principle of the joint responsibility which is envisaged by this Act.



MR. F. W. HOCKENHULL: May I say a word please, Sir? It appears to me that in moving this Bill—whether this Bill or any other Bill and we can presume that Bills of a similar type will come back from the other House—it is only a matter of procedure. Government is bound by the rules to implement that procedure according to the rules (*hear! hear!*). Having done that they have finished their responsibility. Then they can view the matter quite detached from the motion.

BABU DAKSHINARANJAN GUPTA CHAUDHURI: Sir, the whole anomaly has been created by the action of the Ministry. The Bill as it has been passed by this House is a Government Bill and it was presented to the other House by the Government. The Government got defeated there and that tantamounts to a no-confidence on the Government. Because as a result of that they have taken all possible consequences and it has been a very sad lot for them to present this Bill to this House.....

THE HON'BLE THE SPEAKER: The hon. member is travelling too far and I must tell the House that I am not willing to accompany him in his journey (*laughter*).

With regard to the point raised by Srijut Debeswar Sarmah, he is perfectly right. But that would arise only in cases in which we are called upon to discuss Government measures. If in connection with any Government measure the Ministry is divided in voting, then of course such a contingency will arise as to whether the principle of joint responsibility is being maintained or not. But I think with regard to the amendments introduced in the Bill relating to Members' Emoluments by the other House the Hon'ble the Chief Minister by moving for a consideration of those amendments has only done a duty on behalf of the other House according to the Assembly Rule imposing such a duty on him, by reason of the fact that the Bill was a Government Bill. We cannot say, therefore, that it is really a Government measure so far as the motion for consideration of the amendments is concerned.

The House stands adjourned for lunch till 2.5 p.m.

## RESOLUTIONS

### RESOLUTION RE ESTABLISHMENT OF A HIGH COURT IN ASSAM

(*After lunch*)

THE HON'BLE THE SPEAKER: Now we go to resolutions.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, in spite of the interruptions which came from our friend Mr. Baidyanath Mookerjee, I think this House must thank the mover of this resolution for the opportunity which he has given us for discussing a question of vital importance. Sir, so far as this Government is concerned, it has committed itself to take such steps as are necessary for the establishment of a High Court in the province. Sir, in the last session of the Assam Legislative Council a resolution was brought forward by Babu Satyendra Mohan Lahiri to the effect that the Civil Station of Shillong should be brought under the jurisdiction of the Calcutta High Court, and in replying to that resolution the Hon'ble the Chief Minister gave a sort of assurance that he will try his best to have a High Court established in this province within three or four years.



The question, Sir, before the House is whether it is desirable for this province to have a High Court of its own and whether it is a practicable proposition. So far as this Government is concerned, they have come to the conclusion that the establishment of a High Court is not only desirable but that it is also a practicable proposition. The Hon'ble the Chief Minister has taken up the whole question and he has taken the pains also to draw up a scheme which he will place before the House in the course of the discussion on this resolution. If that scheme is found acceptable to the House, it will be seen that not only can we establish a High Court at a very early date in this province but that the establishment of a High Court will be a paying proposition to the extent of nearly Rs. 60,000. So much gain will accrue to the province if a High Court can be established here.

If this resolution is passed by the House, then Government will take other subsequent steps. You have been pleased to suggest, Sir, this House, should present an address in the manner laid down in section 229 of the Government of India Act.

In order to enable the House to enter into a discussion of the resolution in all its aspects, I desire to put before it the other side of the picture, that is to say the objections that are generally brought forward against establishment of a High Court in this province.

It is first of all urged that Assam is not financially in a position to provide for a High Court at present. In reply to that, Sir, as I have already stated, the Hon'ble the Chief Minister will present a scheme before the House, on which the House can make its comments. The second ground that is generally put forward is that there is not sufficient work for a High Court, which must consist of three Judges. Another objection which is sometimes urged is that the province is not in a position to provide for an efficient bar which is necessary for the successful working of a High Court. It is also supposed by some that in order to cater to the benefits or needs of the inhabitants of both the valleys, it will be necessary to establish this High Court in Shillong, and as in Shillong the advocates practising in the High Court will have no other field to supplement their income, it may not be able to invite meritorious advocates from outside the province. Then there is the further question of sentiment, and it is this. It is said that Sir Nicholas Beatson Bell, the first Governor of this Province, gave an assurance to the people of Sylhet to the effect that so long as Sylhet remained a part of the province, they would be associated with the Calcutta High Court.

These are the objections which are put forward against the establishment of a High Court in this province. As against that, Sir, I would first of all urge that Assam is now an autonomous province and it is right and proper that we should have a High Court of our own. Apart from that, Sir, I consider that every inhabitant of this province has a right to expect that he will get justice from the highest tribunal and that that justice should be within their reach. There is another important matter to take note of, Sir, and that is, we have found that there is a demand that not only Shillong but also the other Hill districts which are within the scope of the present Reforms should be brought under the jurisdiction of a High Court. But the inhabitants of the Khasi and Jaintia Hills are not in favour of being placed under the jurisdiction of the Calcutta High Court. They would prefer to be under the jurisdiction of a High Court established in this province. Their idea is that they have peculiar customs and some special laws which are not easily understandable to lawyers and Judges who have spent most of their lives outside this province. If we want that Shillong should be under the jurisdiction of a High Court, then it is all the more desirable that we should have a High Court as early as possible.



Then, Sir, I feel that our lawyers' ambition will be to have a much larger scope, if we have a High Court of our own. They can aspire to seats in the Bench, they can go to the position of Advocate General and they can distinguish themselves as eminent lawyers. Without that to look forward, lawyers in our province have a limited scope and their ambition cannot soar very high.

We are also proposing for the creation of a separate judicial service of our own and that would also facilitate and help our people to work and look up to seats in the High Court Bench.

With these words I request the hon. members to enter into the discussion of the subject in all its bearings and after hearing the Hon'ble the Chief Minister decide what action they think best in the circumstances in which we are now placed.

**MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY:** Mr. Speaker, Sir. Before we come to any conclusion about the establishment of a High Court in Assam, I beg to say a few words regarding the present economic, political and social condition of Assam. The High Court resolution, though apparently appears to be an independent resolution, is intimately connected with the resolution (No.12) of separation of Sylhet from Assam, tabled by hon. Srijut Purna Chandra Sarma and the resolution (No.7) of the Constituent Assembly tabled by Srijut Gopinath Bardoloi, the Leader of the Congress party in the Assembly. The resolution of Mr. Sarma is a direct insult to the self-respect of the people of Sylhet and the resolution of Constituent Assembly tabled by Mr. Bardoloi is an open challenge not only to the Muslims of this province, nay to the whole of Muslim India. Both as a Muslim and an inhabitant of the Surma Valley, I make bold to accept the challenge and am ready to give them a fitting reply. The question raised by hon. Mr. Baidyanath Mookerjee is a pertinent one and I for one, whole-heartedly support his ideas. May I know the opinion of the leader of the Surma Valley Congress party.....

**MR. NABA KUMAR DUTTA:** Are we discussing resolution No.4 or No.12 ?

**MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY:** May I ask for a reply from our friends of the Surma Valley of the opposite camp ? Everything has a limit, but when self-respect combined with valley interest is at stake, it cannot be tolerated in any way. People have not sent us to sacrifice the interest of their valley for the sake of any other motive and to cast our votes according to our sweet will without consulting the opinion of our constituency.

**THE HON'BLE THE SPEAKER:** I hope the hon. member will not dilate much on those two resolutions and he must make his remarks perfectly relevant to the question in issue. The hon. member has not yet said whether he will support the resolution or oppose it.

**MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY:** Now, Sir, regarding the question of separation of Sylhet from Assam. This question is very important. If Sylhet is separated from Assam then we have no objection to the establishment of a High Court in Assam. The first thing to be decided is whether we should remain here or go to Bengal. That is a vital question and so I put it before the House. Regarding the separation of Sylhet from Assam, if the people of the other valley are sincere in their demand we welcome it and am ready to cut off our connection with the province of Assam and join with our kith and kin of Bengal.

**THE HON'BLE THE SPEAKER:** The hon. member puts the question that if Sylhet is to be separated then he would have no objection to the



establishment of a High Court and if Sylhet remains in Assam he opposes the resolution. So how is the hon. member to develop his case by a reference to the question as to whether Sylhet goes to Bengal or not?

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: When the question of separation of Surma Valley is finally decided, they will get ample opportunity to establish their own High Court and University and develop their own culture and civilisation. The resolutions of separation of Surma Valley and the Constituent Assembly have a mischievous, long-planned political motive behind them. Sir, it is an age of narrow provincial nationalism. The cult of "Assam for Assamese" has captured their imagination. The Bengalee race, language and culture are great obstacles to the growth of the Assamese culture and so the question of Bengalee immigration is an eye-sore to the people of the other valley. Therefore their first duty now is to drive away Surma Valley from Assam and then they want to create a purely.....

SRIJUT MAHI CHANDRA BORA: Is it relevant, Sir?

THE HON'BLE THE SPEAKER: I think the hon. member is going too far. He should not raise such controversy.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURY: If Sylhet wants to stay here with the province of Assam and if the headquarters remain at Shillong, then personally speaking I have no objection to Assam having a High Court of its own, but the Headquarters of the High Court must be established at Shillong.

RAI BAHADUR PROMODE CHANDRA DUTTA: May we take it that he supports the resolution.

THE HON'BLE THE SPEAKER: If Sylhet remains in Assam he wants a High Court, but that it must be established in Shillong.

RAI BAHADUR PROMODE CHANDRA DUTTA: Sir, I had occasions more than once on the floor of this House, to express my opinion on this question. As I made it perfectly clear every time, I am not opposed to the establishment of a High Court within the borders of this province, what I was opposed to was the idea of having one established at once.

I know that it is the natural ambition of an autonomous province to be self-contained in respect of essential institutions and the High Court is one of them. But, Sir, that is an ideal which has not been reached even in the richer and more advanced provinces.

Now before I go into the merits of the question, I would like to point out that the time that may be spent over this resolution will not be profitably spent. You referred yesterday to the question whether this resolution was strictly in order. I would refer the hon. members of this House to section 219 of the Government of India Act. There it is stated:—

"The following courts shall in relation to British India be deemed to be High Courts for the purposes of this Act, that is to say, the High Courts in Calcutta, Madras, Bombay, Allahabad, Lahore and Patna."

These are High Courts.

THE HON'BLE THE SPEAKER: Then there is a provision if subsequently any High Court is to be established, there will also be a High Court in addition to those mentioned in the section.

RAI BAHADUR PROMODE CHANDRA DUTTA: I am coming to that.

Then, Sir, by section 229 the power has been reserved to His Majesty to constitute a new High Court.



"His Majesty, if the Chamber or Chambers of the Legislature of any province present an address in that behalf to the Governor of the province for submission to His Majesty may by letters patent constitute a High Court for that province."

It will be seen that the initiative is not with His Majesty nor with the Secretary of State, nor with the Government of India, nor with this Government, but with the Chamber or Chambers of the Legislature. But the Chambers are not to make their recommendation to the Government of Assam who are perfectly helpless in the matter. They are to present an address to the Governor for the purpose of submission to His Majesty. Therefore, even if we carry this resolution it will be a mere recommendation to the Government. What can this Government do? They can go to the Government of India.

This would be absolutely futile (*Voice*—Is there any harm?) The harm is that it will be a waste of time. There are other important resolutions and these resolutions may not be taken up for want of time. If Government comes to this House to present an address then of course we might discuss the question. I repeat that His Majesty could only take action if the Legislature exercise their initiative in the manner laid down in this section. So it is not a profitable business to go into the question on the basis of this resolution.

Coming to the merits, what is the present position? The present position is that we have a High Court throughout within the borders of this province. I refer to section 230 which deals with extra provincial jurisdiction of High Courts. "His Majesty in Council may, if satisfied that an agreement in that behalf has been made between the Governments concerned, extend the jurisdiction of a High Court in any province to any area in British India not forming part of that province, and the High Court shall thereupon have the same jurisdiction in relation to that area as it has in relation to any other area in relation to which it exercises jurisdiction."

Then it says—

"Nothing in this section affects the provisions of any law or letters patent in force immediately before the commencement of Part III of this Act empowering any High Court to exercise jurisdiction in relation to more than one province or in relation to a province and area not forming part of any province."

It is thus clear that we have been given a statutory right to the services of the High Court at Calcutta. It is further laid down that nothing in this Act shall be construed as empowering the Legislature of the Province in which the Court has its principal seat to increase, restrict or abolish their jurisdiction.

My hon. friend the mover of the motion has said that the Calcutta High Court which was previously under the Government of India, is now under the Government of Bengal. But that does not make our position in any way worse—for Bengal will not have any right to increase, restrict or abolish this jurisdiction.

Then, Sir, the next provision is that nothing in this Act shall be construed as preventing the Legislature having power to make laws in that behalf for any such area from passing such laws with respect to the jurisdiction of the Court in relation to that area as it would be competent to pass if the principal seat of the Court were in that area.

That means, we can make any laws we like for our Province although we are under the jurisdiction of the Calcutta High Court.



I next refer to the provision that the Judges of the High Court will be appointed by His Majesty and not by the Government of Bengal. Then Sir, how does it harm us to be under the Calcutta High Court? There is the High Court there. The Judges will be appointed by His Majesty and both the Governments concerned will have the right to make recommendations. So the position is that we have a High Court of our own. Only it is not situated within the borders of our Province.

We all know that there are some more pressing and urgent needs of the Province which must be attended to before we have a High Court in our Province. There are many things which we have not got. Now, Sir, the Hon'ble the Judicial Minister has summarised the grounds usually taken both for and against the establishment of a High Court in this Province. Coming to the grounds against, is it not true that there is not enough work for a High Court now? I may say in passing that from the enquiries we made, more than two thirds of the cases came from the Sylhet District and only one third from the rest of the Province. It is of course true that if we have a High Court there will be more cases for Courts. That is a very pleasant prospect for lawyers but not for those who will have to pay the fees. Then Sir, in this House the other day it was pointed out that great havoc was caused by floods every year, damaging the crops of cultivators and Government has to spend a large amount in the shape of gratuitous relief to these people. Large amounts are being spent year after year as gratuitous relief to those people who have suffered from flood. In answer to a question the Hon'ble the Chief Minister said that Government had been trying for the last seven years to have an Irrigation Department. But for want of money it could not have that. Will it not be better to have an Irrigation Department than to have a High Court here? Let me remind the House that we have a High Court that has served us for three quarters of a century. Nobody has yet said that the justice it administers is not of the first quality. This High Court commands the highest respect throughout India. So we can do without a High Court in our Province but for want of an Irrigation Department we are suffering most from the ravages of floods. I as a member of this Government tried to have an Irrigation Department established. I went up to the Government of India for funds but as usual they rejected our request. If we had an Irrigation Department we could devise means for making floods impossible and save the crops of the poor people. How many of these people are litigants? Few cases of these go up to the High Court. Ninety per cent. of the people are not concerned with the High Court at all. Whether there is a High Court here or in Calcutta is a matter of indifference to them. I think Sir, before we spend money over a High Court we should have an Irrigation Department in this Province.

Then, Sir, my learned friend the mover has said that our Judiciary ought to be under a High Court of our own and not the High Court of Bengal. But it is not the High Court of Bengal only, but as I have said it is our own High Court as were before. The civil and criminal cases are at present tried by Extra Assistant Commissioners in the Assam Valley. I tried to see whether it was possible to separate the two jurisdictions and to have a staff of Munsifs. The enquiry showed that there would not be enough cases for a cadre of Munsifs. Well, Sir, if there are not enough cases for Munsif I fail to see how there will be enough cases for High Court. The other objection was that the cost of separation of the jurisdiction would be too heavy. Well, Sir, if the cost of that would be heavy then the cost of having a separate High Court would be heavier still. We have been told a scheme has been prepared by the Hon'ble the Chief Minister. We have not



seen the scheme but it is quite possible to frame a scheme on paper. We know from our experience that once a scheme is prepared and given effect to, the expenditure increases year after year. It may be all very well on paper, but when you come to actual facts, expenditure will be found to go far beyond the estimate.

Then, Sir, the further question is—I hope nobody will be offended—for whose benefit this High Court with three Judges is going to be established here? Whose cases go to the High Court? What is their percentage—very small. Therefore I submit that even on merits there is no case for immediate establishment of a High Court in Assam. I do say this because we are in know of many things. I will not mention about medical school, agricultural school, agricultural college and other institutions—I will not mention these things. There are too many things which we do require and which we have not got. But here we have got a High Court; only it is situated outside the Province—that is not a great handicap. We have the same right as the Government of Bengal. I submit, Sir, that this resolution is altogether futile. It is no use passing this resolution. Everybody knows the opinions in the Province. The opinion in the Assam Valley is in favour of it, but in the opinion of the majority of people in my valley, there is no necessity for a High Court. If the Government considers it necessary let them proceed in the way they should proceed. You might say what is the difference between presenting an address and moving a resolution. The Hon'ble the Chief Minister knows it makes a lot of difference. The address will have to be given to the Governor and the Governor will have to be satisfied that there is a strong case for a High Court. Therefore it is not left to the Government but to the Governor—and this have been deliberately laid down in the Act.

I submit, Sir, there is no case for the immediate starting of a High Court. As the province develops we shall have the High Court as other institutions. There are more pressing needs of the people and those needs should be attended to first.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Mr. Speaker, Sir, as my hon. colleague has mentioned that I was preparing a scheme, and that scheme instead of costing the province anything will save some money for the Province. I presume, Sir, to place before this House not any exact scheme, but the ideas which are behind that scheme and I think, Sir, it is just the time when I should intervene in the debate, for my predecessor the hon. Rai Bahadur P. C. Dutta has just now said that there is no hurry or immediate necessity for establishment of a High Court when there are so many pressing necessities benefiting the masses are awaiting funds. I am obliged to him when he said, in principle, it is good that we should have a High Court. But I find his only objection is the question of funds. I won't detail anything or go into the merits and de-merits of the question, but I will simply endeavour to place before the hon. members a rough outline and very approximate figures of what my scheme is likely to be. Sir, if we have a High Court of our own, we will have saving of certain sums, and also we will be getting certain sums. In other words, I will start with the credit side of the question.

On an average for the last five years, this Government has been paying to the Government of Bengal a sum of Rs.1,25,000 annually as our contribution towards the maintenance of the appellate side of the Calcutta High Court and the service of law officers of Bengal. I am giving this figure of Rs.1,25,000 for the last five years, for this is a five year contract with the Bengal Government. The previous contribution was a little less



than this—an average of one lakh. If we have a High Court of our own we will be saving this contribution to Bengal of Rs.1,25,000. Then, Sir, ever since the question of inter-provincial contribution for services rendered was mooted from 1921—since which year Assam Government has been compelled to pay to the Bengal Government a certain sum towards the maintenance of the Calcutta High Court—we were given credit for a sum of only Rs.6,000 as the proceed of court-fees from the Assam cases. Sir, only in 1936 on account of my espousing the cause of Assam before the arbitrator, Sir Earnest Burdon, who was appointed by the Central Government to settle the dispute between Assam and Bengal in this matter, Assam began to get credit for Rs.16,000 for court-fees. Everybody admits that if we have a high Court of our own the number of cases will increase, and I am perfectly sure that with the start we can expect double the income under this head. I will take, Sir, for the purposes of my scheme that we can expect Rs.25,000 annually as the proceeds of the court-fees of the cases that will go before the High Court. So we hope to start with a lakh and half from this two sources. Then there is another income which at present goes from Assam to Bengal, *i.e.*, the enrolment fees of all advocates and lawyers and the annual renewal fees of all of them. I am not sure, Sir, what is the total strength of Assam advocates and lawyers, but judging from the strength of the Gauhati Bar, where I practised myself, I won't be far from the mark if I say that there is at least a thousand lawyers practising throughout the province. It may be much more, I do not know. For my purpose I am taking one thousand, and for each renewal fee a sum of Rs.25 has got to be paid to Bengal by our Assam lawyers.

BABU KAMINI KUMAR SEN: It is five rupees, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It is revenue agents who pay five, muktears pay a little more, but the B.L. pleaders pay Rs.25.

BABU KAMINI KUMAR SEN: No, Sir, they pay five. With very few exceptions all lawyers receive *sanad* at Rs.5.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Our experience in the Assam Valley is otherwise. Almost all lawyers there pay Rs.25. So as the number of lawyers of all grades who renew their licenses from this province is much higher, I hope, I will not be far wide of the mark if I say that a thousand lawyers pay on an average Rs.25 each to Bengal annually for renewing their licenses. Thus a quarter lakh goes outside the province. There is another kind of contribution which goes to the coffers of Bengal from Assam litigants. From my experience in the Calcutta Bar, I can say that I have come across very many cases which instead of being tried in Assam courts are transferred to the original side of the Calcutta High Court. I myself had innumerable number of cases from Marwari traders who advanced money to our Mauzadars on hand notes. These Marwari traders instead of filing their cases in Assam courts, transfer them generally to their Calcutta friends and thus they are filed in the original side of the Calcutta High Court. If these cases had been tried here in our courts, this province would have got more income from court-fees. I do not know what will be the average income from such a source. I may inform the House about another big contribution made by Assam. Hon. members who are lawyers know that there is a provision in the Probate and Administration Act to the effect that if anybody wants to take probate or letters of administration to an Estate which consists of properties worth more than Rs.10,000 outside the province, probate or letters of Administration has got to be taken in the original side of the Calcutta



High Court. He pays the probate fees there which go to the Bengal exchequer. I will now cite a case which came directly to my notice where a large sum of money were paid as probate fees in the Calcutta High Court. Everyone living in the Assam Valley knows the merchant prince late Mr. B. Barua. He left behind quite a big Estate in the hands of certain trustees and letters of administration had to be taken in Bengal. I was not actually practising at the time when the letters of administration were taken but subsequently I learned that nearly a lakh of rupees, had to be paid in fees for the letters of administration. Another case came to my notice while I was Judicial Member sometime in 1932 or 1933. A Planter of the name of Mr. Walker of Surma Valley died leaving behind a small Estate. Even for that small Estate a sum of Rs. 6,000 had to be paid as probate fees for taking letters of administration in Calcutta. Another case of which I have no definite information but still I may tell for the information of the hon. members that one of the millionaires in Calcutta who had either proprietary right to the whole or part in many Tea gardens here and the probate fees for taking letters of administration amounted to the colossal sum of 60 lakhs of rupees. I may tell the House that if we had a High Court of our own all these probate and other fees would have come to our province. I think, I will not be far wide of the mark if I say that Assam contributes annually on an average sum of Rs. 10,000 to the original side of the Calcutta High Court as probate fees. Thus from all these sources about a lakh and 85 thousands of rupees will be available to start a High Court.

Another source of income is available to the Administration of Justice Department in the shape of what is known as fee for Paper book. The hon. members who are cognisant with the Procedure of the Calcutta High Court perhaps know that for every second appeal valued at Rs.50 or above a Paper book is printed of the brief for the Hon. Judges, copies of which are also given to the parties on payment. The appellant has got to deposit Rs.10 and if the appeal is admitted the appellant has to pay a fee of Rs.5 for the Paper book. Thus for each second appeal a sum of Rs.15 has got to be paid by the parties for the preparation of the Paper book. In the second appeal the Paper book consists of three documents—judgment of two lower courts, the original and the first appellate court and the memorandum of appeal to the High Court. On an average, a Paper book in a second appeal does not consist of more than 15 pages, sometimes even much less. I doubt, Sir, whether the entire sum of Rs.10 which the appellant has got to deposit or Rs.15 when respondent appears is needed for printing the Paper book. There must be some *surplus* and I believe Rs.5 remain as a *surplus* from this source. If we get say even one thousand cases in a year and on an average Rs.5 remain as *surplus* in each case, we will be able to save a somewhat big amount. So far as first appeals are concerned the cost for Paper book is rather high. Pleading, oral evidence and documentary evidence which have been mentioned in the judgment have to be printed in the book. All these have to be printed along with the judge's judgment and decree and the memorandum of appeal. There has been cases where the Paper book for this kind of regular appeals has cost even two lakhs of rupees. On an average the cost of Paper book in regular appeals can safely be taken as Rs.200. Here also a substantial sum must remain as *surplus* after paying printing, transcription, translation and other charges. I think, from this source also we can derive some amount. Thus in all, we can count of at least 2 lakhs of rupees for the credit account for our scheme.



Now let me come to the debit side, or the expenditure side. Here most probably I will be traversing controversial ground. My idea is that we should start with the minimum number of Judges for our High Court, and that minimum number is 3, for three is the minimum number for a full Court. Following the chartered High Courts, we must have an I. C. S. member as one of the Judges. My idea is that if we can get the Secretary of State's sanction to the abolition of one of the posts of Commissioners, an I. C. S. post may be transferred to the High Court, and if this is acceptable to the hon. members of the House then that Judge means no additional expenditure to the province. There remain two other Judges, the Chief Judge and another puisne Judge. I find, Sir, that the Chief Justice of the Nagpur High Court is given Rs.4,000 as salary per month, and the other puisne Judges are given Rs.3,500 as salary. The salary of a puisne judge cannot be less than Rs.3,000 on account of the fact that under the present arrangements the selection grade of the Sessions Judges is Rs.3,000. Therefore commonsense dictates that a puisne Judge of the High Court should get a little higher salary than a selection grade Judge gets. If we take Rs.3,250 I suppose that ought to suffice. So for the 2 Judges we have to spend Rs.6,500 per mensem. Or in other words an expenditure on the two Judges of Rs.78,000 annually. If we can utilise the retrenched office establishment of the Commissioner for the office establishment of the High Court, with a little addition here and there we can start, and that also means that there will be hardly any additional expense for the clerical establishment.

There are some gazetted posts in the High Court, for example the Registrar. Generally the Registrar is of the grade of a sessions judge. If we can combine our Legal Remembrancership with the Registrarship of the High Court—and I do not see any reason why we cannot do so—then we incur no extra expenditure for the Registrar as well. Of course there will be some expenditure for the Government Law Officers—we must have an Advocate General of our own, and we must have a Government Advocate in the High Court. My personal belief is that on the Government Law Officers we need not spend more than Rs.2,000 a month, or say roughly our expenditure on that head will be nearly Rs 25,000 a year. Another item of expenditure will be the Library, which must be full. Here too if we combine the Legal Remembrancer's Library with the High Court Library, there will be some saving or less expenditure than usual. So on the Judges and the office establishment we need spend only about Rs.1,25,000. As I said that we started with a credit side of about Rs.2,00,000, therefore instead of our spending any money we save nearly Rs.75,000 annually, but I must mention here the questions of buildings.

(Cries of Upper House, Upper House ! and *laughter*.)

The question of buildings has been put up in the various schemes that were considered to be one of the stumbling blocks. I have seen certain calculations made by different officers of Government where they say that for suitable buildings we must spend a sum of some 2 to 3 lakhs. Then, there is the question of the location of the High Court. It is absolutely correct, and I say from my own personal experience as my hon. friend the Rai Bahadur said that the bulk of the Assam High Court cases comes from Sylhet, which is the most litigious district in the province (*laughter*). So if we take that into account, Sylhet should house this High Court of ours. As against that we have got 6 districts in the other Valley to consider, and the question is as has been mentioned once too often in the House about the vexed and knotty problem whether Sylhet will remain a part of the province. If Sylhet is to go to Bengal later, then there is no use our building a High Court there for in that case we shall be duplicating building as there is a High Court already in Calcutta.....



MR. BAIDYANATH MOOKERJEE: What is the harm? Some day Sylhet might be a province even.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It will be making a free gift to Bengal. So, Sir, the best solution will be to locate the High Court at Shillong, and at Shillong my rough and ready method is to house the High Court in the Upper Chamber (*laughter*). This is no laughing matter, I have thought it out very deeply, and with very slight additions and alterations that building will do admirably for the High Court.....

MR. BAIDYANATH MOOKERJEE: Then Upper House is going to be abolished.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Whether it goes or whether it remains, we can at least have the High Court there, and I will show how. In my personal opinion—(I am not speaking for the Government)—to build a costly structure to house our Upper Legislature was a bit of a luxury which we could ill-afford. It will be on rare occasions that the two Houses will be sitting simultaneously, and therefore with a little amicable arrangement between the Hon'ble Speaker and the Hon'ble President we can have the Upper House sitting in the Assembly Chamber. (*Hear! hear!*). After all, Sir, when there will be joint sittings, we will have to sit here and if there is any simultaneous session of the two Houses, then we have got some spacious rooms in this Chamber that will remain unoccupied and the Upper House legislature could very well accommodate itself in those rooms. Therefore, whether the Upper House goes or the Upper House remains, nobody can controvert this fact that we can utilise this building for the purpose of this High Court. Also, as the hon. members did not like the idea of spending money for buildings in the way of hostels for members, the old Inglesby building which has been converted into a sort of hostel may be utilised for the office establishment of the High Court. This will be only.....

MR. BAIDYANATH MOOKERJEE: If you think in this light we can get everything in a year.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Not in a year.

MR. BAIDYANATH MOOKERJEE: I shall suggest something afterwards.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My proposition is very very tentative and provisional and my figures are all approximate as I have said before. It hinges on the fact that if we have a High Court of our own we save from the contribution to Bengal and we start with a credit balance of something like Rs.2 lakhs. In Judges' establishment, on the lines I have urged, we need spend only a lakh of rupees. As regards buildings we can utilise in the way I have mentioned; or, even if there be some expense, it has been roughly calculated that we can save about Rs.65,000. I say even if we spend something more, and my figures are faulty, somewhere, even then having a High Court of our own, there will be at least half a lakh of saving to us.

One word, Sir, not quite germane to this scheme is the remark of Rai Bahadur Promode Chandra Dutt. He says that the High Court will benefit the richer people and not the poor. I must controvert him in that statement. I know it is the poor people who believe that they have been oppressed or that there has been miscarriage of justice and on account of the apprehension that it will involve them in heavy expense if they go to Calcutta they do not go up and seek the benefit of the High Court there



If we have a High Court of our own, it will not only benefit the richer class who utilise the Calcutta High Court but also the poor people who will have a High Court within easy reach and let us hope the lawyers will not charge an enormous and excessive fees.

BABU KAMINI KUMAR SEN: May I know.....

THE HON'BLE THE SPEAKER: Is the hon. member going to deliver a speech?

BABU KAMINI KUMAR SEN: No, Sir, on a point of information, Sir, may I know from the Hon'ble the Chief Minister the income from Sylhet in the estimate of income that he has submitted?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: It was not separately calculated. Our Registrar, Babu Dinesh Chandra Das was deputed by my predecessor Rai Bahadur Promode Chandra Dutt to enquire what was the total income from Assam cases. I was in Calcutta at the time practising in the High Court and the Registrar came to see me there. It was found difficult even to get the total Court-fees realised from Assam cases and he could not go into all these details as to how much comes from Sylhet, or Cachar or the Assam Valley. All that we can get is although Bengal was realising near about Rs.20,000 in this way we were given credit only for Rs.6,000 till the arbitration in which I appeared for Assam.

MR. KAMINI KUMAR SEN: Is there anything to give an idea of the approximate percentage?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: No.

SRIJUT GOPINATH BARDOLOI: Will the House be given a chance of discussing the scheme if a scheme is approved by this House?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes according to the wording of the section this House should present an address for having a High Court.

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir, are honorary judgeships permissible in the High Court?

THE HON'BLE THE SPEAKER: Will the hon. member explain what he means?

MR. BAIDYANATH MOOKERJEE: I want to know if it is permissible by law that in a High Court a Judge can work without any salary? In that case also some money will be saved.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: My hon. friend's case will be taken into due consideration (*Laughter*).

MR. BAIDYANATH MOOKERJEE: May I know if he is the proper authority to say so? I won't be his rival, Sir.

THE HON'BLE THE SPEAKER: Is the hon. member a lawyer?

MR. BAIDYANATH MOOKERJEE: No, Sir.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Is it not a fact that he passed the Intermediate Examination in Law?

MR. BAIDYANATH MOOKERJEE: It is a fact, Sir. And it is also a fact that I have submitted my fees 21 times for the final examination in law. (*loud laughter*) But could not sit even once.

MAULAVI ASHRAFUDDIN MD. CHAUDHURY: Mr. Speaker, Sir.

MAULAVI DEWAN AHBAB CHAUDHURY: On a point of information, Sir.....

KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURY: (Standing to speak)

SRIJUT DEVESWAR SARMAH: On a point of order, Sir, there are three hon. members standing at the same time.

THE HON'BLE THE SPEAKER: Order, order.



**MAULAVI DEWAN AHBAB CHAUDHURY:** On a point of information, Sir, may I know from the Hon'ble the Chief Minister what is the opinion of the Government of Assam about the question of separation of Sylhet from Assam?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** There is a resolution on the subject and when we come to that resolution, I shall speak.

**MAULAVI ABDUL AZIZ:** Cannot that resolution be dealt with first and discussed on the floor of this House now?

**THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA:** That is for you to decide Sir. But we have already taken up this matter.

**THE HON'BLE THE SPEAKER:** Perhaps the hon. members listened to the speech of the Hon'ble the Chief Minister and while speaking about the place where the High Court should be located he mentioned something about Sylhet and gave some grounds why the High Court cannot be located at Sylhet. From that the hon. members may draw their own conclusion.

**MAULAVI ABDUR RAHMAN:** I take my stand to oppose the resolution that has been moved and in doing so I shall try to give my reasons. First of all, Sir, I should declare before this House that I not only oppose the resolution but I also oppose the very principle of the establishment of a High Court in a province like this poor one. From the speeches of the Hon'ble Finance Minister and also the Revenue Minister I gather that the Government Benches are in favour of establishing a High Court. It is also evident from the speech that have been delivered by the Hon'ble Finance Minister that the Government is in a position to make financial arrangement for the establishment of a High Court. He has also given a rough sketch and given a financial statement of how the proposed expenditure will be met. Also, Sir, the reasons that were assigned in this connection by the hon. mover of the resolution are identical with what were given by the Hon'ble Ministers in the Government Benches.

Sir, it has been said that in addition to the amount that we annually contribute in this connection to the Calcutta High Court, another sum of Rs.1,25,000 (minimum) and Rs.1,90,000 (maximum) will be required to meet the necessary expenditure of the proposed High Court. In this connection I should say that it will be a quite unnecessary burden of expenditure on the very weak and poor shoulders of a province like Assam. Sir, it has been very rightly and very justly observed by the hon. Rai Bahadur P. C. Datta whenever we the members of this House come before the Government asking for some money in respect of any popular demand, we are accustomed, to get the stereotyped reply—'when funds will permit' or 'there is no money'. Sir, even yesterday, while this House was discussing that very nice resolution which was sponsored by Srijut Sankar Chandra Barua regarding restoration of the excise duty on petrol and kerosene, we had to admit that we are not in a position to meet even the most necessary requirements of the province on account of its financial position. If, Sir, to-day we want to support the idea of establishing a High Court here, will it not be very inconsistent on our part to do so?

Then, Sir, our Finance Minister has just now remarked that this poor province has been over-burdened with certain luxuries in the shape of the Upper House and other things. Are we not going to become more luxurious, Sir, by establishing the proposed High Court? Is it a justification, Sir, that because we have been forced to shoulder some luxury, therefore we should increase the burden of luxuries on our shoulders?



There is a strong view that the Assam Government is adding always many unnecessary things which the public do not at all want. The provincial exchequer is so poor that it cannot even afford to have the Sylhet Medical School, on the construction of which a considerable lot of money has already been wasted. In a previous speech, Sir, I remarked that the medical school at Sylhet is a monument of disgrace on the part of the Government of Assam. I said, Sir, that the buildings ought to have been demolished. For that medical school the Government had to spend about 9 lakhs of rupees, and if I say, Sir, that the public money in that alone was simply squandered, I would not be guilty of any exaggeration. Of course our Hon'ble Chief Minister and other supporters of this resolution have illustrated to this House, by giving figures, that the establishment of a High Court in this province will save a lot of money. But there is this fact, Sir, that even if they get some money, and expenditure of more than a lakh of rupees is necessary to run the affair.

One point I must raise before the House for their consideration and that is the personnel of the proposed High Court. I am not very confident that our province will be able to produce a judiciary who can fully compete with the other provinces. Of course I may be accused of making some harsh remarks. But this is my personal experience.

Sir, it has been said that if a High Court be established here, then the relief will be not only for the educated man, as observed by the Rai Bahadur, but it will be for the poor also. But, Sir, we know how many cases are really sent to the High Court for justice. The poor themselves are never required to go up to the High Court. If any appeal is preferred and the justice that is being received by this province under the Calcutta High Court cannot, I think have any room for any complaint. The hon. mover of the resolution yesterday said in his speech that the establishment of a High Court in this province is a natural consequence of provincial autonomy. Yes, Sir, the spirit of the sentence he quoted here is very nice to hear, but when we look to the public exchequer really we stand aside. Sir, my argument will only be based on the fact that when we have got many necessities of the province to be met, I think, we cannot entertain the idea of establishing a High Court. Of course it is said that the province requires many things to be done; I also agree to that. But if we analyse which of the necessities we are to set our hands upon we must say that our decision will first go with the cause of the people. First we shall have to look whether our people are sufficiently well-off for imparting at least the primary education to their children, whether they are sufficiently capable of saving their country from the natural calamities, such as floods and other things. Even yesterday while volumes of questions were put by my hon. friend from Karimganj as to whether Government realise or admit the acuteness of floods in the Surma Valley, the Hon'ble Finance Minister said that it is the shortness of fund that has prevented Government from doing anything in the matter. So it is indirectly admitted that there is the necessity for good drainage in that valley. With these words I oppose the resolution. I do not want to minimise the value of the High Court. I am doing this only for the financial stringency of the province.

MAULAVI ASHRAFUDDIN MD. CHAUDHURI : Although as an Advocate enrolled in the High Court it is my longing desire to have a High Court in the province, having regard to the financial position of the province and the present needs that wait for solution, I cannot lend my support to the resolution. I have got the dual function so far my private career in the Bar is concerned for the interest of those whom I



represent. The first problem that is facing this province is the scarcity of drinking water, the second is the scarcity of grazing lands for cattle and the third I should say is want of outlet and drainage work. These three items were debated by me while I delivered my budget speech. These are the pressing needs that wait for solution and these are the matters which first of all must be looked into. We also need a High Court and a University, but the time has not come for that. First we must look to the people for whom we want justice. First we must look to their comfort and to their bread. For want of drainage, for want of good irrigation thousands of acres of lands are going to lose rich paddy year after year. As you say much money can be saved by establishing a High Court here, I should say why do you not spend some money for irrigation and thereby increase the wealth of the people as well as of Government ?

**THE HON'BLE THE SPEAKER :** The hon. member is simply repeating his argument.

**MAULAVI ASHRAFUDDIN MD. CHAUDHURI :** Then, Sir, I should say that when for so many years we have tolerated, somehow or other we shall continue our relation with the Calcutta High Court and we can for sometime postpone the proposal. First of all we should pay our attention to those pressing needs of our general masses.

So far as the High Court is concerned, it has been brought out by questions from the hon. Rai Bahadur Promode Chandra Datta that two-thirds of the cases come from Sylhet. Sir, I should like to have an extract from the very report that was read out by the gentleman who gave the figure. If two-thirds of the cases are sent from Sylhet, then I think, the feeling of the Sylhet people should be regarded in this matter. Again we find at page 8 of the proceedings of the Assam Association like this:— "The other difficulty may be the unwillingness of the people of Sylhet to be under the High Court of Assam. This difficulty will, however, be solved if once the High Court is constituted at any rate till the people of Sylhet remain part and parcel of Assam". Now we find that two-thirds of the cases that come up to the High Court come from the Sylhet district. This is a matter, I should say, in which the voices and opinions of Sylhet ought to be respected. I find that the report is that the people of Sylhet are not agreeable to a High Court at present. Sir, I represent 80 thousand people of my constituency; 99 per cent. of them are agriculturists. They are not concerned with a High Court or a University. These are matters which attract very few of them. So we should, I think, meet the wishes of the people, and with these words, I oppose this resolution.

**KHAN SAHIB MAULAVI SAYIDUR RAHMAN :** Sir, I rise only to reply to certain criticisms that have been levelled against this resolution by the Rai Bahadur who is not here now. I am very sorry to find that the old, cool and calculating Rai Bahadur has thought it fit to obstruct the passage of this resolution on some flimsy grounds. He invokes section 229 of the Government of India Act. He says that the resolution is unnecessary. I say such resolution in the old Council—probably one resolution of a similar nature—was passed in 1936. Khan Bahadur Maulavi Keramat Ali brought forward a resolution in 1936 which was, however, lost and the matter rested there. So I hope it was very necessary that the opinion of the newly constituted Assembly should be sought for in regard to this important matter whether there should be a High Court or not. Of course it will be up to the Assembly to come forward with an address that is contemplated by that section of the Government of India Act. The Rai Bahadur has said that the Calcutta High Court is now serving our Province.



I say that the Calcutta High Court used to serve also Bihar and Orissa before the establishment of the Patna High Court or the proposed Orissa High Court. Then the Rai Bahadur also referred to the fact that there are many urgent projects which have not materialised for want of funds and a High Court is not such an important project that should have precedence over all other projects. I say it will be a mistake. I believe that we must get some projects though there are some unmaterialised projects. Let us have this project first of all, because we find that time is very favourable now. Government is taking a favourable attitude. This is the time; now or never. We must have this much needed project for which we are agitating for a long time. And the Hon'ble the Chief Minister has given facts and figures to show that by this project we are not loser and that we are going to gain. I know that there are other projects. There is the project for a University. We are not asking for that. That will cost 3 or 4 lakhs. There is another scheme—the Primary education scheme which will require crores. There are many other schemes. I beg to submit that the establishment of a High Court is only a stepping stone to the acquisition of other much needed amenities for this autonomous province. I think it is conservatism of that old gentleman that has prompted him to obstruct this resolution. I wish to remind him that “Rome was not built in a day”. The Calcutta High Court has attained this position after many years. Let us hope that this High Court will in time rise to that position. So this position of the Rai Bahadur reminds me of a saying of the Chief Minister of Central Provinces.....

“I would rather have a lusty boy of 18 than a rusty musty old fossil.” I prefer the resolution of our young friend Mr. Datta to the obstinate opposition of Rai Bahadur Promode Chandra Datta.

**KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURY:** আসাম প্রদেশে একটি নতুন হাইকোর্ট স্থাপন করার প্রস্তাব আনয়ন করা হইয়াছে। এই সম্বন্ধে আমার বক্তব্য এই যে আসাম প্রদেশকে একটি অতি ক্ষুদ্র প্রদেশ বলা অন্যায্য নহে; যদিও আয়তনে ইহা অতি ক্ষুদ্র নয় তথাপি ইহার লোক সংখ্যা ইহার পরিধির অন্তর্গতে একান্ত নগণ্য। বিশেষতঃ এই প্রদেশের আয় এত অল্প যে এটি প্রদেশের আয়ের দ্বারা ইহার আবশ্যকীয় ব্যয় সঙ্কলন করা একান্ত কষ্টসাধ্য ব্যাপার। সুতরাং আয়তনে বড় হইলেও আয় এবং লোক সংখ্যার দিক দিয়া আসাম প্রদেশকে ক্ষুদ্র বলিয়া অভিহিত করা অসঙ্গত নহে। সুতরাং হাইকোর্ট কিংবা ইউনিভার্সিটির মত ব্যয় সাধ্য হাতী পোষণ করা এই স্বল্প আয় বিশিষ্ট প্রদেশের সাধাভীত। দ্বিতীয়তঃ নির্দিষ্ট কতিপয় যোগ্য ব্যক্তিকে বাদ দিলে ইহা বলা বাহুল্য নয় যে এখনও এই প্রদেশে পর্যাপ্ত যোগ্য ব্যক্তির অভাব প্রচুর পরিমাণে বিদ্যমান আছে। বিশেষতঃ একান্ত নিরপেক্ষ ব্যক্তি অধিক মাত্রায় না পাওয়া গেলে হাইকোর্টের বিচার কার্য যে একটা শ্রমসনে পর্যাবসিত হইবে ইহার উল্লেখ করাই নিম্প্রয়োজন। অথচ জ্ঞানী, বিদ্বান, বুদ্ধিমান এবং একান্ত নিরপেক্ষ ব্যক্তি যে কি পরিমাণে এই প্রদেশে পাওয়া যাইবে তাহা পূর্বাঙ্কে বলা বড়ই সংশয়ের স্থল। অতএব যোগ্যতাহীন কিংবা অপরিণামদর্শী পক্ষপাত দোষে ভূষ্ট কোন কোন ব্যক্তিকে লইয়া যদি আসাম প্রদেশে হাইকোর্ট প্রতিষ্ঠিত করা হয় তাহা হইলে ইহার পরিণাম ফল যে ভয়াবহ হইবে ইহাতে সন্দেহ করা যায়না। আমার মনে হয় এই সমস্ত কারণাধীন আপাততঃ আসাম প্রদেশে



একটি নতুন হাইকোর্ট স্থাপন করা সমিচীন নয়। বরং যাহাতে আসাম প্রদেশ বাসীগণ কলিকাতা হাইকোর্টের অধীনে থাকিয়া তথায় বিশিষ্ট স্থান অধিকার করিতে পারে তাহার বিহীন ব্যবস্থা করাই আমাদের পক্ষে একান্ত কর্তব্য। অপিচ, যদি কোন কারণে আসাম প্রদেশে হাইকোর্ট স্থাপন করা সাবস্ত হয় তাহা হইলে ইহা কোন স্থানে হইবে তাহা লইয়া ও দুই ভেলীর মধ্যে একটা রেবারেবির ভাণ্ড সৃষ্টি হইতে পারে। আসামবাসী বহুগণ হস্ত গোহাটী বা অন্য কোন স্থানকেই হাইকোর্ট স্থাপনের উপযুক্ত বলিয়া নির্দেশ করিতে পারেন। পক্ষান্তরে সুন্দর ভেলীর জনগণ দিলেট কিম্বা কাছাড়কেই ইহার যোগ্য স্থান বলিয়া দাবী করিতে পারেন। এতদব্যতীত, অর্থাভাবে শ্রীহট্ট সহরে মেডিকেল স্কুল এখনও অসমাপ্ত অবস্থায় পড়িয়া নষ্ট হওয়ার ভয় অপেক্ষা করিতেছে। বিশেষতঃ এই প্রদেশের জনগণ স্থল বিশেষে রাস্তার অভাবে এবং স্থল বিশেষে খাল-নালায় অভাবে অশেষ কষ্ট ভোগ করিতেছে। অধিকন্তু আমরা যে সমস্ত হাজার হাজার দরিদ্র নর-নারীর অবস্থা এবং বিধ্বাস লইয়া তাহাদের প্রতিনিধি স্বরূপ এসেম্বলিতে প্রবেশ করিয়াছি তাহাদের অভাব অভিযোগের কিছু করা এখনও আমাদের সাধো কুলার নাই। এই প্রদেশের লক্ষ লক্ষ নিপাড়িত, প্রপাড়া জনগণ অন্ধাশনে, অনশনে কাল যাপন করিতেছে। তাহাদের গ্রাসাচ্ছাদনের কোন প্রকার সুব্যবস্থা করিতে আমরা এখন পর্যন্ত সমর্থ হই নাই। যমের প্রতিবেশী ভীষণ অর বিমুক্তিকা মহামারীতে আক্রান্ত হইয়া আমাদের মিসংহার ভাই ভগিনীগণ এক বিন্দু পথের অভাবে, এক মাত্রা ঔষধের অভাবে অত্যাশ্রমে পতিত হইয়া সহায়-সম্বল হীন পরিত্যক্ত পথে ভাষাইয়া ইহলোক ত্যাগ করিয়া পরপারে যাত্রা করিতেছে। তাহাদের প্রসন্ন আমরা এখনও কোন সংস্থান করিয়া উঠিতে পারি নাই। অথচ আমরা যদি তাহাদের প্রত্যেক কোন প্রকার সুরাহা প্রস্তুত না করিয়াই ব্যয় বহুল হাইকোর্ট স্থাপন করিতে উদ্যত হই এবং হাইকোর্ট বিলাসী হইয়া পড়ি তাহা হইলে ইহকালে এই দরিদ্র নর নারীর এবং পরকালে তাহাদের ও আমাদের সৃষ্টি কর্তা আত্মার নিকট কি জবাব লইয়া উপস্থিত হইব? আমরা কোন মুখে আবার এই মন্তের স্বর্গ এসেম্বলিতে আসার জন্ত সেই দরিদ্র জন সাধারণের নিঃস্ট এবং পরকালে স্বর্গে যাওয়ার জন্ত তাহাদের ও আমাদের সৃষ্টি কর্তা আত্মার নিকট প্রার্থনা করিব। হুজুরাং আমাদের এখন সর্বপ্রথমে কর্তব্য এই যে যাহাতে এই প্রদেশের দারিদ্রতা বিনাশ হয় এবং যাহাতে দরিদ্র জনগণ সুখ শান্তিতে চারুটা উদ্বারনের সংস্থান করিতে পারে তাহার সম্যক ব্যবস্থা করা। যদি দেশে প্রাচুর্য আসে; যদি অন্নবস্ত্রহীন জনসাধারণের জন্য অন্নবস্ত্রের ব্যবস্থা হয়; তাহাই হইলে, হস্ত এমন একদিন আসিতে পারে যেদিন এইদেশে আর হাইকোর্ট স্থাপন করার প্রয়োজন নাও হইতে পারে। কেননা, দরিদ্রতাই আত্মকলহ বা পিটিগেণের জনক এবং কোর্ট বা হাইকোর্টই ইহার পরিপোষক। অতএব আমি এই সমস্ত কারনিধান আসাম প্রদেশে হাইকোর্ট হওয়া প্রস্তাব সমর্থন করিতে পারিনা; বরং ইহার বোঝন্তর প্রতিবাদ করি।



MR. BAIDYANATH MOOKERJEE: Sir, I have heard the plan prepared by the Hon'ble the Finance Minister with great attention. He has shown us both sides — the credit side and the debit side. So far as the credit side is concerned I do not like to say anything because I have not got any materials in my hand. But so far as the debit side is concerned, he has shown us that if the post of one Commissioner is abolished, in that case some money will be saved or his services may be utilised as a Judge of the High Court, and the cost to the Commissioner's office may be utilised as the cost of the High Court establishment. Sir, I think in his opinion this amount is no cost to this province. But this money can be spent for some other more necessary and urgent purposes. Sir, this plan prepared by the Hon'ble the Finance Minister is not at all encouraging to me, it is full of "Ifs" only. I was rather surprised when he said that the savings of one luxury would be spent for another luxury. I did not expect such a plan, at least from the Hon'ble the Finance Minister. He was trying to build a castle in the air.

Sir, it is for this Hon'ble House to judge his plan, but so far as I am concerned I am not at all satisfied with his plan and the profit he has shown is not at all real. So, I cannot support his plan. With this point I oppose the resolution.

BABU RABINDRA NATH ADITYA: Sir, I would like to explain the position of the Surma Valley Congress-men in this matter before this resolution is pressed to a division.

Sir, we have heard with due attention the arguments advanced by both sides regarding the distinct possibility of establishing a High Court in the province of Assam. Now, it goes without saying that there is a natural aspiration of the Assamese people to be self-contained, and as such in the natural course of things there should be an insistent demand on their part for the establishment of a High Court in Assam, and we say we are in full agreement with their aspirations (*hear ! hear !*). As this question does not actually come up within the purview of the Congress programme we think we would be unjustified if we do not examine the view-point prevailing in the Surma Valley, and therefore, Sir, I rise to explain the position of the Surma Valley Congress members in this resolution.

We desire that the Assam Valley people should have their High Court as they are so much insistent upon it, but for the Surma Valley people the demand is also equally insistent that they should continue to remain under the Calcutta High Court. The reasons are also obvious. Of course it may be that opposition to this resolution to some extent may be due to a misunderstanding or a spirit of distrust prevailing among the members of the two valleys. But we think our position is also legally a bit different from that obtaining in the Assam Valley. The land laws of Sylhet are more complicated and stand on a quite different footing than those of Assam and our land tenure system is more akin to that of Bengal than of Assam, and as such it is only natural that the Surma Valley people would like to remain under the Calcutta High Court. This view of the Surma Valley people has also been expressed sometime ago in a number of protest meetings that were held in the different subdivisions of the Valley.

Now, Sir, as to the practicability of the scheme I think we should not say much, but as to the question of its getting precedence over other schemes of the Government, of course, that is a point on which we also agree to differ. The Hon'ble the Chief Minister has said that this would be a productive investment of the Government, *i.e.*, if we invest some money from the Government exchequer, we also expect it would bring more money for the Government. Sir, the investment in Irrigation Department would be equally,



if not more, productive. Flood problems are also acute in the province and as we have said it is also up to Government to spend money in the Irrigation Department because the expenditure now incurred by the Government on account of the absence of any Irrigation Department to cope with the flood problem is also enormous. He has added something as to the question of likely receipts for the High Court. But I can personally say that some of his reasonings do not really stand to scrutiny. He has said that suits for handnotes that are now filed in the original side of the High Court will come to the Assam High Court. I can say even if there is a High Court in the province of Assam, there is no legal bar to the Marwaries to have their handnotes transferred to Calcutta and have the suits filed in the original side of the Calcutta High Court.

Similarly in probate cases also, if there is a property outside the province, I think there is no legal bar for people to file probate cases there. On these financial questions also I see that there are divergent opinions, and they require deeper consideration. But whatever that may be, I have already said we do not like to put any obstacle in the way of our Assamese friends to have their ambition fulfilled, and as such we like to stand aloof in the matter in the view that our opposition may not prove a hindrance for them.

MAULAVI JAHANUDDIN AHMED: Then why don't you support this resolution?

THE HON'BLE THE SPEAKER: Do you like to continue any longer. I think the resolution has been sufficiently debated.

BABU KAMINI KUMAR SEN: I like to say a few words Sir.

KHAN BAHADUR MAULAVI KERAMAT ALI: I put a similar resolution.

THE HON'BLE THE SPEAKER: The hon. member ought to have spoken before.

MR. NABA KUMAR DUTTA: Sir, can I speak?

BABU KAMINI KUMAR SEN: I also like to say something.

THE HON'BLE THE SPEAKER: The hon. member should have spoken before. However, I shall sit for another 15 minutes and the hon. member can speak for 5 minutes.

BABU KAMINI KUMAR SEN: Sir, at the outset, I must confess that I have every sympathy with the object of the resolution. But, Sir, I do not think that the time is opportune for the purpose. I do not like, however, to enumerate the arguments that have been put forward by the previous speakers against the advisability of taking immediate steps for the establishment of a High Court at present. I agree that there are many urgent and important things to be done before we take steps for the establishment of a High Court. I need not mention all those crying and urgent public demands but I think, Sir, that they should be met before a High Court is established. I would now only refer to the estimate that has been presented before the House by the Hon'ble the Chief Minister. His estimate contains so many "Ifs" and "Buts" that it seems to me not at all possible at present to give effect to that scheme. Firstly, Sir, the Hon'ble the Chief Minister has given an estimate of about two lakhs of rupees as the probable income but he could not enlighten us as to the number of cases that go from Sylhet. There is a proposal for separation of Sylhet and as far as I understand from the attitude of the Hon'ble the Chief Minister he is not also against this proposal. Whatever that may be, Sir, if I remember aright, an assurance was given by the Government to the people of Sylhet when Sylhet was separated from Bengal that as long as Sylhet remains in Assam the people will be able to utilise the services of the Calcutta High Court. Whether Sylhet goes to



Bengal or not, if the people of Sylhet wants that the assurance which was given to them should be kept then what becomes the position, Sir, of his estimate of income? We have heard from Rai Bahadur Promode Chandra Dutt who was the Member-in-charge of Judicial Department and under whom an estimate of the proposed High Court was made that two-thirds of the cases go to Calcutta High Court from the district of Sylhet. Sir, the income of these two-thirds amounts to about one lakh twenty-three thousands of rupees and if it is deducted from the proposed income, then I think, only Rs.66,000 remains on the income side. On the expenditure side many things have to be done before the scheme is actually given effect to. First of all, Sir, as has been pointed out, the resolution if any effect is to be given to it, must be followed by addresses from both the Chambers and a recommendation from the Governor to be submitted to both the Houses of Parliament. So it is not a question that can be settled within a few months. If both the Houses agree to the address, I think, it will take about a year or two to give effect to this.

Then, Sir, the Hon'ble the Chief Minister said that one of the Commissioners may be utilised as one of the Judges. That also will require the sanction of the Secretary of State. We have not yet got that sanction and so, Sir, we do not know where we stand now. Then, Sir, as regards the buildings I do not know whether the building of the Upper House will be sufficient to accommodate even a single court not to speak of the courts of three Judges. I don't think, Sir, that a small building like Upper House can accommodate even an ordinary civil court in our district. So, Sir, the argument that the building of the Upper House can be utilised for the purpose does not seem to me to have any force. It is also not possible for us to utilise a Commissioner as a Judge of the High Court unless we get the necessary sanction from the Secretary of State. So, I think, the scheme that has been submitted by the Hon'ble the Chief Minister cannot be given effect to in the near future and it has no chance of materialisation. With these few words, Sir, I oppose the resolution.

**DR. MAHENDRA NATH SAIKIA:** Sir, I may be allowed one minute time as I have got to deal on one point only. Sir, just now I heard my predecessor saying that two-thirds of cases, that go to the Calcutta High Court come from Sylhet, and also that there is a proposal standing for the separation of Sylhet from Assam as a result of which if Sylhet is separated the income side of the proposed scheme will be greatly affected. I learn, Sir, that Sylhet is a deficit district by 15 lakhs of rupees, and if Sylhet is separated there will be a saving of this sum and will it not be possible to meet the establishment of three or four High Courts with the saving of this 15 lakhs of rupees? With these few words I support the resolution.

**MR. NABA KUMAR DUTTA:** Sir, I have listened carefully to the speeches made by the hon. members both for and against the resolution. I must say that the arguments advanced by my hon. friends opposing the resolution have failed to convince me at all. Sir, a similar resolution was also discussed in the previous Council and most of the members of the Surma Valley opposed it on the ground of finance only but to-day I find that they are advancing other arguments also against the resolution. As most of the arguments have been met by my hon. friend Khan Sahib Maulavi Sayidur Rahman I do not want to take the time of the House but I must point out that all the demands of the people should be met one by one. The establishment of a High Court being the long-standing demand must be met immediately. This demand cannot be rejected on the ground that other



demands have not yet been met. Two or three resolutions were discussed in the previous Council urging the Government for the establishment of a High Court and this alone shows that this is a persistent, consistent and insistent demand of the people of Assam. This is not at all a sentimental one although sentiments play a great part in politics and Government must respect the sentiments of the people. The establishment of a High Court is a sheer necessity and not a luxury. If we have a High Court in Assam, I think, the people of the Surma Valley will derive more benefit from it than the Assam Valley people as there are more litigants in the Surma Valley than in the Assam Valley. With these few words, I commend it to the acceptance of the House.

THE HON'BLE THE SPEAKER: The question is.....

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think, Sir, I have a right of reply.

THE HON'BLE THE SPEAKER: When Government has practically supported the resolution, no right of reply can be given for speaking twice. If Government would oppose it, then of course there ought to be a right of reply. However, the Hon'ble Minister may speak.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: When certain observations have been made, I think, the right of reply can be given.

THE HON'BLE THE SPEAKER: The Hon'ble Minister may, however, speak.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, my hon. friend Mr. Sen said that it was necessary that an address should come from both the Chambers, but a perusal of the rule will show that if after address is presented by one Chamber the Government can take the necessary action. The position of the Government is that if as a result of this debate it is found that the House is in favour of a High Court we shall come forward with an address in this House first.

One point which escaped the notice of this House at the later stage of the debate was the question of economy which might be effected by investing one of the Judges of the High Court with the powers of the Revenue Tribunal. If one of the Judges functions as the Revenue Tribunal then some money will be saved on that count.

I would have had a lot to say in reply to the hon. Rai Bahadur Promode Chandra Dutt, but he is not present in the Chamber, so all that I would say is that when he opposed the resolution during the previous debate he was more concerned with the financial aspect of the question, and we have already shown that our finances will not be affected.

THE HON'BLE THE SPEAKER: The resolution moved is—"This Assembly recommends to the Government of Assam to take immediate steps for the establishment of a High Court in Assam."

The House then divided with the following result :—

AYES—65

NOES—12

- |  |                              |
|--|------------------------------|
| 1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla. | 1. Babu Akshay Kumar Das.    |
| 2. The Hon'ble Rev. J. J. M. Nichols-Roy.            | 2. Mr. Baidyanath Mookerjee. |
| 3. The Hon'ble Srijut Rohini Kumar Chaudhuri.        | 3. Babu Bipin Behari Das.    |
| 4. Kumar Ajit Narayan Dev.                           | 4. Babu Kamini Kumar Sen.    |



5. Srijut Beliram Das.
  6. Srijut Bhuban Chandra Gogoi.
  7. Srijut Bipin Chandra Medhi.
  8. Srijut Debeswar Sarmah.
  9. Srijut Ghanashyam Das.
  10. Srijut Gaurikanta Talukdar.
  11. Srijut Haladhar Bhuyan.
  12. Srijut Jadav Prosad Chaliha.
  13. Srijut Jogendra Chandra Nath.
  14. Srijut Jogendra Narayan Mandal.
  15. Srijut Jogendra Nath Barua.
  16. Srijut Jogeschandra Gohain.
  17. Srijut Kameswar Das.
  18. Srijut Krishna Nath Sarma.
  19. Srijut Lakshesvar Borooah.
  20. Srijut Mahadev Sarma.
  21. Dr. Mahendra Nath Saikia.
  22. Srijut Mahi Chandra Bora.
  23. Mr. Naba Kumar Dutta.
  24. Srijut Omeo Kumar Das.
  25. Srijut Paramananda Das.
  26. Srijut Purandar Sarma.
  27. Srijut Purna Chandra Sarma.
  28. Srijut Rajani Kanta Barooah.
  29. Srijut Rajendra Nath Barua.
  30. Srijut Ram Nath Das.
  31. Srijut Sankar Chandra Barua.
  32. Srijut Santosh Kumar Barua.
  33. Srijut Sarveswar Barua.
  34. Srijut Siddhi Nath Sarma.
  35. Maulavi Muhammad Amjad Ali.
  36. Maulavi Badaruddin Ahmed.
  37. Mr. Fakhruddin Ali Ahmed.
  38. Maulavi Ghyasuddin Ahmed.
  39. Maulavi Jahanuddin Ahmed.
  40. Khan Bahadur Maulavi Keramat Ali.
  41. Khan Bahadur Maulavi Mufizur Rahman.
  42. Maulavi Muzarrof Ali Laskar.
  43. Maulavi Namwar Ali Barbhuiya.
  44. Khan Sahib Maulavi Sayidur Rahman.
  45. Col. A. B. Beddow.
  46. Mr. A. F. Bendall.
  47. Mr. J. R. Clayton.
  48. Mr. W. R. Faull.
  49. Mr. B. I. Barry.
  50. Mr. F. W. Hockenhull.
  51. Mr. D. B. H. Moore.
  52. Mr. R. A. Palmer.
  53. Mr. Benjamin Ch. Momin.
5. Babu Lalit Mohon Kar.
  6. Rai Bahadur Promode Chandra Dutt.
  7. Maulavi Abdul Aziz.
  8. Khan Bahadur Hazi Abdul Majid Chaudhury.
  9. Maulavi Abdur Rahman.
  10. Maulavi Dewan Muhammad Ahab Chaudhury.
  11. Khan Bahadur Maulavi Mahmud Ali.
  12. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.



54. Srijut Bhairab Chandra Das.
55. Srijut Bideshi Pan Tanti.
56. Srijut Binode Kumar J.  
Sarwan.
57. Srijut Dhirsingh Deuri.
58. Rev. L. Gatphoh.
59. Mr. C. Goldsmith.
60. Mr. Jobang D. Marak.
61. Srijut Karka Dalay Miri.
62. Srijut Khorsing Terang.
63. Mr. P. Parida.
64. Srijut Rabi Chandra Kachari
65. Srijut Rupnath Brahma.

(The Ayes being 65 and the Noes 12, the resolution was carried.)

The Assembly was then adjourned till 11 a.m., on Thursday, the 16th December 1937.

SHILLONG :

*The 21st December 1937.*

A. K. BARUA,

*Secretary, Legislative Assembly, Assam.*