

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

The Assembly met at the Assembly Chamber, Shillong, at 2 p.m., on Friday, the 27th August 1937

THE HON'BLE THE SPEAKER : I propose to give my ruling, and my plan is that we shall first go on with starred questions that are standing over from the 25th, and after the starred questions are answered, I want to give my ruling.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Forest revenue of Assam, allowance for forest officers in Garo Hills and the headquarters of Forest Engineer

SRIJUT BELI RAM DAS asked :

*226. (a) Is it a fact that there is no allowance in Garo Hills for Forest Officers ?

(c) Is it a fact that Office Inspection of this Forest Division is made from Damra for several years back ?

(d) Is it a fact that the interior localities of the Garo Hills contain valuable forests ?

(e) Was Damra in charge of a Senior Ranger and an Extra Assistant Conservator of Forests in the past years, and is it now in charge of a Ranger fresh from College ?

(f) Will the Hon'ble Minister in charge be pleased to state whether the charges of some important Ranges are held by Deputy Rangers in the Garo Hills ?

*227. (a) Will Government please state why Mr. Harrison has been appointed Forest Engineer ?

(b) Will the Hon'ble Minister in charge please state why the headquarters of the Forest Engineer has been transferred from Kachugaon to Shillong and the reasons for his inclusion in the regular Forest cadre ?

(c) Is it a fact that there is no particular allotment of work for the Extra Assistant Conservator of Forests ?

(d) Will the Minister in charge be pleased to state why their services should be wasted by frequent moving ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

226. (a)—Yes.

(c)—Yes, for reasons of economy.

(d)—Yes, in the Forest reserves.

(e)—Damra has been in charge of Senior Rangers and Extra Assistant Conservator of Forests. It is now divided into two charges and one of these new Ranges is in charge of a Ranger joined from College in 1932.

(f)—Yes—two. There are not sufficient Rangers in Assam to appoint one to each of the Ranges—nor is this necessary.

227.(a)—Mr. Harrison was appointed Forest Engineer in November 1927 to deal with forest engineering problems in the Province and particularly to supervise and exercise control over the Goalpara Forest Tramway.

(b).—The Headquarters of the Forest Engineer were fixed at Shillong from the date of his appointment. His transfer to the regular Indian Forest Service cadre was sanctioned by the Secretary of State when the post of Forest Engineer was abolished under the recommendations of the Retrenchment Committee.

(c).—No.

(d).—They are only moved in the interest of public service.

KUMAR AJIT NARAYAN DEV: What are the functions of the Forest Engineer?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is no Forest Engineer now.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Is it a fact that Mr. Harrison has been in charge of the Dibrugarh Forest Division?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: These things are all given in the reply. His transfer to the regular Indian Forest Service cadre was sanctioned by the Secretary of State when the post of Forest Engineer was abolished under the recommendations of the Retrenchment Committee.

SRIJUT DEBESWAR SARMAH: Is Government contemplating a scheme of a duty or work for the controlling staff of the Forest Division?

THE HON'BLE THE SPEAKER: The question does not arise.

Steps to be taken to increase the production of raw materials

MR. KEDARMAL BRAHMIN asked:

*228. Will the Hon'ble Minister in charge of Agriculture please state—

(a) What steps he has taken to increase the production of the raw materials, as paddy, jute, mustard, etc., in Assam?

(b) Whether the demand of *Lahi* paddy from Bihar and United Provinces is on the increase?

(c) If so, is there sufficient quantity of *Lahi* paddy produced in Assam to meet this demand?

*229. Is it a fact that some spices in particular, chillies, *Dhania*, *Souf* can be produced in Assam on commercial scale?

*230. Will the Hon'ble Minister in charge of Agriculture please state what steps does he propose to take—

(a) to increase the production and supply of raw material available in Assam?

(b) to increase the production of *Lahi* paddy? and

(c) to increase the cultivation of spices mentioned in question No. 229?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied:

228. (a)—The Department of Agriculture has evolved a number of improved varieties of paddy and jute which give a higher outturn than local varieties. The Department also carries out a large number of demonstrations to popularise these varieties among the cultivators. No action has been possible in the case of mustard.

(b)—The only information that Government have is that the figures for import of paddy of all kinds into Bihar and Orissa from Assam indicate an increase in the demand of paddy from that province.

(c)—Government have no information.

MAULAVI SYED ABDUR ROUF: Have Government devised any means of protecting mustard from insect pest?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I am not aware of that, Sir.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied:

229.—Government are aware that some of these spices, particularly chillies can be grown profitably by the cultivators.

230. (a), (b) & (c)—Increased production largely depends on the efforts of the cultivators and the extension of cultivation. All that the Agricultural Department can do and is doing is to supply improved varieties of seeds and to demonstrate their utility.

MAULAVI SYED ABDUR ROUF: Can *Lahi* paddy be grown in low-lying lands?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Does that question arise, Sir?

THE HON'BLE THE SPEAKER: The question arises.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I may inform that it does not grow in low-lying lands.

Recruitment of 5 Satnami people for the Bandarchalia Tea Estate

SRIJUT KRISHNA NATH SARMAH asked:

*231. Will Government be pleased to state—

Whether five Satnami people were recruited from Doorug Zilla to the Bandarchalia Tea Estate under undue influence, fraud and misrepresentation and that after their arrival in the garden they were given hard labour and classed as *chamars*? Is it a fact that they filed petition before the District Magistrate, Sibsagar, for repatriation at the cost of the garden, to their homes?

(a) Is it a fact that the garden Manager was asked to report and that on their return from the court to the garden, the manager severely assaulted them with kicks and blows and snatched away all their belongings and drove them away from the garden and which fact they again brought to the notice of the District Magistrate?

(b) Is it a fact that the Deputy Commissioner of Sibsagar made a personal enquiry into the garden and could not persuade the authorities to pay the cost of repatriation and discharged the people to go wherever they liked?

Is it a fact that there are two children among them?

Has the matter been reported to the Government of Assam?

(c) Will Government be pleased to enquire into the matter and give redress to the parties? Has Government any information about the whereabouts of the people at present?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

231.—The Deputy Commissioner held an inquiry into this matter, but as it was held in the absence of the labourers owing to their having left the garden without announcing their destination, Government are asking him to find out their present whereabouts and hold a fresh inquiry in their presence.

SRIJUT KRISHNA NATH SARMAH: Is it a fact that they were brought to garden by undue preference and misrepresentation?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I cannot say that. It is for this reason we are holding another inquiry in the presence of the labourers.

SRIJUT KRISHNA NATH SARMAH: Will it be possible to have the labourers present at the time of the inquiry as they have left the place already?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: When the Deputy Commissioner was holding the inquiry these labourers were not found and also it was not known whether they have left the province or whether they are living in some other parts of the district. So we have asked the Deputy Commissioner to try to find out these men so that the inquiry may be held in their presence.

Remission of land revenue and grant of gratuitous relief to the cyclone sufferers

SRIJUT KRISHNA NATH SARMAH asked :

*232. (i) Will Government be pleased to lay on the table the papers showing—

- (a) The amount of land revenue remitted to the cyclone sufferers and the list of persons in whose favour payment of land revenue are to be exempted?
 - (b) The amount of gratuitous relief granted and the list of persons who are so provided?
 - (c) The date of supply of *Aus* paddy, the quantity granted, as well as the quantity of *Sali* paddy seeds granted free and the date of the supply of the same?
 - (d) The quantity of sugarcane setts supplied and the date of supply?
 - (e) The report of the Deputy Commissioner and the Commissioner in connection with the enquiry and to the extent of damage?
- (ii) Do Government propose to re-classify the lands? If so, for what period?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

232. (i) (a)—The total remission of land revenue amounts to Rs.2,939. Government do not consider it desirable to publish the names of persons to whom gratuitous relief was given in the interests of the persons themselves.

(b)—A sum of Rs.400 has been placed at the disposal of the Deputy Commissioner for gratuitous relief.

(c)—Up to 21st July 1937 a quantity of 1,899½ *dons* of paddy had been distributed. Twenty maunds of *Aus* seeds were distributed before the end of March and 20 maunds of *Sali* seeds by the first week of July by the Agricultural Department.

(d)—Five thousand setts of sugarcane were supplied by the Agriculture Department in the first week of July.

(e)—Copies are laid on the Library table.

(ii)—It appears from the Deputy Commissioner's report that the classification of lands affected is proposed to be reduced for a period of 10 years.

SRIJUT KRISHNA NATH SARMAH : Has the money placed at the disposal of the Deputy Commissioner for gratuitous relief been spent ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I want notice of that question, Sir. As far as my impression goes the amount placed at the disposal of the Deputy Commissioner has not yet been fully spent.

SRIJUT DEBESWAR SARMAH : Was it, Sir, in addition to the amount that was raised locally ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : This amount has been given by Government on the recommendation of the Deputy Commissioner because the Commissioner also went to the locality and in consultation with the Relief Enquiry Committee and taking into account their figures he told that Rs.400 will suffice for the present.

SRIJUT DEBESWAR SARMAH : Does it include or not the amount that was locally raised ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : It does not include the amount that was locally raised.

SRIJUT DEBESWAR SARMAH : Is it a fact that the Local Inquiry Committee assessed the loss after taking into calculations all the facts and figures at Rs.36,000 or thereabout ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I do not remember that. I think they submitted a report and the Deputy Commissioner's report is that the President of the Relief Committee admitted that his calculations were based on wrong figures.

SRIJUT DEBESWAR SARMAH : Will the Hon'ble Minister be pleased to take it from me that things are not exactly like that. Formerly the Local Relief Inquiry Committee took certain damages of block accounts nature and when this was deducted the amount came down to Rs.36,000 or thereabout. Will the Hon'ble Minister be pleased to state what was the basis of calculations on which this amount of Rs.400 was granted ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : Sir, the Deputy Commissioner took the value of the trees and the land as the basis of calculations, as they did in the land acquisition proceedings. This was the basis which was taken into consideration by Government.

SRIJUT DEBESWAR SARMAH : Will the Hon'ble Minister be pleased not to take this matter as finally closed and will go into the matter again in view of the fact that this official report is not correct ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : So far as Government is concerned the matter is not finally closed. If any deserving case comes for gratuitous relief it will be given.

Amount of Travelling Allowance drawn by Judge, Assam Valley Districts

SRIJUT DEBESWAR SARMAH asked :

*233. Will Government be pleased to state—

- (a) The amount drawn as travelling allowance by the District Judge, Assam Valley Districts, from his headquarters station at Gauhati to Dibrugarh while on tour on duty and the time taken on transit ?
- (b) The amount drawn by the District Judge as travelling allowance from Gauhati to Nowgong ?

- (c) The amount drawn as travelling allowance by the Additional District Judge, Assam Valley Districts, from his headquarters station at Jorhat to Dibrugarh while on tour on duty and the time taken on transit ?
- (d) The amount of travelling allowance drawn by the Additional District Judge, Assam Valley Districts, from Jorhat to Nowgong ?
- (e) How many trips did the District Judge take from Gauhati to Dibrugarh during the last 24 months ending on June 30th last and number of days he stayed at Dibrugarh in each trip ?

*234. If the amount in (a) above is greater than that in (c) above, will Government be pleased to state the reasons for this difference and if it could not have been avoided ?

*235. With a view to avoid waste of public money do Government propose to issue necessary directions for so framing the tour programme of the District and Additional Judges as to ensure economy and efficiency ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

233. (a), (b), (c) & (d)—It is not clear from the hon. member's question for what period the information is wanted.

(e)—Nine trips (including one trip in connection with the election case)—

1st trip	...	...	...	36 days
2nd trip	...	...	...	17 "
3rd trip	...	...	...	24 "
4th trip	...	...	...	19 "
5th trip	...	...	...	11 "
6th trip	...	...	...	15 "
7th trip	...	...	...	13 "
8th trip	...	...	...	9 "
9th trip (in connection with election case)	...	...	...	5 "
Total ...				149 "

KHAN BAHADUR MAULAVI KERAMAT ALI: Is the Hon'ble Minister aware that Additional Sessions Judge of Jorhat exercises his jurisdiction also at Dibrugarh ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir, with regard to certain cases he does so.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is it a fact that the Additional Sessions Judge of Jorhat tries all the cases including the murder cases ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I cannot say that, Sir.

KHAN BAHADUR MAULAVI KERAMAT ALI: Cannot the Additional Sessions Judge try murder cases ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I suppose, he should try murder cases also.

KHAN BAHADUR MAULAVI KERAMAT ALI: Can he not therefore be entrusted with all the sessions cases and appeals at Dibrugarh ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: He is also an Additional Judge and has got to hear appeals from Sub-Judges and other Officers.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is not the Additional Sessions Judge entitled to hear appeals from the Sub-Judges?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Is not most of the time of the Additional Sessions Judge is taken in trying the cases at Jorhat?

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Minister take it from me that the Additional Sessions Judge has ample time to hear all these appeal cases if he is only allowed to do so by the Judge?

No reply.

SRIJUT DEBESWAR SARMAH: Will the Hon'ble Minister be pleased to admit that it will be more economic for Government if the Additional District Judge takes up the cases of Dibrugarh and Nowgong from Jorhat?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, Sir.

SRIJUT DEBESWAR SARMAH: What is the basis of the Hon'ble Minister's reply? The railway fares from Gauhati to Dibrugarh will certainly be greater than the fares from Jorhat to Dibrugarh.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In that case it will require the appointment of another Judge.

KHAN BAHADUR MAULAVI KERAMAT ALI: May I know from the Hon'ble Judicial Member why the appointment of another Judge will be necessary in that case?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Because the District Judge does a lot of work to do for Dibrugarh and if the Additional Judge is required to do all that, then the work at Jorhat will be at a standstill and therefore we will have to appoint another Judge.

SRIJUT DEBESWAR SARMAH: Sir, will it be correct if I take it that the reason for the frequent trips of the learned District Judge to Dibrugarh is due to the charm of the Dibrugarh river side Bungalow?

KHAN BAHADUR MAULAVI KERAMAT ALI: And the local club also?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think my hon friends are absolutely wrong.

SRIJUT PURNA CHANDRA SARMA: Will it not be economy to have a District Judge's court at Nowgong?

No reply.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

234.—Does not arise.

235.—Government are unable to accept the suggestion of the hon. member. They have no doubt that the Judge arranges the programme of the work of the six districts in his charge with proper regard for economy and efficiency.

Cost of Paddy cultivation and the average outturn of paddy cultivated under the Agricultural Department

SRIJUT KRISHNA NATH SARMAH asked:

*236. Will Government be pleased to state—

- (a) The cost of paddy cultivation per acre and the average outturn of paddy cultivated under the Agricultural Department?
- (b) Cost of the same and the average outturn of the paddy cultivated by the agriculturist?
- (c) Yield per acre of sugarcane and their quality cultivated under the Agriculture Department and by ordinary cultivators?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN replied :

236. (a) and (b)—This depends on the locality, the type of paddy grown and the season. The compilation of the figures would require a very large amount of labour which will not be commensurate with the result obtained.

(c)—The same applies to sugarcane also but to a lesser degree, as the cultivation is limited to a few localities and there is only one Government Farm. The outturn of *gur* from different varieties on the Government Farm vary in an average season from 60 to 80 maunds and the quality is superior to that of the *gur* of the cultivator. The average normal outturn of the province, of *gur* obtained by cultivators in the plains districts is 32·7 maunds.

SRIJUT KRISHNA NATH SARMAH: Is the Department carrying on experiments without any estimate of the cost or expenditure per acre ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: The Department must have got its own estimate.

SRIJUT KRISHNA NATH SARMAH: Is it not possible to give the estimate and publish it ? Is it confidential ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: No, Sir.

SRIJUT KAMESWAR DAS: Is it not a fact that the cultivation in the experimental farms are being run at a loss ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I take it to be so.

Match Factory of Dhubri

MR. FAKHRUDDIN ALI AHMED asked :

*237. (i) Are Government aware that the workers in the Match Factory of Dhubri have been on strike for the last seven months ?

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

- (a) Whether Government are aware of the causes of this strike and the grievances of the workers of the said Factory, if so, what are they ?
- (b) Whether Government have ever attempted to bring about a settlement between the workers and the employers ; if so, when and in what way ?
- (c) Whether the suggestion put forward by the Hon'ble Revenue Minister during his recent visit to Dhubri of referring the matter of dispute to an arbitration Board was accepted by the workers or by the Company or by both ; if not, by whom ?
- (d) Whether eighteen office bearers and two members of the workers' union were made special Constables by the Deputy Commissioner of Goalpara ; if so, when, for what reasons and under whose instructions ?
- (e) Whether Government consider the advisability of taking steps to bring about a settlement of dispute between the workers and the company and of issuing orders to the Deputy Commissioner for the withdrawal of order making the said persons special constables ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

237. (i)—Yes.

(ii) (a)—Yes. The demands of the workers were set forth in the following terms on 10th November 1936 in their letter to the Manager—

- (1) That no worker must be given such work as may go against his social status or may be insulting to him.

- (2) That the representatives on a deputation should be offered seats when holding a discussion with the authority.
- (3) The average wage should be paid to any worker who is detained after he has finished his day's work and got leave.
- (4) That if any worker is given the work which is usually done by two workers, he should be paid double wage for it.
- (5) That the salary of the gate keepers of the factory be increased by Rs.3 a month in the least.
- (6) That the salary or wage of every worker should be increased by 10 per cent. without delay.
- (7) That the authorities of the Company should recognise the Workers' Union.

(b)—Yes: the Deputy Commissioner, Goalpara, had been endeavouring from the beginning of the strike to bring about a settlement by meeting the Manager and the workers from time to time and also such M.L.As. and others who had interested themselves in this affair.

(c)—An application for the appointment of an Arbitration Board was made on behalf of the workers. The terms set forth by them as a condition precedent to the formation of the Board were not accepted by the Management.

(d)—Twenty persons were made special constables by the Deputy Commissioner. It is not known how many of them were members of the workers' union; they were not singled out as such but only the help of those who were likely to be useful was taken. The Deputy Commissioner took this action under section 17 of the Police Act V of 1861, in view of the assaults which were taking place and the fear of further disturbance which prevailed in the town of Dhubri.

(e)—The question of bringing about a settlement between the workers and the Company is under the consideration of Government. The Deputy Commissioner withdrew his order appointing the special constables on 9th July 1937.

MR. FAKHRUDDIN ALI AHMED: With regard to (ii) (a) may I know what is the basis of the Hon'ble Minister's information?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: These are the demands of the workers set forth in their letter to the Manager. From that letter we have got this information.

MR. FAKHRUDDIN ALI AHMED: What I want to know is whether the Hon'ble Minister got these details from the Manager or from some other source?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have got this information from the Deputy Commissioner.

MAULAVI MUHAMMAD AMJAD ALI: With regard to (d), appointment of special constables, was it only to humiliate the ring leaders of the strike or that the Deputy Commissioner anticipated certain acts of high-handedness on the part of these men?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, not with any idea of humiliating the ring leaders, but some of the strikers were appointed special constables because they were supposed to have some sort of control over the other workers, so that further assaults could be prevented.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware that cases were started against certain persons for not carrying out the orders of the Deputy Commissioner?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not aware of that. But some cases were started and those cases ended—one in acquittal, and the other case ended in conviction.

MR. FAKHRUDDIN ALI AHMED: Am I to understand that the order appointing special constables has been withdrawn?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir it has been withdrawn on the 9th July 1937.

MR. FAKHRUDDIN ALI AHMED: Does the Hon'ble Minister consider the desirability of ordering release of those people who were convicted under that order?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No such case has been brought to my notice, but I may perhaps inform the House that some cases were pending under the Police Act, and those cases have been withdrawn.

MR. FAKHRUDDIN ALI AHMED: May I inform the Hon'ble Minister that the case against one person was withdrawn, while 2 people were convicted under that order?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am not aware of that. As far as I can recollect, those cases which ended in conviction were under section 147, Indian Penal Code.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister make an enquiry into the matter and, if he finds that people were in fact convicted under that order, will he be prepared to pass orders for their release?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I shall make an enquiry as to whether people were convicted for that offence.

Names of officers of the Imperial and Provincial Services.

MR. FAKHRUDDIN ALI AHMED asked:

*238. Will Government be pleased to state:—

- (a) The names of officers of the Imperial Services and the Provincial Services who have held the posts of (i) District Officers in Hill Districts, (ii) Subdivisional Officers in Hill Subdivisions?
- (b) Whether competent Indian Officers were available for holding the appointments mentioned in (a) above?
- (c) Whether Indian Officers have been excluded from being given these appointments; if so, on what grounds?
- (d) Whether such discrimination is in conformity with any provision or rule of Government of India Act, 1935; if so, under which section?
- (e) Whether Government will in future appoint suitable Indian Officers, whenever available, to these posts?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

238. (a)—The hon. member is referred to the Assam Civil Lists which give the required information.

(b)—Indian Officers have on occasion been given such appointments, but as a rule European or Anglo-Indian officers are selected, as they are found more suitable for the particular type of work involved and find the isolation and inevitable hardships less irksome.

(c)—No.

(d) & (e)—Postings are made by the Governor in his individual judgment under section 246 (2) (b) of the Act, which leaves the choice of officers entirely open.

MR. FAKHRUDDIN ALI AHMED: On what authority does the Hon'ble Minister say that the Indian Officers do not like to go to those places ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: When Indian Officers are posted to these hill subdivisions they all complain that they cannot get any society and that their children do not get education.

MR. FAKHRUDDIN ALI AHMED: Does the Hon'ble Minister mean that Indian Officers posted in other places get better society ?

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

SRIJUT PURNA CHANDRA SARMA: Is it a fact that European Officers also complain of those places ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sometimes, but not generally.

MR. ARUN KUMAR CHANDA: As a punitive measure, cannot the Indian Officers be sent to those places ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Does that question arise, Sir ?

MR. FAKHRUDDIN ALI AHMED: Does the Hon'ble Minister mean to say that the Indian Officers at Shillong are not capable of getting better society ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There are Indian Officers in Shillong.

MR. ARUN KUMAR CHANDA: Is the convenience of Indian Officers always taken into consideration in the matter of postings ?

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

SRIJUT PURNA CHANDRA SARMA: Does the Hon'ble Minister mean that Indian Officers always complain about solitude ?

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

SRIJUT DEBESWAR SARMAH: What is the particular type of work for which these European and Anglo-Indian Officers are particularly suitable ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The question is as regards District Officers in Hill Districts and Subdivisional Officers in Hills Subdivisions. No Indian Officer would like to go to Mokokchang in the Naga Hills or Lungleh in the Lushai Hills.

SRIJUT DEBESWAR SARMAH: What about Shillong ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: They are not debarred from being posted to Shillong ; if suitable, they will be appointed.

SRIJUT DEBESWAR SARMAH: The Hon'ble Chief Minister has said that these European and Anglo-Indian Officers are suitable for the type of work in the hills. May I ask the Hon'ble Chief Minister to enlighten the House as to the particular type of work that they are required to do ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: These officers are required to tour throughout these areas. In these places which I have mentioned like Mokokchang and Lungleh there is no road and they have got to either walk or use ponies ; also the ordinary Indian food-stuffs are hardly available in these places.

RULING OF THE HON'BLE SPEAKER WITH REGARD TO
THE POINT OF ORDER RAISED BY THE HON'BLE CHIEF
MINISTER ON THE ADMISSIBILITY OF CERTAIN CUT
MOTIONS.

THE HON'BLE THE SPEAKER: Order, order. We have now devoted the first half of this hour to questions. As it is the wish of the House that the next half hour I should take in giving my ruling on the point of order raised the other day, I propose to proceed now to give my ruling—

On the 17th August last Demand for Grant No.9—General Administration—was passed by the House subject to a reduction of the amount of the demand by Rs.78,446. The motion for reduction was moved by hon. Maulavi Abdur Rahman and was in the following terms:—"That the provision of Rs. 78,446 under Grant No. 9—Major head—25.—General Administration, Minor head—R.—Commissioners (total), at page 69 of the Budget, be refused". The effect of the vote of the House has been that the entire amount shown as voted under the unit of appropriation described in the budget as Minor head—R.—Commissioners—has not been voted by the House, with the result that there is the verdict of the House that no expenditure should be incurred on any of the minor items for which the sum of Rs. 78,446 was provided under the said head.

On the 19th August last the Hon'ble the Finance Minister, when the demand on Land Revenue was under discussion, raised a point of order to the effect that a cut proposed on a demand for grant cannot be in the form in which the aforesaid cut motion was moved. His contention is that such a cut motion proposes really to omit an item of expenditure shown in the estimate for the demand and is *ultra vires* of the provision of the Government of India Act. His contention is based, as he said, on the language of sub-section (2) of section 79 of the Government of India Act, which provides for the submission of the estimates relating to expenditure other than expenditure charged on the revenues of the province in the form of demands for grants to the vote of the Legislative Assembly and lays down that the Legislative Assembly has power to assent, or refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein. In support of his contention he referred to section 72 D, sub-section (2) of the Government of India Act, 1919, which provided that the Provincial Council might assent, or refuse to assent, to a demand, or may reduce the amount therein referred to, either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed, and pointed out the difference of language between this section and section 79(2) of the present Government of India Act. He contended, therefore, that under the present power which was given by the Act of 1919 of cutting down or omitting any of the items of expenditure of which the grant is composed. In this connection he also referred to sub-section (6) of section 67A of the same Act which relates to Indian budgets. It is worded as follows:—"The Legislative Assembly may assent to, or refuse to assent to, any demand, or may reduce the amount referred to in the demand by a reduction of the whole grant".

From the difference here also of language as is seen between this section and sub-section (2) of section 72D of the Government of India Act, 1919, he argued that in the Indian Legislative Assembly, members have not been

given the right to cut down or omit any item of expenditure shown under a grant. The Hon'ble Finance Minister also referred to the rule of this Assembly, and pointing out rule 91(2) of this Assembly Rules, Part (II) contended that cut motions on individual items of expenditure are not allowed according to law. He also indicated in his speech his idea of the procedure in this respect in the House of Commons of the British Parliament, and he said "The House there, is allowed only to indicate its own wish on particular questions of policy, but that the House is not allowed to attack each individual item of expenditure. For example, they cannot say whether a clerk should be retrenched here or a chaukidar appointed there".

I allowed the point of order thus raised to be discussed on the floor of the House on the 20th of August, and in the course of the discussion the Hon'ble Finance Minister reiterated in a more elaborate way the points he mentioned on the date on which he raised the point of order. From what the Hon'ble Finance Minister said it appears that he admits that if the Assembly chooses to reduce the amount specified in the demand by the amount allotted to an item of expenditure under that demand, the reduction would stand ; but that the decision that there should not be any expenditure on the item the amount allotted to which is thus omitted will be *ultra vires* of the provision of the section. What he said in effect is that the House may discuss the reasonableness or unreasonableness of an item of expenditure and might even go to reduce the amount of the grant by the amount allotted to that item but that the discussion which leads the House to such a line of action will have no binding effect upon the decision of the Government. The House also understood the Hon'ble Finance Minister to have raised the point of order that such cut motions for cutting down or omitting items of expenditure shown in the estimates of "grants are not justified by the right which has been given to the House by section 79(2) of the Government of India Act, as is apparent from the speeches that were delivered by the other hon. members of this House on the point of order raised. Really the whole discussion was directed to the question of the right which the House possesses under the provision of section 79(2). Having regard to the far-reaching effect of the point of order, which the Hon'ble Finance Minister himself said required careful consideration of the Chair and of the House, I felt that it would be of great help to the House to hear the Advocate General of the province on the question raised. Accordingly, I suggested to the Hon'ble Finance Minister that he should make such arrangement as might make it possible for the Advocate General to come and address the House under section 64 of the Government of India Act. If it were really a point of order which required a ruling merely with regard to the form of the cut motion, I would have felt no necessity for any guidance from the Advocate General. I felt that a substantial question as to the right of the House was involved in the matter and that was the real point for decision.

The learned Advocate General of the Province Sir A. K. Roy, Kt., addressed the House on the 25th August last and what light he has thrown on the point raised will be shown as I proceed to examine the point of order.

As I have pointed out that the point of order involved a question of the right of the House it may be formulated in the following terms : Whether the Assembly is entitled to table a motion to cut down or reject an amount of expenditure allotted to one of the items composing a grant, and whether the decision of the House in case such a motion be carried as to the manner in which the reduction is to be given effect to, would be binding upon the executive Government.

The right of the Legislative Assembly in regard to the estimates of expenditure as relate to the expenditure charged upon the revenue of the province and also in regard to estimates of other expenditure is contained in section 79 of the Act. It is only a right of discussion, that is a right of scrutiny by every individual member of the Assembly in regard to estimates of expenditure charged upon the revenues of the province which has been given to the Assembly, subject to the limitation that the salary and allowances of and other expenditure relating to his office for which provision is required to be made by Order in Council is not to come under that scrutiny. But with regard to estimates as relate to other expenditure than the expenditure charged on the revenues of the province, the Legislative Assembly has been given a very substantial right which is a right not only to discuss but to vote. And this right is provided for in sub-section (2) of section 79 of the Government of India Act. How that vote is to be exercised is expressed by the phraseology that the Legislative Assembly shall have power to assent or refuse to assent to any demand subject to a reduction of the amount specified therein, which means that the Legislative Assembly has power either to refuse to sanction the estimates shown under a demand as a whole or to sanction the demand subject to a reduction therein. The value of this right is fully realised from section 80 of the Government of India Act which requires the Governor to authenticate by his own signature a schedule specifying the grants made by the Assembly. This schedule is to be really a document for the use of the executive in running the administration and is to contain what are authorised expenditure after the budget estimates emerge from the Assembly after discussion and voting in compliance with the provisions of section 79 of the Act. Subject to the provisions in section 81 providing for supplementary grants no expenditure from the revenues of the province shall be deemed to be duly authorised unless it is specified in the schedule. There is the further provision in the section that an item of expenditure relating to one of the special responsibilities of the Governor, if rejected or reduced by the Assembly, may be restored and shown in this schedule by the Governor in case he finds the reduction or the rejection of the expenditure will affect the due discharge of any of his special responsibilities. With this exception the schedule is to conform to the vote of the House and is to contain a specification of authorised expenditure as is provided for by sub-section (3) of section 80. The total amount of a grant passed or reduced by the House is certainly not specification of expenditure which really means specification of the items of expenditure passed by the House (*hear, hear*), and reasonably, therefore, the authenticated schedule of the authorised expenditure should be a specification of expenditure in the same way as budget estimates with the changes made by the vote of the House showing the reduction or rejection of the expenditure as decided upon by the House.

This being really the manner in which the authenticated schedule under section 80 should be prepared giving full effect to the vote of the Assembly on the estimates of budget demands, I naturally put a query to the Advocate General if the item for which the expenditure has been refused would be shown as an existing item of expenditure in the authenticated schedule. He did not answer to say that the item need not be shown; but he only said that the amount of the grant reduced would be only shown in the authenticated schedule. Perhaps he did not notice what was required by sub-section (3) of section 80,—that is a “specification of expenditure” It is really the provision of section 80 which provides for the finality of the

decisions of the Legislative Assembly on the budget estimates under the provisions of section 79 (2) except in regard to expenditure relating to special responsibilities of the Governor.

Now the whole point of order raises the question what really is the nature of the right of the Legislative Assembly to "assent to a demand subject to a reduction of the amount mentioned therein". One thing is very clear, whatever portion of the amount provided for the grant the Legislative Assembly will refuse to sanction will be a reduction of the whole amount of the demand. It is only how the reduction is to be effected is really the question. When the right of applying the searchlight of scrutiny is given to the Legislative Assembly with regard to all the items of expenditure shown under a demand and along with that the right to refuse a demand the question is whether the reduction the House will agree to, by whatever amount it may be, should have no relation in its ultimate effect, so far as the Executive Government is concerned, to the discussions which lead the House to decide upon a reduction. A right of scrutiny gives the Legislative Assembly the right of examining whether the expenditure estimated for any of the items shown under a demand is reasonable or not, or whether any item provided for is at all necessary. And it is in exercise of that right that the Assembly decides how much of the amount allotted to an item of expenditure is to be reduced, or whether the entire expenditure provided for an item should be retained or not. It is by this process of discussion that the Assembly gives its verdict as to the extent to which the amount mentioned in the demand should be reduced. That this is really the right given by the sub-section (2) of section 79 has been, in substance, admitted by the learned Advocate General in his speech. Of course the learned Advocate General concerned himself more with the form of the motion than with the right that should dictate the form. From what he said, it is, however, unmistakably clear that the House is entitled to indicate and give its verdict that a particular sum allotted for an item of expenditure composing a grant should not be spent (*hear, hear*). The House had the right to know from the learned Advocate General whether their verdict in this respect can be flouted by the Executive Government. He avoided to answer a query in that behalf of the hon. member Raj Bahadur Promode Chandra Dutt and he said it was a legal aspect of the question for which he would give his advice to the Government when called upon. It is really unfortunate that the learned Advocate General could not find it possible to answer the point but he only asserted that the point did not arise. To my mind the point does really arise and the hon. members of the House have a right to know where they stand in regard to this matter of a far-reaching importance. A clear conception of this right under the constitution given by the present Government of India Act is necessary for the due discharge of the duties of the hon. members of the Assembly by their constituencies. They know their right under the Act and have exercised the right by refusing an item of expenditure under a grant. But when it is being questioned they have a right to claim a clear elucidation of their right from the Chair and, therefore, I propose to address myself to this aspect of the question. If the contention is right, the reduction sanctioned by the Assembly will stand so far as the Government is concerned but that the decision of the House that the expenditure on an item is to be omitted or to be reduced is not to be given effect to by the Government, then the Executive Government is given the right to accommodate the item omitted or reduced within the grant by reducing the expenditure sanctioned for other items and allowing a sum for the item omitted. Certainly, if this is to be the ultimate

effect, it would go to show that the Parliament intended to give power to the Government to alter, and sometimes very substantially, the destination of the expenditure for other items of the grant which the Assembly did not like to touch, and thus resist the application of the valuable power given to it for exercising control over the executive. The rules regarding reappropriation should not be called into aid by the Government with the consequence of carrying on a service which the Assembly has decided to abolish or to reduce. It is further plain that the refusal of the whole amount of a demand, which is within the right of the Legislative Assembly, is tantamount to a refusal of the expenditure allotted to different units of appropriation composing the grant. This refusal of a total grant is binding on the executive. Therefore, it is not perceived why the reduction of expenditure on an item, or a total refusal thereof by the Assembly should not similarly be binding on the executive. Rather it appears inexplicable and even paradoxical that the rights which the Legislative Assembly possesses should stand thus restricted in regard to its power of omitting or reducing the amount of a particular item of the grant.

There is another point of view in this connection which may be taken note of. An item of expenditure which is considered necessary for the discharge of the special responsibilities of the Governor is to be shown under a relevant grant as a unit of expenditure, and such an item also is subject to the vote of the Assembly. If the Legislative Assembly chooses to effect a reduction on the total amount of a grant by omitting to sanction expenditure on any of the items other than the item which relates to a matter within the special responsibility of the Governor, this reduction, taken as a mere reduction and divorced from the intention of the Assembly, which stands defined, along with the vote cast, may also be considered to be a reduction affecting the expenditure allotted to the item of one of the special responsibilities shown under the grant, although the House did not intend to touch that item at all; and the Governor in exercise of his power given by the proviso to section 80 of the Act may restore a portion of the amount by which the grant thus stands reduced on the plea that the reduction would affect the due discharge of one of his responsibilities. Of the various safeguards provided in the Act in regard to the financial matters of a province the safeguard of restoring a reduction affecting the due discharge of the special responsibility of a Governor cannot certainly be stretched so far as to produce this effect, that is to nullify the verdict of the Assembly as to how the reduction of the grant should be effected in the administration of the province. Certainly this would militate against the real power which the framers of the Act intended to grant, although there would be chances of difficulties arising in the event of the power being exercised factiously or irresponsibly.

However, all these considerations apart, it has to be seen whether this was the real intention of Parliament when it enacted sub-section (2) of section 79, that the Legislative Assembly should have the power to reduce a demand subject to a reduction of the amount specified therein. If it were so, it would seem that the Legislative Assembly was not given the right of refusing sanction to a new service by exercising their vote on the budget. Rule 90(1) of the Rules of this Assembly (Part II) provides that "The Minister in charge of the Finance Department may, in his discretion, include in one demand grants proposed for two or more departments". It means that grants proposed for two or more departments, which may be presented as separate demands, may form items of expenditure under one demand. If the interpretation of the Hon'ble Finance Member be correct, then by

bringing under any demand as separate items of expenditure for two or more departments for which separate grants can be presented, he may take away the right of the House to refuse expenditure for those departments which are thus included

Now, whether the intention of the Legislature, as expressed in section 79(2) of the Act, was really so or not may be considered. One point to be considered in interpreting an Act of the Legislature is that it is necessary to determine the intention of the framers of the Act as expressed by the words used or by reasonable or necessary implication thereof. It is allowable and sometimes desirable for one when called upon to interpret a Statute, to know the history and circumstances under which it was passed. (Craies on Statute Law, page 69.) "Before the words used in the enactment as aforesaid are examined in order to find out their meaning from the express words used in their reasonable and necessary implication the history leading to the enactment may be considered to get an indication of the intention of Parliament." The previous enactment, the Government of India Act, 1919, by section 72-D(2) gave clearly the Legislature power to omit or reduce any items of expenditure of which the grant is composed. This right was given to the Provincial Legislature when the Act contemplated the grant only of partial and qualified responsibility to the Legislature. The difference, if any, between section 72 (d) (2) and section 67-A (d) of the Government of India Acts of 1935 and 1919 respectively, appears to me not very substantial so far as the meaning of these sections is concerned. But admittedly a right of great value was given to the previous Legislature by the section I have referred to. The question, therefore, arises whether the present Government of India Act, which is said to confer full provincial autonomy, has curtailed that right. It is noticeable that the procedure in these matters, as laid down in the various sections of the present Act, is modelled to a great extent on the procedure in that behalf obtaining in the British Houses of Parliament, "where a motion on a grant is dealt with in detail, by proposals to omit or to reduce the items of expenditure which compose the grant in the manner prescribed by rules which provide that, (1) when a motion is made in a committee of supply to omit or reduce any item of a vote the question shall be proposed from the Chair for omitting or reducing the items accordingly, and members shall speak on such question only until that has been disposed of; (2) that when several motions are offered, they shall be taken in the order in which the items to which they relate appearing in the printed estimates; (3) after a question has been proposed from the Chair for omitting or reducing any item, no motion shall be made or debate allowed on any preceding item. When it has been proposed to omit or reduce items in a vote, the question shall be finally put upon the original vote or the reduced vote as the case may be and (4) after a motion is proposed from the Chair for a reduction of the whole vote, no motion shall be made for omitting or reducing an item." (May's Parliamentary Practice, 13th Edition, page 533.) It will thus appear that the provisions under the Government of India Act, 1919, in this behalf as contained in section 72-D., sub-section (2) were in consonance with the British Parliamentary Rules and was modelled with minor modifications on the rules of British Parliament.

The proposals in the White Paper leading to the enactment of the Government of India Act are contained in paragraph 97 in the following terms :- "The proposals for reappropriation of revenue, other than proposals relating heads of expenditure (*i.e.*, heads of which have been shown in the Government of India Act as charged upon the revenues of the province), and proposals, if any, made by the Governor in discharge of his special

responsibility will be submitted in the form of demands for grants to the vote of the Legislative Assembly. The Legislative Assembly will be empowered to assent, or refuse to assent to any demand, or reduce the amount specified therein whether by way of a general reduction of the total amount or reduction or omission of any specific items included in it." The Joint Parliamentary Committee which considered the above proposals recorded their opinion in paragraph 149, Volume 1, Part I of their report as follows:—

"All proposals for appropriation, other than those relating to the heads of expenditure enumerated above, that is heads of expenditure charged on the revenues of the province, will be submitted to the Legislature in the form of demands for grants and the Legislature will have the right to assent, or to refuse, or refuse to assent to any demand, including those which the Governor has proposed as necessary for the fulfilment of his special responsibilities, except in the latter case the decision of the Legislature is not final. And it is this power in the matter of supply which will give the Legislature its real control over the executive. We have already described the difficulties which may arise, if that power is factiously or irresponsibly exercised, and it is not necessary to repeat what we have said." The proposal with regard to the annual appropriation of revenues as contained in the White Paper were considered by the Joint Parliamentary Select Committee in paragraphs 145 to 149 of their report, and from a reading of paragraphs 146 to 148 it would be clear that the Joint Parliamentary Select Committee fully approved of the proposal in the White Paper, and where they differed from the White Paper they indicated their points of difference. But the proposals in paragraph 97 of the White Paper received their final seal of approval *in toto*, as is seen in paragraph 149 of the Report. Then came the Act to be enacted, and it also appears to me quite clear, as I shall show, that the proposal contained in paragraph 97 of the White Paper stands embodied and fully expressed in sub-section (2) of section 79 of the Government of India Act, and it is undoubtedly clear that the whole recommendation of the Joint Select Committee has been embodied in sections 79 and 80 of the Act. Section 80 has been analysed before to show how the recommendation of the Joint Parliamentary Select Committee regarding the finality of the vote of the Assembly on financial estimates stand embodied. But in regard to section 79 (2) the only thing that is required to be demonstrated is to show how the proposal in paragraph 97 of the White Paper to the effect that the Assembly will be empowered to reduce the amount specified in a grant, "whether by way of general reduction of the total amount of the demand or by the reduction or omission of any specified item or items included in it" stands expressed by the words "to assent to a demand subject to a reduction of the amount specified therein" in sub-section (2) of section 79 of the Government of India Act. In order to do that the full implication of the words "a reduction" subject to which a demand may be assented to is to be clearly realised. Undoubtedly whatever amount is reduced and in whatever way it is done, it is a reduction of the whole amount of the demand. It is the various forms which reduction may take that are really enumerated in paragraph 97 of the White Paper. They are—

- (i) a general reduction of the total amount of the demand ;
- (ii) a general reduction of the amount allotted to an item of the demand ; and
- (iii) the omission of the amount allotted to an item of the demand.

The natural implication of the word "reduction" is that it embraces in its meaning all these various forms of reduction, and, therefore, "a reduction" subject to which a grant may be assented to will be one of these

forms of reduction. To reduce or refuse expenditure allotted to an item or items under a demand does, therefore, mean assenting to the demand subject to a reduction of the amount specified in a demand. What is contended for by the Hon'ble Finance Minister is really that the word reduction used in sub-section (2) of section 79 is only to mean a general reduction of the total amount of the grant. He did not make it clear, and there is nothing which can be urged to show, why this one particular form of reduction should be accepted as the only form of reduction subject to which a demand may be assented to. To my mind, to hold like that would be going against the full implication of the word "reduction" used in the section. The White Paper proposal was to give the right of affecting reduction of the amount of a Grant in any of the various forms mentioned in paragraph 97, and the enactment of section 79(2) was to implement that proposal. If really the intention of Parliament was to give a lesser right as a safeguard against capricious, irresponsible and factious voting by the Assembly (which was not thought of even in the case a total refusal of a grant) than that proposed in the White Paper, there would have been suitable words in the section and only the use of the word 'general' before the word 'reduction' would have been sufficient to express that intention. In interpreting the section, one is not justified now to import that word in order to restrict the real right which the existing words in the section are capable of being interpreted to have granted.

The learned Advocate General has, therefore, rightly admitted that the reduction of Rs.78,446 is not at all affected by the law of *ultra vires*, and that the verdict of the House to omit this sum from the item is also not wrong and beyond the authority of the House.

I should also point out here that the White Paper proposal was completely embodied in section 79(2) with as much economy of words as the Parliamentary draftsman thought justified by the requirement of giving succinct expressions to provisions to be embodied in an enactment. Sub-rule (2) of rule 91 of the Assembly Rules, Part II has only followed the words of the section and has reproduced the very words only with the word 'total' added before the word 'grant' while it provided that a motion may be made to reduce or refuse the total amount of a grant, and therefore the same interpretation as I give to section 79(2) would hold good here also. "It is not the words of the law" said one celebrated English Jurist, "but the internal sense of it that makes the law, and our law like all others consists of two parts, namely, of body and soul. The letter of the law is the body of the law, and the sense and reason of the law is the soul of the law—*quia ratio legis est animus legis*."

Again Lord Selborne in the celebrated case of Caledonian Railway *versus* North British Railway (1881, 6 App. case 114 to 122) declared that mere literal construction of a statute ought not to prevail if it is opposed to the intention of the legislature as apparent by the statute, and if the words are sufficiently flexible to admit of some other construction by which that intention can be better effectuated. Here if the construction that is sought to be put on behalf of the Government be adopted, it will certainly be, as has been shown contrary to, and inconsistent with, the express intention and the declared purpose of the statute which stands very fully and eloquently expressed by the words of the Joint Select Committee when they said—"It is this power in the matter of supply which will give the legislature its real control over the executive". And certainly if the manner in which a reduction of the amount of a grant decided upon by the Legislative Assembly is not to be binding on the executive, unless it be a total refusal of the grant or a general reduction of the amount thereof,

the pertinent query "what remains of the power" becomes thoroughly justified. The constitutional doctrine that refusal to vote the Budget is one of the regular weapons of parliamentary parties is, in fact, the corner stone of representative constitution. Indeed, its application will be greatly curtailed if the interpretation that is being sought to be put on sub-section (2) of section 79 be accepted as correct.

From a consideration of all these the ruling of the Chair, therefore, is that this House is entitled to table a motion for reducing the amount of a grant by a general reduction thereof or by reducing or omitting the amount of an item or unit of appropriation composing the grant. If any of such motions be carried by the House the decision would be final under section 80 of the Government of India Act subject to the only exception in regard to expenditure relating to special responsibilities of the Governor as provided for in the proviso to sub-section (1) of the said section. When tabling a motion for reduction if it be for a reduction or omission of the amount of an item, a member will have to state the unit of appropriation, *i.e.*, the Minor Head of the Budget Estimates in connection with which the motion is to be moved. When motions of this nature are tabled relating to the same demand they will be discussed in the same order in which the heads to which they relate appear in the Budget. This procedure will be in perfect conformity with the Parliamentary Rules that has been quoted before and which has also been adopted by some of the Provinces. (*Prolonged applause.*)

ADJOURNMENT MOTION REGARDING HUNGER STRIKE OF THE ANDAMAN PRISONERS

MR. ARUN KUMAR CHANDA : Before the commencement of the sitting of the House this afternoon, a written statement, giving notice of an adjournment motion, which I propose to move, was left with the Secretary of the Assembly. May I have the leave of the House to move it, Sir ?

THE HON'BLE THE SPEAKER : Will the hon. member state the facts ?

MR. ARUN KUMAR CHANDA : My motion reads as follows :—

"That this Assembly do adjourn for the purpose of discussing a definite matter of urgent public importance, *viz.*, the situation created by the protracted hunger-strike of the prisoners from Assam now in Andaman Isles, of whom two are reported to be suffering from Tuberculosis and the failure of the Council of Ministers to take the public into their confidence and to urge upon the authorities concerned the desirability of repatriation of the said prisoners."

THE HON'BLE THE SPEAKER : This matter was discussed some days ago during questions.

MR. ARUN KUMAR CHANDA : I submit, Sir, that in reply to my short notice questions, the Hon'ble the Chief Minister was pleased to place before the House certain information which had percolated through the gagged silence of the Andamans, but which had not really allayed public anxiety.

Considering the long time that this hunger-strike has already dragged on, the situation is getting more and more acute as time passes and the condition of two prisoners who are said to be suffering from Tuberculosis is quite naturally causing great anxiety to the relations of these prisoners.

THE HON'BLE THE SPEAKER : What is the source of your information ?

MR. ARUN KUMAR CHANDA : This appeared in the papers ; also I received communications from some of the relations of the prisoners concerned.

It came out in the *Ananda Bazar Patrika* of 2nd Bhadra, Sir.

THE HON'BLE THE SPEAKER : The hon. member is acting on suspicion only.

MR. ARUN KUMAR CHANDA : From what other source, could I have got information, Sir, in view of the fact that I am here and they are there and behind prison bars ? Apart from the question of tuberculosis, Sir, one can well imagine the condition of people when they are on hunger-strike for so long a period. Nothing has been done by this Government so far to end this strike.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, I promised the other day to inform the House of any news that I can get from the Home Department of the Central Government as regards the condition of Assam prisoners in the Andamans. I thought that I would get quicker reports from the Andamans. Therefore, I first sent a telegram to the Chief Commissioner of the Andamans. The Chief Commissioner replied that according to the rules he was precluded from giving any information and referred us to the Central Government. Thereafter we approached the Home Department of the Central Government. Sir, the little information I got I have already placed before the House. The hon. the mover of the motion wrote me a letter pointing to the allegations made in the paper that two of our prisoners in the Andamans Babu Benoy Bhusan Laskar and Gauranga Mohan Das were suffering from tuberculosis. That was on the 20th August last. I at once wired to the Home Department and it is only yesterday that I have got a reply. I thought of placing the information to the House and that would satisfy my friend. As there was no session of the House yesterday, I could not place it to the House earlier. The Chief Commissioner of the Andamans reports that none of the prisoners are suffering from tuberculosis. I received this telegram on the 26th from the Central Government. "Former very well, but latter weakling, requires special attention". I told my hon. friend contents of the reply that I got. It is reported in the newspaper that they were suffering from tuberculosis, but from the reply it appears that these two convicts are not suffering.

MR. ARUN KUMAR CHANDA : I submit, Sir, even if we leave out of consideration the question of tuberculosis, the fact that these two prisoners are on hunger-strike for a long time remains to be disposed of. The anxiety of the public is on the increase. Public indignation is reaching its boiling point. I consider that in the interests of peace for which the Council of Ministers must be very anxious, I should bring up this adjournment motion.

THE HON'BLE THE SPEAKER : When did the hon. member bring up this matter before the House ?

MR. ARUN KUMAR CHANDA : About a fortnight ago, Sir. There is another little point, Sir. I suggest that the Council of Ministers do urge upon the authorities their desire for repatriation of these prisoners. If a request be made to the authorities concerned that these prisoners should be repatriated and if along with this the question of the severance of our connexion with the Andamans as a penal settlement be also considered then that should satisfy us. The retention of the Andamans as a penal settlement is a slur on the British Administration. Even highly placed officers of India Government have held that opinion, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I should say that the question of repatriation is in the competence of the Central Government. We telegraphed to the Central Government and they have advised the Local Government that the Local Government have got no power of ordering repatriation.

BABU KARUNA SINDHU ROY: The Local Government has power to remit their sentence.

BABU KAMINI KUMAR SEN: Some other Local Governments have sanctioned repatriation.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Beyond what appeared in the papers yesterday, I do not know anything. The Government of India said to us that Local Government cannot pass order of repatriation. *A voice*—Government of Bengal decided on repatriation.

BABU KAMINI KUMAR SEN: Madras and Central Provinces have already asked for repatriation. It was mentioned in the paper.

MAULAVI MUNAWWAR ALI: We find that the Government of India has agreed to allow repatriation. An adjournment motion in this matter has been carried in the Assembly, and the Bengal Government has been asked to say whether they have got any objection to repatriation.

MR. ARUN KUMAR CHANDA: Should we go into legal technicalities when some of our fellow beings are hovering between life and death? I received a telegram from Babu Brojendra Narayan Chaudhury, our member on the Central Assembly that an adjournment motion had been passed there and he requested me to urge upon this Government for repatriation.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, I will do that most gladly! I have already started correspondence with the Central Government and I am going to address the Central Government again.

MR. ARUN KUMAR CHANDA: Sir, I do not know how long the Hon'ble Chief Minister will take over this matter. This hunger-strike is going on for a long time and if he takes more time possibly then the few prisoners that we have from this province may cease to exist!

THE HON'BLE THE SPEAKER: I am sure Government are doing their best over this matter.

MR. ARUN KUMAR CHANDA: If the Hon'ble Chief Minister gives us an assurance that it will not take much time to see the matter through, then I will withdraw it. I desire him to take immediate action, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, I am giving an assurance that I will send another wire urging upon the Central Government to give us a definite reply about returning our prisoners. We cannot pass any order of repatriation without their consent. As I am very busy here just now I cannot do anything to-day but to-morrow morning I propose to send a telegram to the Central Government urging for repatriation of our prisoners.

MR. BAIDYANATH MOOKERJEE: It should be better done to-day.

MR. ARUN KUMAR CHANDA: Although the Central Government is being so often mentioned in connexion with the present matter, we cannot touch them. Sir, the position is very peculiar. This Government is after all trustees for the well-being of these prisoners. However, in view of the assurance given by the Hon'ble Chief Minister I beg leave of the House to withdraw it but I should like to add that if the Hon'ble Chief Minister does not act on the lines suggested, then I will come up again with this question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My hon. friend gave me a letter on the 20th and I sent the telegram on the 21st and I received reply after five days. So, I say that it will at least

take five or six days before I can get any reply from the Central Government.

THE HON'BLE THE SPEAKER: It seems that the Hon'ble Chief Minister will try his best but if he fails he should not be censured. For his failure he cannot be put to trouble in these circumstances.

MR. ARUN KUMAR CHANDA: Certainly, I sympathise with the Hon'ble Chief Minister. It is his clear duty to see that he is not put to any trouble as the Hon'ble the Speaker has said, because of the sins of Commission and omission on the part of the Central Government!

THE HON'BLE THE SPEAKER: As the hon. mover of this adjournment motion does not like to move the motion, so it is not necessary for me to give my decision as to whether this motion is in order or not.

MOTION REGARDING THE ABOLITION OF THE LEGISLATIVE COUNCIL

THE HON'BLE THE SPEAKER: I am to inform the House that Maulavi Munawwar Ali has tabled a motion urging upon the Government for the abolition of the Legislative Council. The Hon'ble Chief Minister has given his consent to this and I wish to consult the House as to which date will be suitable for them to discuss this question. We have got 27th, 28th and 30th fixed for private members' business and I think, this motion can be taken up on the 30th.

SRIJUT GOPINATH BARDOLOI: Sir, we have got a resolution and I do not know when it will come up. This motion can be taken after our resolution.

THE HON'BLE THE SPEAKER: Very well, this motion can be taken up after that resolution is disposed of.

SRIJUT GOPINATH BARDOLOI: That will be better, Sir.

RESOLUTIONS

RESOLUTION *RE* THE DISTRIBUTION OF ALL PROVINCIAL GAZETTED APPOINTMENTS AS BETWEEN THE DIFFERENT DISTRICTS

THE HON'BLE THE SPEAKER: Next comes the resolution* of Srijut Sarveswar Barua.

SRIJUT SARVESWAR BARUA: Sir, I do not like to move the resolution.

RESOLUTION *RE* THE ABOLITION OF THE POSTS OF COMMISSIONERS AND DEPUTY SUPERINTENDENTS OF POLICE

THE HON'BLE THE SPEAKER: Srijut Ghanashyam Das may move his resolution.†

SRIJUT GHANASHYAM DAS: I also do not like to move my resolution.

*This Assembly recommends to the Government of Assam that in future all provincial gazetted appointments be distributed as between the natives of the Assam Valley Districts, the Surma Valley Districts and the Hill Districts on the basis of the number of such posts in each department required for the administration on each of the above divisions.

†This Assembly recommends to the Government of Assam that the posts of the two Divisional Commissioners with their establishment, and all the Deputy Superintendents of Police, be abolished, and that the proper authorities be moved, where necessary, to give effect to the resolution.

RESOLUTION REGARDING THE SETTLEMENT OF ALL FISHERIES AND FERRY GHATS WITH THE SCHEDULED CASTES

THE HON'BLE THE SPEAKER: Next comes the resolution of Srijut Ramnath Das.

SRIJUT RAMNATH DAS: Sir, I have tabled an amendment to my resolution but before I move my resolution I beg to withdraw the amendment.*

THE HON'BLE THE SPEAKER: If the hon. member does not want to incorporate his amendment in the resolution then he may withdraw it.

SRIJUT RAMNATH DAS: Sir, I beg to move that this Assembly recommends to the Government of Assam that the fisheries and ferry ghats in Assam be settled with the scheduled castes of the province and with those whose hereditary professions are fishing and plying of boats.

Sir, at the very outset I must ask for the indulgence of the House to say that this resolution has been tabled by me particularly in the interest of two minority communities, namely, 'Kaibarta and Namasudra' whose backwardness in all respects especially in education and economy are proverbial and the professions of fishing and plying of boats are hereditary. Perhaps Sir, all will agree with me when I say that the professions, namely, fishing and plying of boats were exclusively run by the people of these two communities, but unfortunately of late many foreigners and wealthy people of other communities have taken to these professions with a view to compete with those poor people. As a result of this many fisheries and ferry ghats have gone to the hands of the foreigners and wealthy people of other communities to the great detriment and hardship of poor people of these communities, who are also landless and mainly riparians. Sir, their landlessness and their riparian mode of living are due to their inducement towards these professions and also due to the advantageous sites necessary to manage these businesses. Because of poverty and want of proper facilities these people like others cannot send their sons for higher education. Education, as we all know, is the passport for Government and other services. Again because of poverty and want of education these people cannot go in for speculation in taking up such business for which they have had no opportunity for being trained. Under the circumstances and especially in these days of unemployment if these poor, illiterate and landless people are allowed to be driven to the wall by the healthy competition of foreigners and wealthy people of other communities then their condition will go from bad to worse.

Sir, though I am frank enough at the outset to say that I have tabled this resolution mainly in the interest of those two minority communities, yet, I think I shall commit no wrong if I say that when the management of these businesses is considered, this resolution will bring good results not only to these poor communities, but also to all fish-eating people, and to the economic condition of the province. When a ferry or a fishery is taken by a Kaivarta or a Namasudra, he manages the ferry or the fishery by his own men, and thus the income from this business has no chance of going

*Srijut Ramnath Das to move:—

- (a) that the words "in the matter of settling" be added after the word "that" in the second line of the resolution.
- (b) that the words "be settled with" in the 4th line of the resolution be substituted by the words "special preference be given to".
- (c) that the words "with those" in the 5th line of the resolution be substituted by the words "to those indigenous people".

outside the Province. Again when a ferry is taken—or a fishery is taken—by a foreigner, he undoubtedly employs foreigners, and in this case all the income derived from such businesses goes out of Assam. In this case labour is imported, but the money is exported.

Again, Sir, when the ferry or the fishery is taken by a man who does not belong to these two communities, he inevitably employs some foreigners to run the business, because he does not do it himself. In this case also part of the income derived from such business goes outside the province, and in such cases fishes are also sold at higher prices. Sir, this was practically realised by the people of the Sibsagar subdivision, where two fisheries, namely, Nopukhuri and Puranipukhuri were formerly managed by Kaivartas but now these are managed by one of the moneyed men of the Sibsagar district.

Sir, considering the fact that this resolution when given effect to will bring in its train protection on the one side to these poor people, and good results to all the fish-eating people, and to the economic condition of the province, I think I am justified in moving this resolution. But, Sir, this justification may fail to achieve its success unless I appeal to all the hon. members of this House to be kind enough to place themselves for a moment amidst the people of these poor communities, because, Sir, then and then only they will be able to realise the miserable plight of these people, and the necessary protection and remedy which are the only things claimed and aimed by this resolution.

With these few words, Sir, I commend this resolution for the kind acceptance of the House.

THE HON'BLE THE SPEAKER : The resolution moved is :—

This Assembly recommends to the Government of Assam that the Fisheries and Ferry ghats in Assam be settled with the Scheduled castes of the Province and with those whose hereditary professions are fishing and plying of boats.

There is one amendment* standing in the name of Dr. Mahendra Nath Saikia.

DR. MAHENDRA NATH SAIKIA : Sir, I do not propose to move this amendment, because.....

THE HON'BLE THE SPEAKER : The hon. member need not give any reasons.

KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURY : ৪ নম্বর resolution এ অনারবোল মেম্বার fishery গুলি কৈবর্ত আদি depressed class বাহারা বংশানুক্রমে মৎস্য ব্যবসা করে তাহাদিগকে বন্দবস্ত দিবার জন্ত যে প্রস্তাব কৰিয়াছেন, আমি সে সম্বন্ধে মাহিমাল সম্প্রদায়কেও include কৰিতে বলি। মুসলমান সম্প্রদায়ের

*Dr. Mahendra Nath Saikia to move :—

- (a) That the words "in settling" be added after the word "that" in the second line of the resolution.
- (b) The words "preference be given to" be added after the word "Assam" in the third line of the resolution.
- (c) The words "be settled with" in 4th line of the resolution and the words "and with those" in the 5th line of the resolution be deleted.

The amended resolution will read as follows :—

This Assembly recommends to the Government of Assam that in settling the Fisheries and Ferry ghats in Assam preference be given to the scheduled castes of the province whose hereditary professions are fishing and plying of boats",

মধ্যে বংশানুক্রমে কোন ব্যবসা নাই। কোন সম্ভাষ্য পরিবারের ব্যক্তি যদি অবস্থা হীন হইয়া যায়, তাহা হইলে সেই ব্যক্তিও মৎস্যের ব্যবসা করিতে পারে। বংশানুক্রমে যাহারা মৎস্য ব্যবসা করে তাহারা এই শুধু মৎস্য ব্যবসায় অধিকার পাইবে তাহা নীতি বা যুক্তির দিক দিয়া সমর্থন করা যায় না।

SRIJUT SARVESWAR BARUA: On a point of information, Sir. Have we no right to hear Government first in a resolution?

THE HON'BLE THE SPEAKER: Of course this is also a motion. Now the procedure laid down is that in a motion the mover will deliver his speech and the Government Member will also reply; but there is no time fixed as to when he should reply. After hearing some speeches from hon. members he may get some points; then he may reply. After that he gets a reply from the mover. So it is not usual to call upon the Government Member to reply just after the resolution is moved. He may take his chance. I think this procedure is much better, because he will get some points. After the mover has replied he will reply to all the points raised by the hon. members.

KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURY: স্মরণে বাহাতে প্রত্যেক দরিদ্র জনগণের জন্তই কিম্বা যাহারা এই ব্যবসা করিতে ইচ্ছা করেন তাহাদের জন্ত ইহার দ্বার খোলা থাকে সেই ব্যবস্থা করার জন্ত আমি সুপারিশ করি। এবং বলা বাহুল্য যে এই ব্যবসা কোন সম্প্রদায় বিশেষের জন্ত নিৰ্দিষ্ট থাকিলে তাহাও দরিদ্র জনগণের যে একমাত্র উপকার হইবে তাহার কোন নিশ্চয়তা নাই। কেননা ব্যবসা করিতে হইলে অনেক স্থলেই অত্যধিক মাজায় মূলধনের আবশ্যক হয়। স্মরণে এক্ষণে ব্যবস্থা করিলে তেলির মাংস তেল দেওয়া হইবে মাত্র। দরিদ্র জন সাধারণের কোন উপকার হইবে কি না সন্দেহ।

SRIJUT BELIRAM DAS: Mr. Speaker, Sir, I beg to support this resolution. This resolution moved by my hon. friend Srijut Ramnath Das appears at the first sight to be quite redundant in view of the fact that there is provision already made in the Assam Land Revenue Manual. I am just quoting that rule from the Assam Land Revenue Manual, Part IV, Chapter X, page 203, Rule 191, which clearly lays down that "Fisheries should be settled to the best advantage, but subject to this condition, the agency of middlemen as lessees should be done away with as far as possible; to effect this the fishery area should be broken up into blocks of such size that the actual fishers may be able to take the lease, which should be given for preference, to the riparian land occupants, or to the actual fishermen. The endeavour of the district officer should be to do away with middlemen by finding out who the sub-lessees are and trying to come to terms with them".

Sir, on the face of such a provision made by the Government there would not have been any necessity of bringing in such a resolution before this House, had the agencies of this bureaucratic machinery sincerely carried out the intention and purpose of the legislators. On the contrary I find that most of the fisheries particularly in the Assam Valley, with some exceptions in the Kamrup district, have been settled with foreigners—men belonging to other provinces—and with middlemen. The result has been that these *bona fide* fishermen have to take sub-lease under the middlemen and foreigners to the greatest disadvantage and loss to them. Provision has been made in the rule, but what we find usually? The jealous district officers are

least able to tolerate this. They try to give away those fisheries to men belonging to other provinces under some pretexts or other.

Sir, in the month of May I had the privilege of going to Goalpara district to preside over a conference of fishermen of the district. I was astonished to find that not a single fishery was given to the fishermen community of Goalpara, and I came to learn, that some local men of Goalpara town, have been given settlement of fisheries whose profession is not fishing.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of information, Sir.

Does the hon. member mean that not a single Fishery in Goalpara district was settled with the men of the district belonging to the scheduled caste ?

SRIJUT BELIRAM DAS: Yes that is my information in Goalpara ; although I have admitted that in Kamrup fisheries are settled with these men ; but here also I may mention that there have been some glaring exceptions in the case of some big fisheries in the district of Kamrup. So far as my information goes the fisheries under the Goalpara Zamindaris have been settled without exception with men from Bihar or Orissa or the United Provinces, and the local men have been left in quite a helpless position. These fishermen are the poorest men of Assam ; they are practically landless persons and are dependant on fishing for their living, and if their only source of income the fisheries are settled with these foreigners they will have to die of starvation. So I heartily support the resolution of my hon. friend and I hope that the House will also lend its support to it.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I am concerned with that part of the resolution which relates to fisheries. As regards ferries my Hon'ble Colleague Rev. Nichols-Roy will reply as he is in charge of ferries.

The resolution as it stands cannot be accepted by Government, because if we interpret it strictly it means that all fisheries have to be settled only with the persons belonging to the Scheduled Castes and the persons carrying on these as hereditary profession. In some cases the Government has found in the past that suitable lessees are not available amongst these two classes, and therefore the Rules leave room for settlement of fisheries with men other than those belonging to the scheduled castes or men whose hereditary profession is fishing. But the Government has all along recognised that these fisheries should as far as possible be settled with persons belonging to these castes and profession, and for these the Rules have been interpreted as liberally as possible. Although these fisheries are settled in open auction discretion has been left to the Deputy Commissioner to settle with any person whom he considers suitable although the person belonging to these classes may not be able to give the highest bid. And as far as administration in the temporarily-settled districts of the Assam Valley Division is concerned I think there is no complaint from the people of the scheduled castes, as preference has always been given to men of these castes. This will be admitted on all hands.

Sir, I was surprised to hear from my hon. friend Mr. Beliram Das that in the district of Goalpara there is not a single man belonging to these castes with whom a fishery has been settled, and I shall have an enquiry made, and see that serious attempts are made in the future to settle fisheries with local men of the scheduled castes. So, Sir, although we cannot literally accept the resolution as it stands, in spirit we are in full agreement, and we shall try our best to have our fisheries settled with persons belonging to the

scheduled castes of the province and also with people of the Mahimal caste as mentioned by my hon. friend Maulavi Eklimur Roza Choudhury.

Another legal obstacle in our way is that we cannot probably refuse settlement with any person who does not belong to this province on the ground that he belongs to any particular religion, caste or creed.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is Government legally prevented from settling fisheries with local people?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We are not legally prevented from settling with local people.

SRIJUT DEBESWAR SARMAH: On a point of information, Sir. Do I understand that Assam is a dumping ground for fortune hunters of all other provinces?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: My personal view is that it should not be so, but my hon. friend over there is sometimes tempted to make it so.

Government cannot issue general instructions that settlement should only be made with hereditary fishermen of the Assam Valley or Mahimals of the Surma Valley. That sort of instruction Government cannot issue as it may attract the operation of section 298 of the Government of India Act, but Government will see that preference is given to these men as far as possible.

BAHU KAMINI KUMAR SEN: The Hon'ble Minister has said that although these fisheries are sold in public auction, but discretion is left to the Deputy Commissioner to settle them with whomsoever he likes.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There is no objection to settle with local people. This Rule is framed in that way to give the Deputy Commissioner discretion to settle with local people in preference to outsiders although the local man may not have given the highest bid.

BAHU KAMINI KUMAR SEN: Then what is the difficulty in accepting the resolution?

MAULAVI NAZIRUDDIN AHMED: Mr Speaker, Sir:—The spirit of the resolution is against the principle of democracy. Sir, under the Democratic Government the rigidity of the caste system based on hereditary professions must be forgotten. To confine the scheduled castes to their hereditary vocations is to deny them indirectly higher responsibilities of life and Government which have been flung open to all irrespective of caste or creed in these days of democratic upheaval. Sir, no particular profession can be the birthright of any particular caste under a civilized Government. With the march of time the scheduled castes of to-day will cease to be the scheduled castes of tomorrow. To think of cloistering them to these professions of fishing and plying boats is to carry us as far back as the prehistoric age when the amenities of life were denied to a large section of humanity who groaned under the repression of the few upper classes of society. The progress of democracy has brought emancipation for the down-trodden humanity. The adoption of any profession should no longer be the criterion of caste system—let it be a matter of individual choice. The resolution is an attempt to put a set back against the progress of the scheduled castes, and so I oppose it.

MR. JOBANG D. MARAK: Sir, I fully support what the hon. member that just sat down has said. Sir, in the Garo Hills also there are fisheries and these fisheries belong to certain particular Nokmas belonging to the Akhing. There in some places even the pool waters they make fisheries, taking away the rights of the inhabitants who are living near the riverside.

There is a place called the Garobada and there is a hat on the riverside and people who come to the hat catch little fish. One constable arrested them and sent them up to the Deputy Commissioner and they were fined Rs.7, Rs.5 and so on. Sir, how very hard it is on these poor people who cannot save even in a year as much as Rs.7 or Rs.5? Our Nokmas of my constituency came to me before I left Tura for this session. They asked me to move the House that some fisheries now in existence may be abolished so that they may enjoy free fishing in their own area. They are being forfeited the right of catching free fish. I appeal to the Hon'ble Minister who is in charge of this fishery to look into the Garo Hills affair so that the Garos may get free fish for their own consumption within their jurisdiction in the land belonging to their own Akhing. The pool water also is within the Akhing who are enjoying the fishery also free of any fees.

Then there is another point also. There are no Namasudras or caste in Garo Hills and this question does not at all arise. There are outsiders coming in and taking away fishery places and making money from the Garo Hills. There are many Nokmas and they are anxious so that the Garos business but they are not allowed because there are outsiders coming in. In Tura there are up-country people and others from outside and somehow they are given over all the fisheries.

With these few words, I oppose this motion and hope the Hon'ble Minister will see into this and do something.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I have to deal with the part of the resolution that relates to ferry ghats. There is no bar for any caste or for any one to take lease of ferry ghats. We know that in the Assam Valley there are many people who do not belong to the scheduled castes who are plying their own boats. And there are also many people who do not belong to the scheduled castes in the Surma Valley who ply their own boats. There are many Moslems and many other people who ply their own boats. Any man can ply his own boat. I do not see any reason why any one should be prevented from plying a boat, especially if he lives in a place where there is flood, almost all the summer. If there is no caste feeling about plying a boat, I do not see how any one who plies a boat like that may be prevented from taking to the business of taking a lease from the Government for a ferry ghat.

But if the resolution means that preference should be given to these people who have been used from time immemorial in the profession of plying boats in giving lease of ferry ghats the Government will have no objection to that. Their interests will be fully taken care of and will be considered very fully. But the Government cannot say that anyone else than the scheduled caste should not apply for to be given a lease for ferry ghats. That will be very unreasonable. But if the resolution means only that preference should be given to these people who are now called scheduled castes or who have hereditary profession of plying boats the Government will accede to that request and will see that preference is given to them provided that all conditions are equal. If that be the position there is no objection to this resolution. But if the resolution means to say that all settlement of ferry ghats should be made with these people only and no one else from the province even if he is capable of taking a lease and also of paying the amount that is offered by some other people, the Government cannot accept it. Preference will be given as I have stated already but they cannot insist on that kind of prohibition. For to make such a prohibition will be against the interests of some other people also who may want to take to that kind of business. Under section 298 of the Government of India Act we are prohibited from preventing anybody to carry on any trade or business. Again, Sir,

as one hon. member Maulavi Naziruddin Ahmed suggested it will be against the spirit of democracy. I do not see that there is any harm if any one takes to any profession as he likes. What is the harm if any one takes to shoe-making? Why should the cobbler say that shoe-making is only his right and not any one else's? In the same way why should the boat man say that no one should take to that trade if he likes. If one sees that that business is good and profitable to one, one can take to it. Anybody can take to any kind of trade, I am sure Sir, as democratic principles spread in the country these kinds of businesses will be taken up by anybody. There will be no caste feeling. That will disappear. That is the fact we find in the western countries, where there is no kind of labour which is beneath the dignity of any man. But, Sir, under the present conditions we sympathise with the hon. mover of the resolution and we are ready to consider his people especially with regard to the settlement of ferry ghats. Provided that all other conditions are equal, preference will be given to the local people and especially to people who have been used to this kind of trade from time immemorial. I hope with this assurance from the Government the hon. member will withdraw his resolution.

SRIJUT RAMNATH DAS: Sir, on the assurance of the Hon'ble Minister in charge I beg leave of the House to withdraw my motion.

The resolution was with the leave of the House withdrawn.

RESOLUTION REGARDING THE REDUCTION OF 50 PER CENT. OF LAND REVENUE

SRIJUT SIDDHI NATH SARMA: I beg, Sir, to move my resolution which runs as follows—

This Assembly recommends to the Government of Assam to grant reduction of 50 per cent. of land revenue of Khiraj, Nisf-khiraj, and other Grants, except the fee-simple grants, payable to the Government from the year 1937-38.

Sir, this is not altogether a new resolution. Resolutions similar in words and sense had been moved and passed in the last Councils since the year 1928. My esteemed friend, the Hon'ble Srijut Rohini Kumar Chaudhuri, Minister in charge of Revenue, moved a similar resolution in this Chamber in the previous Council four times: Once in 1933, then in 1934 and again in the years 1935 and 1936. Sir, as he is occupying the Treasury Benches to-day, this duty devolves on my humble self.

A brief and cursory review of land revenue assessment in Assam during the pre-British and British days will throw some light on this matter. In the pre-British days the ordinary raiyats were called *paiks* and they were divided into *gots*, each consisting of three or four adult male persons. One *paik* of each *got* was bound to render personal service either to the Government or to some official of the state and the remaining three or two were to cultivate the land belonging to himself and the share of the other serving the State. And in return each *paik* used to enjoy 8 bighas of paddy lands free of rent and he could enjoy as much *basti* land as he required free of revenue. Any *rupit* land held in excess was assessed at Re.1 per *pura* or annas 4 per bigha. While a *paik* of a *got* was serving the State, the other two or three not only cultivated their share of land and that of the *paik* serving the State.

So under the pre-British rule the system of land revenue was not only simple but the mode of payment was easy,

The early system of land assessment followed by British Government was also very simple. Personal service was commuted to cash rent. Each raiyat was assessed in a lump sum of Rs.3 for the entire *basti* and *rupit* land occupied by him. This practice went on from 1826 to 1832. The figures which I will cite below as an instance will relate to a grant of villages in the district of Kamrup. This rate is also approximately prevailing throughout the temporarily-settled areas of the Province. In 1833-34 the lands were classified into different classes and assessed as follows:—

				Rs.	a.	p.	
(a)	<i>Rupit</i>	...	...	1	0	0	per <i>pura</i> .
(b)	<i>Baroli</i>	...	...	0	12	0	"
(c)	<i>Foringati</i>	...	...	0	8	0	"

So the average incidence of revenue per bigha was 3 annas in that settlement.

In 1848-49 the lands were divided into four different classes and assessed as follows:—

				Re.	a.
(a)	<i>Rupit</i>	...	...	1	4
(b)	<i>Boolati</i>	...	...	1	0
(c)	<i>Foringati</i>	...	...	1	0
(d)	<i>Basti</i>	...	...	1	0

So the average incidence per settled bigha was 4 annas 3 pies. This continued till 1870.

In 1870 the lands were again classified into three different classes and assessed as follows:—

				Rs.	a.
(a)	<i>Rupit</i>	...	...	2	8 per <i>pura</i> .
(b)	<i>Foringati</i>	...	...	2	0 " "
(c)	<i>Basti</i>	...	...	4	0 " "

So the average incidence per settled bigha was 11 annas 4 pies. In this year the incidence increased to almost three times the incidence. That was in the previous settlement.

In the year 1893-94 the land was classified into 12 classes and assessed as follows:—

		1st class	2nd class	3rd class	4th class
		Rs. a.	Rs. a.	Rs. a.	Rs. a.
(1)	<i>Basti</i> ...	1 6	1 4	1 2	1 0
(2)	<i>Rupit</i> ...	1 0	0 14	0 12	0 10
(3)	<i>Foringati</i>	0 12	0 10	0 9	0 8

The average incidence per settled bigha was 11 annas 4 pies. But the actual increase was 45.7 per cent. throughout the five districts of the Assam Valley—Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur. The people of these districts resented this exorbitant enhancement, especially in Kamrup. There were free fights between the police and the people which ended in many casualties. But the Government did not pay any heed and the land revenue was increased.

Then comes the settlement of 1903-05. In this settlement the process of classification was carried further and an elaborate classification consisting of 48 different classes was introduced along with unit rates for villages and a soil unit system for determining the relative value of different classes of land. This device which was not intelligible even to the best educated man was introduced with a view to increase the land revenue abnormally after the great earthquake of 1897. The average incidence in this year was about 13.6 annas per bigha.

In the last resettlement of 1925-26 the process was carried till further. In that settlement the incidence per settled *bigha* was increased from 12·93 annas to 16·08 annas—an increase of 3·15 annas. The average incidence per cropped *bigha* was also increased from 14·32 to 17·33, that is to say, an increase of 3·51 annas. So the average incidence per *bigha* was approximately 17 annas, which means that the incidence increased to about 6 times than what it was in 1833-34, or that it increased by 5 annas 8 pies over what it was before 1903-1905.

In this settlement the revenue was increased as follows in the different districts over the last settlement.

(1) Lakhimpur	...	...	...	18·35 per cent.
(2) Darrang	...	...	...	18·87 " "
(3) Kamrup	...	...	...	22·04 " "
(4) Sibsagar	...	...	...	27·80 " "
(5) Nowgong	...	...	...	29·08 " "

Sir, this exorbitant incidence was arrived at by the Settlement Officer on the following grounds, *viz.*, fertility of the soil, communication, rise in the price of agricultural produce, prosperity of the people, density of population and demand for land. Regarding fertility of soil Government has done nothing. Irrigation is unknown in Assam. The Dong system remained in the primitive stage. In the matter of manuring Government has done nothing. In the natural course of things the fertility of the soil has decreased in all lands under cultivation for a considerable period. I shall not be far wrong if I state that the productive capacity of the land under long cultivation is almost deteriorated to half of what it was before. This is due to constant cultivation and the gradual washing away of the manurial matters.

Then as regards communication. Government do not spend any money on rural communication; it is always left to local bodies and to local taxation such as local rates and cart taxes.

As regards price of the agricultural produce, before the settlement of 1905 when the rate of incidence was found at about Rs.0-11-4 pies per *bigha* the average price which the cultivator received (according to Government estimation) for his paddy was Re.1-5-0 per maund. In 1925-26 the average incidence per *bigha* was enhanced to nearly Re.1-1-0 when the price of paddy was estimated at Rs.2-3-0 per maund. Now the price of paddy and other agricultural crops has fallen greatly. The average price per maund of paddy will not, I believe, exceed Re.1-2-0, *i.e.*, half the estimated rate of 1925-26. It is much less than that in many places. Similarly the prices of other produces such as jute, mustard, pulses, etc., are found to be less than half of what obtained before the assessment. So the revenue should come down to half of what it was in 1925-26.

As regards the prosperity of the people. The prosperity of the people can be judged by their poverty, indebtedness and unemployment. The Hon'ble Minister in charge of Revenue gave us an indication in his budget speech that the condition of the raiyats has improved. He arrived at this conclusion from the enhanced collection of a lakh of rupees till March last.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I did not say that the prosperity of the people has increased.

SRIJUT SIDDHI NATH SARMA: He said "improved". When challenged he was unable to deny that this was due to extreme coercive measure adopted by the revenue collecting staff lured by enhanced rate of commission. Sir, his translation to the treasury benches may blur his vision to see the actual condition of the raiyats in its true perspective, the cry of the half-

naked and half-starved masses may not reach his ears and he may forget everything of the past and of his own speeches in the Chamber of this House, urging reduction of 50 per cent. in land revenue, but the important and urgent problem of the country, the appalling poverty of the peasantry and their indebtedness and unemployment fundamentally due to antiquated and repressive land tenure and revenue system intensified in recent years by the great slump in prices of agricultural produce is still there and remains to be solved. But a responsible study of the actual condition of the raiyats would show that the condition of the masses is going from bad to worse every day. The appalling condition of the masses is staring us in the face.

Sir, what is the daily average income per head of our people? Is it not Re.0-1-6 pies—a sum which is hardly sufficient for a meal of coarse rice and salt? Nearly one lakh of people in Assam do not get their daily bread. What is the burden of taxation per head of people? The official statistics of the Government of India (1931) gives the burden of taxation at Rs.4-0-10 per head exclusive of land revenue and Rs.5-6-7 per head inclusive of revenue in 1925-26 and Rs.3-9-8 exclusive of revenue and Rs. 4-12-9 inclusive of land revenue in the year 1931-32. Sir, according to this, in Assam, the average incidence of land revenue per bigha was Re.1-6-0 in the year 1925-26 and Re.1-3-0 per bigha in the year 1931-32, *i.e.* far greater than what I stated before. The total wealth of the province has been estimated by no less an authority than Mr. K. T. Shah to be Rs.44-915 crores and their indebtedness amounts to Rs. 44 crores. According to another authority a raiyat is indebted to an extent of Rs.160 per head and nearly 85 per cent. families are in debt in Assam. Such is the present condition of our raiyats, Sir.

The argument regarding density of population and demand for land has very little to do with the maintenance of increased revenue. It will be seen that if the demand for land was real then 2,597 estates could not be sold for insufficient bids in the year 1934-35 and in 1935-36 it rose to 3,436. In these two years 6,033 estates were sold for insufficient bids excluding estates annulled for want of bidders. So you can judge about the demand for land. Therefore on the basis of reduced return for agricultural produce an increased indebtedness and permanent poverty of the raiyat, the reduction should be 50 per cent.

Sir, there might be some misapprehension in the mind of some people regarding the inclusion of Nisf-khiraj and other grants. I do not propose to benefit the proprietors without reaching the same to tenants occupying such land. My object in inclusion of Nisf-khiraj and other grants in this resolution is to benefit the raiyats. Nearly one-third of the lands in Kamrup is in the hands of Nisf-khirajdars and holders of other Grants. These tenants did not obtain any concession during the time of last reduction. Now the benefit should be made available to them also. The only argument which the Government and their supporters will put forward against this resolution is that Government cannot afford to give up so much revenue for the benefit of the raiyats. Government cannot carry on the administration sacrificing so much revenue. To this my reply is, Government are carrying on the administration in an expensive style. They are maintaining officers at a very high pay at the sacrifice of economy. They are maintaining a machinery which in some cases is absolutely unnecessary.

People have right to live, they have a right to have a meal of coarse rice and salt as the Government have right to exist. It is the duty of the Government to see that they get also the bare necessities of life, they do get their ordinary daily bread. If the Government are helpless the raiyats are more helpless.

Sir, the popular Minister in charge of Revenue who is designated as a friend of the poor (প্ৰজা বন্ধু) and whose life's ambition was to secure a reduction of land revenue by 50 per cent. to the poverty-stricken raiyats whose manifesto stated in his election manifesto in January last that the power of reduction of land revenue would rest in the Ministry (খাজানা কমোৰাৰ ভাৱ মন্ত্ৰীসকলৰ হাতত থাকিব) has not given any indication in his budget speech regarding his Land Revenue Policy and programme of land tenure, land revenue and rent. He stated in his election manifesto as follows :

অসমীয়া ৰায়তৰ মাটিৰ খাজানা কমোৰাই মোৰ ৰাজহুৱা জীৱনৰ এটা মুখ্য উদ্দেশ্য আৰু সেই উদ্দেশ্য সফল কৰিবলৈ মই বহু কৰি আহিছো। সেই বহুৰ আংশিক ফল স্বৰূপে টকা প্ৰতি ১০ আনা হিচাপে বাইজে যোৱা ৫ বছৰ কাল খাজানা মাফ পাই আহিছে। কিন্তু সাময়িক হিচাপে টকা প্ৰতি মাত্ৰ ১০ আনাকৈ খাজানা মাফ অসমীয়া হুখীয়া ৰায়তৰ পক্ষে যথেষ্ট নহয়। বাইজে যদি আনামৰ মাটিৰ খাজানা কমাৰ লাগে বুলি সমৰ্থন কৰে তেনে হলে মোক ভোট দি খাজানা বাতে আৰু কম হয় তাৰ নিমিত্তে চেষ্টা কৰিবলৈ উদগনি দিয়ে যেন—এইহে মোৰ মিনতি। মোক ভোট দিয়া মানে মাটিৰ খাজানা কমোৱা নীতি সমৰ্থন কৰা বুলি মই ধৰি লম, আৰু চৱকাৰেও ভাবিব।

Now I appeal to the members of the House in the name of God, in the name of humanity and in the name of the half-starved and half-naked people of this Province to accept my resolution and to vote for this resolution. I again appeal to the Revenue Minister and the whole Government bench along with him to accept my resolution and to give effect to it.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of information, Sir. Will the hon. member be pleased to translate my election manifesto into English?

SRIJUT SIDDHI NATH SARMA: For do I not give him a chance to fulfil his life's mission?

THE HON'BLE THE SPEAKER: The resolution moved is that this assembly recommends to the Government of Assam to grant reduction of 50 per cent. of land revenue on khiraj, nisf-khiraj and other grants except the fee-simple grants payable to the Government from the year 1937-38.

THE HON'BLE THE SPEAKER: There are other amendments tabled. The first amendment stands in the name of Srijut Sarveswar Barua.

SRIJUT SARVESWAR BARUA: Sir, I would like to move after hearing the Hon'ble Minister.

THE HON'BLE THE SPEAKER: No, the amendments should be moved. Then the Hon'ble Minister will reply.

SRIJUT SARVESWAR BARUA: Sir, before moving my amendment I would ask your permission to make a verbal alteration. The amendment, that has been tabled takes away the meaning. After khiraj therefore, I would like to add the word 'lands' and after deleting the words beginning with 'nisf-khiraj etc.....'

THE HON'BLE THE SPEAKER: Allowed.

SRIJUT SARVESWAR BARUA: I beg to move, Sir, that the words 'nisf-khiraj' and other grants except the fee-simple grants, etc., be deleted the word 'lands' be inserted after the word 'khiraj'.

THE HON'BLE THE SPEAKER: Will the hon. member read the resolution as amended?

SRIJUT SARVESWAR BARUA: The resolution as amended will read like this. This Assembly recommends to the Government of Assam to grant reduction by 50 per cent. of land revenue on 'khiraj' lands payable to the Government from the year 1937-38. Sir, the object of my amendment is to meet possible objections from certain quarters to the effect that the granting of this concession by 50 per cent. on holders of 'nisf-khiraj lands, holders of other grants will benefit mainly the people who hold land already at a considerable concession, and this, Sir, may scare away some people. I therefore would like to omit these words. It may be urged that though nisf-khirajdars pay at the rate of half the ordinary rate they are also entitled to get the concession and they are also expected to extend the concession to their tenants. This is one of the main points of the mover of the resolution. For the present this resolution may stand as I seek to amend it. If this resolution be passed by the House and the nisf-khirajdars agree to give the same concession to the tenants then we or for the matter of that the Government can later on extend the concession to nisf-khirajdars. So I have brought forward this amendment and it may be accepted by the House.

SRIJUT KAMESWAR DAS: Sir, the amendment which has just been moved by my hon. friend Srijut Sarveswar Barua takes away the scope of my amendment. My amendment refers to nisf-khiraj lands and if the amendment of my hon. friend Srijut Sarveswar Barua be accepted, as I understand, it will be by the mover of the resolution, nisf-khiraj lands will be deleted from the resolution and my amendment will carry no meaning. I would therefore like to wait and see if the amendment of my friend Srijut Sarveswar Barua is actually accepted by the mover of the original resolution.

THE HON'BLE THE SPEAKER: The hon. member will indicate his intention after all the amendments are moved.

SRIJUT KAMESWAR DAS: In that case, Sir, I want to move my amendment only with a view, as has already been suggested by my hon. friend Srijut Sarveswar Barua, that in case of 'nisf-khiraj' lands some portion of the benefit of this suggested reduction should go to the tenants. I therefore move that the words "with recommendations that in the cases of the occupancy, the non-occupancy and the under-ryots as classified in the the Assam Tenancy Act, 1935," three-fourth of this reduction will go to their benefit" be added at the end of the resolution.

THE HON'BLE THE SPEAKER: I find that the amendment of the hon. mover rather enlarges the scope of the resolution. The resolution is for the reduction of 50 per cent. of land revenue of khiraj, nisf-khiraj, and other grants except the fee-simple grants payable to the Government from the year 1937-38. This amendment also wants the Government to request the khiraj holders to grant remission to their tenants. This should form the subject-matter of another separate resolution. Therefore in view of that, I think, this amendment does not come within the scope of the resolution and so the hon. mover will have to withdraw it.

Next comes the amendment of Mr. Jobang D. Marak.

MR. JOBANG D. MARAK: Sir, I beg to move that this Assembly recommends to the Government of Assam to grant reduction of $33\frac{1}{2}$ per cent. of land revenue to nisf-khiraj and other grants except fee-simple grants payable to the Government from the year 1937-38, and $33\frac{1}{2}$ per cent. reduction of the house tax in the Garo Hills.

THE HON'BLE THE SPEAKER: Order, order. The hon. member will please take his seat. This is also out of order. The resolution relates to khiraj and nisf-khiraj lands. Here the hon. member also wants the reduction of house tax in Garo Hills. It is quite a different matter. So I rule it out.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: I beg to move that in line 3 of the resolution for 50 per cent. the words "33 per cent." be substituted. The amendment will read thus. This Assembly recommend to the Government of Assam to grant a reduction of 33 per cent. of land revenue to khiraj and nisf-khiraj and other grants except the fee-simple grants from the year 1937-38.

Sir, the hon. mover of this resolution has already referred to the past history of this resolution namely that such resolutions were moved by the Hon'ble Minister for Revenue and carried by the House several times. I find from the proceedings that some censure motions were also tabled by the same hon. member and were passed. Now inspite of the fact that they were all carried without division Government did not take any step to give effect to these resolutions and censure motions and the usual reply was that owing to the limited resources of the present finance, Government could not give effect to this resolution but as a measure of relief Government reduced revenue by annas 3 in the rupee. The Hon'ble Minister for Revenue was at that time occupying the opposition bench. Now when he has been transferred to the treasury bench, I think, he has developed a sense of greater responsibility.

MAULAVI MD. AMJAD ALI: On a point of order, Sir. Does the hon. member mean to say that we are a set of irresponsibles on this side of the House. (*hear, hear*).

THE HON'BLE THE SPEAKER: The hon. member means that when he is now Revenue Minister, he has become more responsible.

BABU KAMINI KUMAR SEN: Does it mean that the hon. members are all less responsible?

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: What I mean is that he has become more responsible now as Revenue Minister than he was formerly.

MR. FAKHRUDDIN ALI AHMED: May I know he has become responsible to whom?

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: I mean that he has become responsible to the constituency and to the Government. He has become more responsible to the people whom we have come here to represent and to the legislature. I move this amendment with a sense of responsibility to the constituency and the people and also with a regard for the responsibilities of the Hon'ble Minister.

So, Sir, I realise that the reduction of 50 per cent. of land revenue which forms the principal source of our provincial income though a popular measure will seriously embarrass Government and will bring it to a standstill in this deplorable state of finance. Such reduction will be suicidal. If the present Ministry decides to shift their responsibility on to our shoulders and we happen to occupy their place, we shall also be in a tight corner. Then what will happen? As Mr. Prichard said on some

occasion that the argument which we are developing and the votes which we shall cast will be thrown up against us. So I have thought it prudent and fair to fix our demand a bit lower, namely, from 50 per cent. to 33 per cent. You may ask me as to why I have fixed this arbitrary percentage of 33. My reply will be that the demands of the people have been always for 50 per cent. reduction (*hear, hear*) and the Government so long have been able to give only 20 per cent. reduction. I am therefore selecting a *via-media* course namely from 50 per cent. to 33 per cent. Now as regards the economic condition of the people the hon. mover has given some figures to show that the economic condition has deteriorated. With the indulgence of the House, I would also like to give some figures that were supplied in regard to a question put by my hon. friend Srijut Purna Chandra Sarmah. I think it has not been answered but it has been laid on the table and you will find the figures from 1928-29 to 1935-36. In Goalpara the percentage of revenue collections fell from 85 to 65; in Kamrup from 97 to 66; in Darrang from 97 to 71; in Nowgong from 99 to 75; in Sibsagar from 96 to 65; in Lakhimpur from 99 to 78 and in Garo Hills from 100 to 80. From these figures we may come to the conclusion that the economic condition and paying capacities of the people have steadily declined (*hear, hear*).

I would give some more figures. The number of warrants for attachment of movables rose considerably during these 7 years. In Goalpara it rose from 1678 to 5675; in Kamrup from 3358 to 11655; in Darrang from 3358 to 8115; in Nowgong from 3686 to 7552.

SRIJUT KAMESWAR DAS: On a point of information, Sir. I want to know which years' figures are given?

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: From 1928-29 to 1935-36; I am comparing these figures.

Now, Sir, in Sibsagar it rose from 11471 to 15028; in Lakhimpur from 3697 to 9329.

Then as regards the number of estates notified for sale, in Goalpara the figure rose from 6 to 831; in Kamrup from 284 to 5165; in Darrang from 34 to 8650; in Nowgong from 85 to 2986; in Sibsagar from 1145 to 8660, and in Lakhimpur from 250 to 1681.

So, all these figures point to only one conclusion—the irresistible conclusion—that the condition of the paying capacity of the people has gone down. Now Government have always been telling us that there is the lack of will to pay, but that is not so. I would like to read from the Government report of 1934-35. There the Commissioner said “the distress warrants do not bring in more than a rupee or two and village lands when put up to auction for arrears of revenue either fail to elicit a bid or sell for totally inadequate prices”. Then he said “3 annas reduction of land revenue has given some relief to the raiyats”. Now I lay particular stress on the word “some”; that is the reduction that has been given hitherto is not adequate. It is also admitted by Government. Then in that report it is stated that the “prices of foodstuffs did not rise to such an extent as to affect any improvement in the condition of the cultivators. Wages continued low and furnished no paucity to labourers”. Then in the same report he admits that “in the absence of marked improvement of the economic situation, considerable strain was everywhere thrown on district and subdivisional officers in the collection of land revenue and loans”.

The Hon'ble Minister told us, in his budget speech that there was an improvement in the revenue collection, but on the other hand even the Sub-Deputy Collectors were employed as collecting agencies, to the neglect of their own routine work. The House is aware how many mauzadars have been prosecuted and how many dismissed for inefficiency.

Now, the incidence of taxation, as has been pointed out by the hon. mover, has increased, but the paying capacity of the people has gone down. Government might say that by a reduction of revenue a premium will be put on the people who are willing to pay. But this is not so, as I have already shown from the report.

Now, of course, this resolution has been somewhat vaguely worded. It contemplates a reduction of revenue by 33 per cent. to one and all.

THE HON'BLE THE SPEAKER: The hon. member is only suggesting the percentage of reduction, and I think he should omit to criticise the terms of the resolution. He has accepted the principle of the resolution.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Yes, Sir, I am coming to that. It will be admitted that all people do not require relief; relief is mostly required by the agricultural classes, *i.e.*, those who have not been able to affect improvement in their condition on account of low prices of paddy and other foodstuffs. By this amendment, Sir, as I began by saying that I tabled this amendment with full regard to the responsibility of the Ministers in running the administration. I do not want to tie their hands. I am for giving some latitude in the matter to the Hon'ble Minister. So if the Hon'ble Minister gives this relief to the extent of 33 per cent. of reduction to the bonafide agricultural classes, who are unable to pay and who generally pay annual revenue to the extent of 25 to 30 rupees, I think the object of the resolution will be served. Of course I am for giving him latitude in the matter, a full judicious discretion in the matter, but if he can affect a reduction all-round that will be all the more better. But for the time being if there be difficulty in giving full effect to the resolution then I would ask him at least to give effect to the resolution to this extent, *viz.*, to give reduction to the extent of 33 per cent. to those people who need it most.

I hope the House will accept the amendment, as the irreducible minimum to which we all aspire under the present circumstances. This is my submission, Sir.

THE HON'BLE THE SPEAKER: The amendment moved is that in line 3 of the resolution for the words and figure "50 per cent." the words and figure "33 per cent." be substituted.

There is an amendment standing in the name of Khan Bahadur Maulavi Keramat Ali.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, the amendment standing in my name is this "that in place of the figure '50' in line 3 of the resolution the figure '25' be substituted".

If my amendment is accepted, the resolution will read thus "This Assembly recommends to the Government of Assam to grant reduction of 25 per cent. of land revenue of Khiraj, Nisf-khiraj, and other Grants except the fee-simple grants, payable to the Government from the year 1937-38."

My object in tabling this amendment before this House is to put the figure as low as possible so that I shall have the least or no resistance from the side of the Government. The Hon'ble Revenue Member, as has been pointed out, has been advocating a reduction of revenue since he came to the last Council as an ordinary member.....

SRIJUT GOPI NATH BARDOLOI: Supported by you.

KHAN BAHADUR MAULAVI KERAMAT ALI: Yes but read my speech. I think the condition of the poor peasants of the province cannot be better described before this House than the way in which he did when he was an ordinary member of the House, and I am sure that the addition of the word "Hon'ble" after his name will not bring about any difference in him. What I feel however is that the rate of reduction instead of being uniform should

be progressive. What I mean is this—there are people who are very poor and are carrying on a miserable existence, and there are people who are carrying on a trade in agricultural products and making money thereby. So in the case of those people who are very poor the rate of reduction should be much higher than in the case of those people who are not so poor. I would go so far as to say that there are people in whose case even a reduction of 75 per cent. will probably be not too much, and there are also people in whose case perhaps there should not be a reduction of even 10 per cent. Therefore I think the Hon'ble Minister will do well to bring up a scheme and lay it before the House as to how effect may be given to the recommendation made by the house.

SRIJUT GOPI NATH BARDOLAI: Is the speech in consonance with the amendment moved, Sir?

KHAN BAHADUR MAULAVI KERAMAT ALI: What I wanted to say is that the average reduction should be Rs.25 per cent. If necessary let the Hon'ble Minister begin with a reduction of 25 per cent. now, and then bring up a scheme whereby further reduction may be given where necessary. I cannot do better than to read a portion of the speech that was delivered by the Finance Minister of Bihar the other day. There he states:—"The Ministry is earnestly devoting itself to the formulation of schemes and devising of ways and means to give the relief needed, and in time these measures and schemes will be duly placed before the House for acceptance. I hope it will not be questioned that much of the trouble of the peasantry is due to an antiquated system of land tenure and a radical treatment must proceed on the basis of a thorough overhauling of the existing system". I would request the Hon'ble Minister of Revenue to follow the example of the Hon'ble Finance Minister of Bihar, and he will now make a beginning with a reduction of 25 per cent.

THE HON'BLE THE SPEAKER: The amendment is that for the figure 50 in line 3 the figure 25 be substituted. Does the hon. mover accept the amendment?

I accept the amendment of Srijut Sarveswar Barua.

THE HON'BLE THE SPEAKER: Then the amended resolution will read thus:—"This Assembly recommends to the Government of Assam to grant reduction of 50 per cent. of land revenue on khiraj lands payable to the Government from the year 1937-38.

KHAN BAHADUR DEWAN EKLIMUR ROZA CHAUDHURI: আসামে 50 per cent. কর মাক করার সম্বন্ধে ছই একটি কথা আমি বলিতে চাই। শুরু করকে আমি পূর্বেও কালাজরের সহিত তুলনা করিয়াছি এবং এখনও আমি ইহাকে গুরুতর রোগ বিশেষ বলিয়া মনে করি। আসাম ভেলীর বঙ্গুগণ এই রোগে ভূগতে থাকিবেন তাগ আমি পছন্দ বা ইচ্ছা করিনা। স্মতারাং বাহাতে এই রোগের সূচিকৎসা হয় তাহার ব্যবস্থা করিতে আমি অনারেবোল বঙ্গুগণকে এবং আমাদের স্বজাতি স্বদেশ বাসী অনারেবোল মিনিষ্টারগণকেও অনুরোধ করি। কিন্তু রোগের চিকিৎসা করিতে যাইয়া ডাক্তার বাহাতে মারা না পড়েন কিম্বা ডিসপেন্সারি বাহাতে ভাস্মভূত না হয় সে দিকে তীক্ষ্ণ দৃষ্টি রাখিয়া রোগীর চিকিৎসা করিতে হইবে। রোগ মুক্তির পর বাহাতে রোগীর পথ্য-পথ্যের অভাব না হয় সে দিকে বিশেষ লক্ষ রাখিয়াই সূচিকৎসকগণ সূচিকিৎসা করিগা থাকেন এবং বর্তমান ক্ষেত্রেও তাহাই করিতে হইবে।

গবর্ণমেন্ট আসাম ভেলীর কর অতিমাত্রায় বর্ধিত করার সেই ভেলীর প্রতিনিধিগণ এই কর আদায়ের অক্ষমতা জানাইয়া অন্য ইহার fifty per cent. reduction করার জন্য হুজুর কাউন্সিলে এক resolution আনয়ন করিয়াছেন। আমি এসম্বন্ধেই আমার বক্তব্য বলিতেছি। আমার মনে হয় অন্য কোন ব্যবস্থা না করা পর্য্যন্ত কি পরিমাণ কর মাক করিয়া দিলে আসাম গবর্ণমেন্ট বাঁচিয়া থাকিতে পারে সেই বিষয় বিশেষ গবেষণা সহকারে চিন্তা করিয়া সুচিন্তিত মতামত প্রকাশ করা কর্তব্য। আমার পর্য্যাপ্ত পরিমাণ কর মাক না করিলে আসাম উপত্যকার অধিবাসীবৃন্দেরও অশেষ কষ্ট ভোগ করিতে হইবে তাগাও অনুধাবণ যোগ্য। তবে আমার কথা এই যে আসাম কেবিনেটে উক্ত ভেলীর দুই জন বোয়া বুডিনান সুশিক্ষিত মন্ত্রী আছেন; এতদ্ব্যতীত আমাদের সুরমা ভেলীর এক জন জ্ঞানবৃদ্ধ এবং বয়সে স্নতি বৃদ্ধ এবং অন্য এক জন বয়ঃকনিষ্ঠ মাধুপুরুষ এবং হিল ডিষ্ট্রিক্টের ও একজন অহিংস মহাপুরুষ সশরীরে বিদ্যমান সছেন। হুজুরাং বগাই বাহন্যা য এক পকারেতের তাতে কোন ভেলীর বিশেষতঃ আসাম ভেলীর স্বার্থ কখনও বিপর হইতে পারে না এই অভিমত আমি হুজুরার সহিত পোষণ করি। এবং আমার এই বিশ্বাসও বন্ধনুল আছে যে কোন দিকে ভোট দিলে ভেলীর স্বার্থ হানি হইবে এবং কোন দিকে ভোট দিলে ভেলীর স্বার্থ সুরক্ষিত হইবে তাহা সম্যকরূপে বুঝিবার যথেষ্ট পরিমাণ জ্ঞান, বুদ্ধি, বিদ্যা তাহাদের উভয়েরই প্রচুর পরিমাণ আছে। বিশেষতঃ অনারেবোল চীফ মিনিষ্টার কিবা মনারেবল্ গোপুরী তা আমাদের কর্তৃহানীর ব্যক্তিরের মত হাথা-বোকা নহেন যে কি করিলে নিজের পায়ে কুঠারাঘাত করা হয় তাহা তাহারা বুঝিবেন না। আমার এই বিশ্বাস আছে যে সম্ভব হইলে আদায়ের সুবিজ্ঞ মন্ত্রী মণ্ডলি আসাম প্রদেশবাদীর গুরু কর লাঘব করিয়া আমাদের যান ও তাহাদের প্রাণ রক্ষা করিবেন এবং দরিদ্র অধিবাসীবৃন্দের অশেষ আশাধীন গ্রহণ করিবেন। ইহাই আমি কাতর ভাবে মন্ত্রী মণ্ডলিকে জ্ঞাপন করিতেছি।

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, I may say at the outset, that I am unable to accept the resolution as it stands. By way of explanation, I may tell this to the House who has made this important resolution an object of mockery, an object of laughter and an opportunity to jeer at me because of the attitude which they anticipate from me. I remember the occasions when either I, or my hon. friend Srijut Sarveswar Barua, moved a resolution to a similar effect. And I remember up till to-day that there was no lack of sincerity and no lack of seriousness at the time when we moved that resolution. Sir, I shall state the grounds why I cannot accept this resolution. Acceptance of this resolution means this, that the benefit goes more to the richer class than to the poorer class. Another reason is that this resolution aims at a permanent reduction of revenue at a certain proportion for years to come.

I have studied this question very carefully. Personally speaking I say that the present method of realising land revenue from everybody, whatever may be his margin of profit, is to my mind at least, inequitable. A lawyer earning Rs.1,995 and staying in a rented house has not to pay anything to

Government, whereas a poor agriculturist who holds a few *puras* of land say 5 *puras* and who earns his sustenance barely has to pay Rs. 20. This, Sir, I consider highly inequitous.

I have said in my election manifesto that it is my object to reduce the taxation on the poor and I still stick to that promise. And I may assure this House that, with the able guidance of the Hon'ble the Chief Minister, I shall be able to fulfil my ambition whether I remain in the Cabinet or outside it. But I say the position is different now from what it was before. We asked for fifty per cent. because we did not know on what basis we should ask for reduction. We were absolutely in the dark. Time after time we moved resolutions and the resolutions were carried in the House asking for an enquiry into the economic condition of the raiyat. I made it plain in my speech of 1935 that if Government held an enquiry and told me that the raiyat's position was such that he was able to bear the present burden, I would not ask for any remission of revenue. Or, if I was convinced that the Government of the time was taking steps to improve the condition of raiyats and to enable them to bear their existing burden, I would not ask for a single pice of reduction. Those requests were however not heeded to although the House from time to time passed resolutions for an enquiry into the economic condition of the raiyats and no effect was given to the resolutions. So, Sir, I was compelled, and my hon. friends of the time were compelled to ask for a flat reduction of revenue because they thought they only looked to the lowest man in the ladder and that he would get a substantial reduction of 50 per cent; and as there was no scheme worked out, I was compelled to press for a reduction of land revenue by 50 per cent. That reduction, I did not ask to be permanent and I asked it for that particular year when I moved that resolution. So, Sir, if the House will forsake for a moment their inclination to jeer at me in this serious matter, they will realise that I have not in the least been inconsistent in my attitude to-day.

Sir, I will now state precisely the Government position so that there may be no room for misunderstanding. The Government is unable to accept this resolution as amended by Srijut Sarveswar Barua which aims at a permanent reduction of land revenue by 50 per cent. from year to year.

SRIJUT SARVESWAR BARUA: Not necessarily. It can be restored when circumstances justify.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: But the resolution does not say that.

THE HON'BLE THE SPEAKER: From the year 1937-38.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There it is in the resolution the words are from 1937-38. What is the plain grammatical sense of that? It means from the year 1937-38 onwards. So, Sir, I am not in favour of such a flat rate of reduction which is calculated to benefit the rich more than the poorer classes who are *bona fide* agriculturists and whose main source is agriculture carried on by himself or members of his family. Personally speaking, I am in favour of a graduated scheme which if carried out would substantially benefit the actual and poorer agriculturists. I could even agree to give them 50 per cent. reduction in deserving cases at once. But in a scheme operating permanently for the rest of the period of the current settlement, I could not agree to give all

and sundry, the rich and poor, irrespective of his economic condition, a reduction of 50 per cent. or even 33 per cent. for the matter of that. If we succeed in evolving a graduated scheme in the manner suggested, of which I am now unable to give details, persons who are in need will be substantially benefited. There will be no hardship to anyone living in the temporarily settled areas and there will be no such sacrifice of revenue as may bring about a deadlock of our administration or the closing of our beneficent activities. This scheme cannot be formulated with any degree of precision in the course of a discussion in this House by speeches delivered within time limits. Government, therefore, propose to appoint a small Committee consisting of experts and non-official members of this House to go into the question and draw up a scheme whereby we can give adequate relief by a graduated scheme of reduction of revenue. That scheme, when drawn up, will be placed before the House for discussion and its decision. The Government feels, however, that early action ought to be taken for the year 1344 B. C., that is 1937-38, which will fall due from the 15th of January next. It is difficult to wait for the decision of the committee before we make an announcement of our proposed reduction for this year. Since I introduced my budget in the beginning of this month, we have unfortunately received alarming reports of floods from different districts, while the evil effects of drought in other districts have not been made up by subsequent rainfall. If the situation has caused serious anxiety to the Government, it has created a sort of panic amongst our peasantry. In order, therefore, to ease the situation Government have decided to grant reduction of 25 per cent. of land revenue payable for the year 1937-38 in those areas where a reduction of 3 annas in the rupee was granted in previous years. The rate of reduction in other areas where it was given at a lesser rate, the reduction will be increased in that proportion. This rate will be applicable to all, excepting the tea-garden concerns who had not been taking any benefit during the last few years and other *nisf-khiraj* proprietors who by the terms of their leases are getting specific concessions already. But, as there is no regular enquiry, Government realises that this may not be adequate relief to poorer classes who toil from day to day in fields for a living. They have therefore agreed to increase the rate of reduction in such cases to 33 per cent. in areas where there was a reduction of 3 annas in the rupee and in other areas to increase it proportionately. The committee proposed by me, before going into the.....

MAULAVI MAQBUL HUSSAIN CHAUDHURY: On a point of information, Sir. Was the reduction of 3 annas a rupee given effect to in Cachar also?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In Cachar all along the reduction has been 1 anna and therefore it will be in proportion.

BABU KAMINI KUMAR SEN: What is the criterion of poverty?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I am coming to that, Sir. The committee proposed by me, before going into the question of permanent reduction, will advise Government as to what classes of people should get the benefit of reduction of 33 per cent. in the year 1937-38. I hope, Sir, this will satisfy the House. I would, therefore, advise the hon. mover of the resolution as well as the opponents to show some confidence in this Government which is out to give all possible and adequate relief to the peasants and agriculturists, and withdraw the resolution and amendment. This is exactly what my hon. friend the Khan Sahib wanted and I accept the recommendation of trying to give 33 per cent. to *bona fide* agriculturists.

(A voice—Will that reduction be extended to permanently-settled areas also?) We are concerned now only with the temporarily-settled areas.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, the Hon'ble Revenue Minister has told us that when in his non-official days he moved resolutions for a reduction of 50 per cent. of land revenue, there was no lack of seriousness and no lack of sincerity in his effort. I hope, Sir, he would give us credit for being equally serious and equally sincere and equally earnest in our effort to reduce land revenue by 50 per cent. It is, Sir, generally recognised by all the speakers who have preceded the Hon'ble Revenue Minister that owing to successive years of depression and continuous fall in the price of commodities, our *raiya*s have reached a stage of destitution, when the old standard of revenue assessment has become an intolerable burden to them and it has become necessary to adjust the revenue demand to the capacity of the people to pay. It is not necessary for me, Sir, to emphasize the sad plight of our peasantry. Their growing impoverishment, the misery of their daily lives, is patent to everybody. It has been the practice of the Government to grant reduction or remission of revenue when the country has been in the grip of floods and when all the paddy and all the crops have been washed away. The Hon'ble Revenue Minister has just told us that recently there have been cases of floods in the province and that for these areas a remission of 25 per cent. will be given. I will give him, Sir, the instance of Cachar which has suffered from a heavy floods recently. The land revenue collection in the Cachar district in 1935-36 has been only 70 per cent. ; 30 per cent. of the revenue has not been realised in the district of Cachar. Under the circumstances is it any concession to Cachar if 25 per cent. remission is given?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: In case of flood, Sir, when there is a general and wide spread calamity, we have a special provision in the Assam Land Revenue Manual to give specific relief, and we are bound by this 33½ per cent., etc. We give any relief necessary under that section.

MAULAVI ABDUL MATIN CHAUDHURY: Then, am I right in understanding from the Hon'ble Revenue Minister that, if necessary, more than 25 per cent. remission will be given to Cachar if circumstances so require?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes.

MAULAVI ABDUL MATIN CHAUDHURY: Then as regards general remission, Government has recently granted a remission of 3 annas in the rupee as a temporary measure. In making that remission they have regard more for safeguarding the provincial revenue than the interest of the peasantry. The interest of the peasantry has been a subordinate consideration. The policy of the Government is to maintain the costly paraphernalia of their top-heavy administration.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of explanation, Sir. I have taken the arbitrary figure of 25 and 33, because we have not been able to go into the question carefully. After the question is gone into and discussed by the committee, we will decide what sort of remission will be necessary.

MAULAVI ABDUL MATIN CHAUDHURY: Sir, I am talking of the position as it at present stands. As I said, the Government have subordinated the interests of the peasantry to the superior claims of the administration. For maintaining the top-heavy administration the *raiya*s have to pay whether they can afford it or not. We want to reverse that

order. What we want is that the *raiya*t should pay what he can afford and Government must adjust their expenditure to the income they derive, or they must explore other sources of revenue from people who can bear it. Mr. Lloyd George in one of his budget speeches laid down a dictum which I think should guide the Hon'ble Finance Minister. He said: "No cupboard should be barer, no lot harder, because of the taxation proposal of the Government." But, Sir, our land revenue policy—our rate of assessment—not only makes the cupboard empty but takes away the cupboard itself by warrant of attachments. That state of affairs must cease, if one efforts can prevent it.

As regards the capacity of the people to pay my hon. friend Mr. Sayidur Rahman has quoted very telling figures. He proposes 33 per cent. reduction. I would ask him one question. In the district of Kamrup, in the district of Goalpara, in the district of Sibsagar the present collection is 65 per cent. Even that 65 per cent. is being realised after a good deal of pressure and many coercive methods are being adopted. When 35 per cent. of the revenue is not being realised from these districts, is it any concession to suggest that 33 per cent. of revenue will not be realised? Mr. Sayidur Rahman has given us the figures of the Assam Valley. I would like to give figures of one part of my constituency, namely, Jaintia Pargana. Jaintia Pargana is one of the poorest tracts in the whole of Assam. For the last 5 or 6 years there has been successive failure of crop there and in order to realise an arrear of Rs.40,000 only 7,273 attachments had to be issued. People are so poor there that for the realisation of arrears of land revenue to the extent of one lakh of rupees 15,000 estates had to be sold in auction. That is the condition of Jaintia Pargana. Now we must remember that every settlement-holder realises the risk that is involved in non-payment of the revenue. It means the loss of his sole source of maintenance, the sale by auction of his land. The fact that so many warrants of attachments are issued to compel them to pay the revenue conclusively proves the incapacity of the people to pay the present demand.

Sir, one more word about the dead-lock. It is said that if 50 per cent. reduction is made there would be dead-lock in the administration. I think there are two courses that are open to the Government by which they can avoid this difficulty. One is retrenchment. By retrenchment I do not mean reduction of the chaprasis, clerks and low-paid subordinates. I mean to cut down the tall poppies. I think a new standard should be set up, of administration at a lower cost, consistent with the economic condition of the people. But that will not be enough to cover the deficit. Other sources must be explored to make up the deficit that this reduction will entail. In the district of Sylhet, in the district of Cachar and throughout the Assam Valley there are millions of acres of agricultural lands undeveloped, unreclaimed and uncultivated. If that land is given to the people who are clamouring for it then the deficit can be more than made up. In Sylhet 51 per cent. of land is cultivated while in the Brahmaputra Valley only 19 per cent. is cultivated. If these undeveloped and unreclaimed lands are given to the people who are in need of it, I think this deficit can be easily met. Finances of the province of Assam are poor not because of its unproductivity but because of the erratic policy of the Government. The Government policy is to squeeze every penny out of the poor peasantry and leave millions of acres undeveloped and unreclaimed. If Government will substitute extensive assessment in place of intensive assessment this loss of revenue can be met. I support the resolution.

SRIJUT GOPI NATH BARDOLOI: I think the resolution has been talked sufficiently and it is now time that we should close the discussion. Accordingly I beg to move that the resolution may now be put.

THE HON'BLE THE SPEAKER: Does the hon. member want to move for closure?

SRIJUT GOPI NATH BARDOLOI: I beg to move for closure.

THE HON'BLE THE SPEAKER: As far as I could see the resolution has not been sufficiently discussed and I propose to sit for another half an hour so that it may be discussed sufficiently.

SRIJUT GOPI NATH BARDOLOI: We have no objection, Sir.

MAULAVI ABDUR RAHMAN: Sir, I beg to support the resolution first because there has been a demand throughout the country that the lands that are occupied by the poor peasants should not be heavily taxed. There is another important point involved in the resolution and that is this:—the previous House on more than one occasion adopted the same resolution on the ground that there should be a reduction of the land revenue by 50 per cent. at any cost. If we now go away from the decision of the former House, I think, we shall show disrespect to our predecessors and on that principle also I lay my support to the resolution.

Sir, I always identify myself with the poor peasantry more especially with those who are the tillers of the soil. I can never dream that these people should any longer be allowed to be oppressed by the heavy revenue that has been imposed and is going to be imposed on their lands. It has been said on the floor of this House during the budget discussions that oppressions are going on on the poor peasants like anything in connection with the realisation of land revenue. This is also another reason which leads me to offer my support to this resolution. Then again what is the condition of the poor peasants now in the country? Previously the agricultural produce used to be sold at a higher price, but now the price of it has fallen to a great extent and these poor people cannot earn what they used to earn before.

Now again after paying the revenue of the land they cannot meet the expenses of their two meals of the day. Of course, Sir, it has been suggested by my friend Khan Sahib Maulavi Sayidur Rahman that this is a very serious problem for the administrative Government that if this resolution is passed by the House a serious deficit may be effected in the budget. But it has been suggested by Maulavi Abdul Matin Chaudhury that there are various waste lands for increment of the Government revenue. If Government only agree to this, they can, I think, increase the revenue to a great extent. During the discussion which followed the question of the abolition of the line system we could gather that if that system is abolished, millions of rupees can be obtained by Government as revenue by letting out new lands to those who want to take settlement of lands.

Of course, Sir, Khan Sahib Sayidur Rahman stated before the House that he also admits the principle of reduction of land revenue, but in order to keep both sides he has admitted that he has taken a *via media*, but this policy of *via media* will be of no good. Either he should identify with Government or be with the poor tenants. With these words, I whole-heartedly support the main resolution as amended and accepted by the hon. mover of the resolution that *ryots* should get 50 per cent. reduction and if possible more should be given to the poorer classes who are the backbone of the nation.

MR. JOBANG D. MARAK : Sir, there was a Conference of Finance Ministers in Bombay to find out some means for the Government to bring money—to see from what sources money could be got. We should say that that was a money-making conference. From the discussion we find that they have found out four sources of income.

The first is retrenchment. But from this no appreciable saving could be effected by a cut in salaries.

Secondly income-tax. They proposed that there was no immediate prospect of a contribution from this source also.

Then they discussed borrowing. It was impossible to finance a programme by that method owing to some restrictions on it. The Ministers therefore decided that no ministerial programme should be financed by borrowing.

Then lastly, they came to the method of new taxation. The Ministers thought and think that this source is the only method of financing a programme. This will mean an additional burden to certain class of people, because provincial autonomy will have little value unless it brings hope and cheer to the poor masses on whom a heavy burden of taxation had already fallen.

THE HON'BLE THE SPEAKER : Is the hon. member supporting the resolution ?

MR. JOBANG D. MARAK : No, Sir.

The poorest mass, the true cultivators should be excluded from the new scheme of taxation. While considering all new taxation here in this House, we should keep in mind one principle which is very vital. Under the present existing scheme of taxation a heavy burden falls on the poor. This is admitted, and unless provincial autonomy brings any hope or cheer to them it will have little value.

Our duty now, Sir, is to improve the standard of the life of the poor by relieving them from their present heavy burden and to give them more amenities. This is what is meant by this 50 per cent. cut. To achieve this objective it is necessary that any scheme of new taxation of the poor should be left out altogether if possible, and the new burden should be imposed on shoulders that are capable of bearing it.

In India 90 per cent. of the people are waiting to be enlightened. The standard of life of the bulk of the population is low. Sanitary conditions in the country side are primitive. The death rate is high, and unemployment is the biggest scourge of the time. To remedy all these ills more funds are needed and funds can only come from fresh taxation. The common goal is the organisation of the mass welfare in the truest and highest sense of the words.

The taxable list under Schedule VII to the Government of India Act, 1935—the taxable field—some ten or dozen heads are open to the provincial Ministers under which they could expect to get a substantial amount to implement their programme.

So we need not worry, but still the conditions of provinces differ widely. And there cannot be uniformity of sources of additional taxation, and even if the same taxes were imposed in all the provinces the Ministers foresaw that the result would be varying.

The ten or a dozen heads of taxation according to the same source opened out a somewhat hopeful vista of the taxable field strictly open to provinces and would substantially enable the Ministers to implement their programme.

The responsibility of accepting or rejecting programmes devolves on the legislatures to make up their minds whether they want the programme or not.

THE HON'BLE THE SPEAKER: Order, order, the hon. member must stop now.

MAULAVI SAIYID ABDUR ROUF: Sir, a sense of duty towards the country and towards the Government compels me to speak a word or two in support of the resolution moved by my friend. I am pledge bound to my constituency to see to their interests and at the same time I gave out to them that I wanted to come here not to create a dead-lock either constitutional or administrative, but to work out the constitution. I am therefore bound to see that I do not stand on the way of the proper administration of the Government. I am, Sir, fully conscious that we have wanted sufficient money for every nation-building department and I am equally conscious of the fact that without more money in the Provincial exchequer none of our demands can be satisfied. I am also fully aware of the fact that even by paying Rs. 5 per month to our Ministers we cannot save sufficient money to meet even our urgent demands of compulsory free primary education and the like. The civilisation does not say that we will only be curtailing our expenditure and will return to the primitive stage. The civilisation rather urges a man to spend more from day to day for the amenities of his life. I want to see my countrymen well-clothed, well-fed and well-educated possessing a healthy physique with healthier moral character. For improvement in any of these directions our Government shall have to spend crores of rupees and to-day or tomorrow it is certain that we will compel them to spend the money for us. Now, Sir, Government have not the Aladdin's wonderful lamp at their hand. They must have money from us and it is but fair that we must be prepared to pay them as much as they want. Personally speaking for myself I am satisfied to hear what the Hon'ble Minister has said, but then why do I want to have the land revenue reduced by 50 per cent. and the provincial exchequer thus to suffer an annual loss of so many lakhs? Sir, I assure you that I do not thereby want to gain cheap popularity amongst the masses. By a reduction of the existing land revenue, I want to increase the income of the Government. I want to compel the Government to shake off their lethargy and to look towards various other directions for their income. This recommendation of the House will compel them firstly to cut their coat according to their cloth (*Hear, hear*) and then it will compel them to fight more vigorously for the legitimate share of the province in the kerosene and petrol duties (*Hear, hear*). It will further compel them to open wide their eyes to the real condition of the people. The prosperity of the Government depends chiefly if not mainly upon the prosperity of the people of the province and the prosperity of the province depends upon the proper utilisation of its wealth and is proportionate to the gold it can bring from outside. Sir, our province is primarily an agricultural province and the main wealth of this province like all other agricultural provinces is 'land and labour'. Now, Sir, you have allowed vast areas of land to remain fallow in the shape of grazing reserves, fuel reserves, town extension reserves and reserves for our grand children. These vast areas have not been yielding any appreciable income and on the other hand are responsible for the loss of many lives and much wealth. Sir, if only for a year you care to keep an account of how much of crops is destroyed by the wild beasts

and birds of these reserves, you, Sir, I am sure, would have only wondered. Over and above these reserves, you have not been able to settle so many lakhs of acres of waste land with the ryots. I like to suggest that just throw open for cultivation some of these reserves and try to settle the waste lands with the ryots. This will bring the Government an additional income in the shape of land revenue and jute duty and I am sure this additional income will certainly more than compensate the loss sustained by our proposed 50 per cent. reduction.

Government may reasonably ask me why the waste land is not being cultivated. I say, Sir, people do not know how and where to get proper information. If the Government ask the Land Revenue and Land Records Department to prepare a list of the arable waste land dag by dag and village by village with proper descriptions and if these lists are published for general information, I am sure people will take settlements of those lands in a year or two. If the Government want I am ready to offer them my practical and practicable suggestions on the matter. I now like to draw the attention of the Government to another aspect of the question—the question of the wastage of cultivators' labour. This province has fortunately or unfortunately got thousands of people of the peasantry class without land. For want of land they cannot utilise their labour and over and above that the earning section of the people of the province has got to maintain them. Thus the province has got to remain deprived of so valuable a wealth—the immense labour of this landless section of its people. As the country has got to maintain them it is becoming poorer from day to day and Government certainly cannot expect to get sufficient money from a country which is thus becoming poorer. I ask our Government to give them scope for utilising their labour. In this connection, I like to submit that the proposed policy of our Government to send the middle class youths to the cultivators field will make the situation all the more worse and I will not be surprised to see the Government and the society receiving the rudest shock as an effect of any communist movement of hungry millions.

After what I have said, I think, it is not desirable for me to give any more suggestion to Government but I hope that Government will accept our suggestions and they will be generous enough to accept the resolution moved by my hon. friend. As I am barred by a line of time, with these few words, I beg leave of the House to retire.

THE HON'BLE THE SPEAKER: There have been sufficient member of speeches in favour of the resolution. If any hon. member wants to speak against the resolution, he can speak.

MR. C. GOLDSMITH: Sir, the resolution for reduction of land revenue must be an admirable one. The condition of the people are surely deplorable. It has been said by the opposition party that the Revenue Minister had a election manifesto of reduction of land revenue and he promised that he would try his level best to see that the revenue is reduced, but as far as we know the Congress had also election manifesto of 50 per cent. reduction but in the whole of India where the Congress Ministry are working they have not been able to give 50 per cent. reduction which they advocated (*hear, hear*). Sir, they are asking for something which seems to be an impossibility in other Congress provinces but asking the Assam Government to do. Now we ought to see whether reduction of revenue really helps the people and we must also see whether the people are able to cultivate in a better way, they must have better products, they must be healthier, they must have better cattle, they must be immune from floods, they must be educated also. Now to do all these things—*i. e.*, to carry

on these constructive works, looking after their health, giving medical aid, making their roads and tanks, etc.—money is required, and by reducing the land revenue and neglecting the other side we are not doing good service to the country. If Government does not look to the welfare of the people then only the reduction of revenue will not help. Any Government or any legislative body, who want to improve the condition of the country, must see whether the country is really developing in other respects—not in point of reduction of revenue only.

Sir, we want more self-help, more self-reliance, more industry and thrift to prevail in Assam. To do this, Sir, we must teach them, we must make propaganda; only looking and concentrating our mind on reduction of revenue will not help. We want poor raiyats, who are *bona fide* agriculturists, who are unable to pay, to be helped, and the Ministry is agreeable to do that. So I support the amendment of Khan Sahib that a reduction of 33 per cent. should be given to people who are unable to pay.

Sir, one hon. member has told us to open the fields, to open the millions of acres that are available for settlement, and by that revenue could be increased. But that is a hypothetical case. We must take the present body politic and see that they take care of themselves.

We must look to the welfare of the raiyats, we must see that their health improves, they get better facilities to improve in all directions, they get education. We should not concentrate our attention to this reduction of land revenue only.

I do not think it is proper at this stage, therefore, to agree to this resolution. With these words, I beg to oppose this resolution.

MR. W. FLEMING: Mr. Speaker, Sir, there has been much discussion on this subject and it may well be that the House is tired. There has been evidence of a desire to push the matter to a division. You have been kind enough to sit long and we are grateful. Nevertheless I think, Sir, the subject is a very important one and should be discussed from every angle of vision. There are doubtless various reasons why various groups have supported this resolution, but some of them have done so, Sir, along anything but a straight line of reasoning. One group supported the high figure of 50 per cent. So far as I can see, Sir, this support is given in the hope that so large a cut in revenue will result in Government's having to do something *else* that these supporters want. Whatever Government may be on the front bench some time in the future it will have to find money in some way to meet the loss of revenue that it sustains in *this* way. That is, it will have to abolish the line system or something like that, and lease out more of the uncultivated lands of the Lower Valley. At least some of these supporters hope so.

I do not want to keep the House long, but I want to say this, that I have no interest one way or the other except a fair-minded study of the proposals. The proposal is for a reduction of 50 per cent. flat. It seems to me that a flat reduction of 50 per cent. will quite definitely operate very largely to the benefit of those who do not need it. It is the poorest who need assistance.

Sir, no one is more in sympathy with these poor people than I am. There is no levity in me in discussing the question of their poverty. It seems to me that those who think that the incidence of this revenue falls heavily on these people will go for a scheme which gives them the real benefit. From that point of view it seems to me that there is little difference between the opinions from all sides of the House. If we are all sincere in the wish to assist the poor raiyats who need assistance, there need be no question of a division. I think, Sir, there is no special limit put to the assistance

which the Government Bench promised to the poorest of these people, and the whole strength of the resolution has been in the name of these people ; one hon. member put it in the name of God. Therefore, Sir, I put it to the House that the offer that has been made from the Government Bench is a fair and honourable offer. It might have been better if the initiative had come from that bench. Nevertheless the offer that has been made is fair and honourable and it goes right to the crux of the matter, which is the amelioration of the life of the poor raiyats. I also want to put it to the House whether the House should insist on the flat figure and override the plain statement that to do so will not be the best way of doing what is greatly required. The offer is a straightforward one to ameliorate the condition of the raiyats, and that is what we really want to do. The offer is a fair and reasonable one and should be given an opportunity of being put into action.

(After 6 P.M.).

KHAN BAHADUR MAULAVI KERAMAT ALI : It is the prayer time of the Muhammadans. We must go to the prayer, Sir.

THE HON'BLE THE SPEAKER : The hon. member ought to have told me that before.

KHAN BAHADUR MAULAVI KERAMAT ALI : It is 6 o'clock up to which you were pleased to extend the time, Sir.

THE HON'BLE THE SPEAKER : But if by sitting for 15 minutes more we can finish this business, I think we should sit up to that time.

SRIJUT GOPINATH BARDOLOI : All the groups interested have spoken, Sir.

THE HON'BLE THE SPEAKER : I do not know how long the prayer will take.

KHAN BAHADUR MAULAVI KERAMAT ALI : Half an hour.

THE HON'BLE THE SPEAKER : I shall sit for another half an hour. There is the prayer hall.

(Several hon. members protested against this showing various reasons.)

THE HON'BLE THE SPEAKER : A desire has been expressed that the question be now put. I am prepared to do so if two-thirds of the members present are in favour of it. Will those in favour of the question being put please stand in their seats ?

(After counting the members standing) I see only 49 members standing. There are 90 members present, and two-thirds of that is 60, so the debate stands adjourned. And the House is adjourned till 11 A.M., on Saturday, the 28th August, 1937.

Shillong, }
The 7th October 1937. }

A. K. BARUA,
Secre'ary, Assam Legislative Assembly