

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 11 a.m. on Saturday the 28th August, 1937

QUESTIONS AND ANSWERS

STARRED QUESTIONS

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 ?

*239. Will Government be pleased to state :—

- (a) The names of officers who have held the posts of (i) Political Officers at Sadiya and Balipara and (ii) Assistant Political Officers at Sadiya and Pasighat during the last 18 years ?
- (b) What special allowance is given to these officers ?
- (c) Whether most of the Europeans in the Indian Police are posted straightway from Sardah in the Indian Police to the post of Assistant Political Officer at Sadiya ?
- (d) Whether the posts mentioned in (a) are reserved for European members of the Indian Police; if so, on what grounds ?
- (e) Whether the Hon'ble Minister in charge of these appointments is prepared to see that due consideration is given to the claims of Indian Officers to these appointments ?

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: Mr. Speaker, Sir, I want to ask a few more questions under No.238.

THE HON'BLE THE SPEAKER: Very well.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister aware that in the past Indian officers have not been appointed as District Officers in Hill districts?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My reply is that Indian Officers have not been excluded. There are instances where Indian Officers have been posted to Hill districts.

MR. FAKHRUDDIN ALI AHMED: Has any Indian Officer held the post of Deputy Commissioner at Shillong within the last 18 years?

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

MR. FAKHRUDDIN ALI AHMED: And in the Garo Hills?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir. Mr. Mehta was in charge of the Garo Hills for over 3 years.

MR. FAKHRUDDIN ALI AHMED: When?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I cannot give the exact date.

MR. FAKHRUDDIN ALI AHMED: And in the Lushai Hills?

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

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister prepared to consider the claims of Indian Officers when future vacancies occur?

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

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

239. (a)—The hon. member is referred to the Assam Civil Lists for the period in question.

(b)—The special allowances given to these officers are—

			Rs.
Political Officer, Sadiya	...	...	250 per mensem.
” ” Balipara	...	...	150 ” ”
Assistant Political Officer, Sadiya	...	...	100 ” ”
” ” Pasighat	...	...	150 ” ”

Assistant Political Officers, Sadiya and Pasighat, also get a compensatory allowance at Rs.75 per mensem for remoteness of the area and dearness of living.

(c)—Only two officers—Messrs. Walker and Williams—were posted to the headquarters station of the Sadiya Frontier Tract as Assistants to the Political Officer, Sadiya, straight from the Sardah Police Training College in 1936 and 1937.

(d)—No.

(e)—The appointments and postings to these posts which are “reserved posts” are made by His Excellency the Governor in the exercise of his individual judgment. Indian Officers are and will be appointed as may be deemed fitting.

MR. FAKHRUDDIN ALI AHMED: Has the Hon'ble Minister any right to advise His Excellency the Governor in the matter of postings?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, but the Governor is not bound to accept the advice.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister convey to His Excellency that the claims of Indian Officers are not neglected in the future ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: As I have pointed out, they have not been neglected. Even now one of the Political Officers is an Indian.

MR. FAKHRUDDIN ALI AHMED: Is it a fact that the most of the appointments were given to Europeans in the past ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Formerly they were all held by Europeans, but for 7 or 8 years past Indian Officers have been posted as Assistant Political Officers.

Cotton College, Gauhati

MR. FAKHRUDDIN ALI AHMED asked :

*240. Will the Hon'ble Minister of Education be pleased to state :—

- (a) Whether a room is set apart in the Cotton College, Gauhati, for the purpose of being utilised by students as a common reading room ?
- (b) Whether a separate reading room is essential for the students desiring to utilise their leisure time in reading journals and newspapers ?
- (c) Whether there is a Gymnasium with an instructor in the Cotton College, Gauhati, for the use of students ?
- (d) Whether the Hon'ble Minister proposes to make provision for a separate Reading Room and Gymnasium with an instructor in the Cotton College, Gauhati, in case these necessary facilities are not already available in the College ?

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

240. (a)—No.
 (b)—It is very desirable.
 (c)—No.
 (d)—Yes, when funds permit.

Amount of Government contribution to the Jorhat College of Arts

SRIJUT PURNA CHANDRA SARMA asked :

*241. Will Government be pleased to state the amount of contribution from Government for the Jorhat College of Arts ?

- *242. (a) Have the authorities of the Jorhat College asked the Government for any contribution for starting the Science and the B. A. course ?
 (b) If so, do Government propose to make any grant for the same ?

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

- 241.—Nil.
 242. (a)—Yes.

(b)—A provision of Rs.2,000 has been made in the budget for grants to non-Government Colleges and the case of the Jorhat College will be considered.

SRIJUT PURNA CHANDRA SARMA: Has no sum been allotted for the Jorhat College ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASAR MD. WAHEED: I have replied under (d) Rs.2,000 has been provided in the budget for a grant.

Non-recurring grant to the Jorhat College

SRIJUT DEBESWAR SARMAH asked :

*243. Will Government be pleased to state—

- (a) Whether Government received any application from the authorities of the Jorhat College asking for a non-recurring grant of Rs.6,000 for opening the B. A. Course ?
- (b) Do Government propose to give the said grant to the College ?
- (c) If Government are aware that most of the students who passed I. A. from this College failed to join institutions elsewhere for the B. A. degree course ?
- (d) If Government are aware that this year fifty-three students have passed the Intermediate examination from this College ?

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

243. (a)—Yes.

(b)—Not to the extent asked for, but a provision of Rs.2,000 has been made in the current year for grants to non-Government Colleges and the case of the Jorhat College will receive consideration.

(c)—Government have no information.

(d)—Yes.

Number of existing Venture Schools in Lower Primary standard in the Province

SRIJUT GOPI NATH BARDOLOI asked :

*244. Will Government be pleased to state (a) the number of existing venture schools in lower primary standard in the province ?

(b) If the number is not available whether the Education Department did not collect these figures for the quinquennial report ?

(c) If the number is available will Government be pleased to state—

- (1) The total number of venture schools waiting to be taken up and financed either by Government or Local Bodies ?
- (2) The total number of students in such schools ?
- (3) Their number, district by district, in the Province ?
- (4) The number of students shown therein (a) from backward and tribal races, (b) from the scheduled castes, (c) from the immigrants in the Assam Valley, (d) from the tea garden labour classes, (e) from the hill people ?

*245. Will Government be pleased to state—

- (a) amount of annual recurring grants that shall have to be paid by Government to local authorities or by Government directly if these schools are to be taken up by them from such grants, at the present rate of pay paid to the teachers?
 (b) Whether Government adopted any scheme for financing these venture schools?
 (c) If not, why not?
 (d) If the answer to (b) above is in the affirmative, will the Hon'ble Minister be pleased to place the scheme before the House?

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

244. (a)—In the Surma Valley and Hill Districts ... 685
 In the Assam Valley ... 530

Total ... 1,215

(b)—Does not arise.

(c) (1)—All the above schools are waiting to be financed.

(2)—In the Surma Valley and Hill Districts 25,268 scholars.
 In the Assam Valley ... 27,192 "

Total ... 52,460 "

(3)—

	Number of venture Primary Schools	Enrolment
Sylhet ...	377	16,107
Cachar ...	114	4,053
Khasi and Jaintia Hills...	151	3,548
Lushai Hills...	14	456
Naga Hills ...	29	1,104
Lakhimpur ...	59	2,025
Sibsagar ...	79	4,712
Nowgong ...	38	4,259
Darrang ...	57	1,941
Kamrup ...	185	8,319
Goalpara ...	62	5,936
Total ...	1,215	52,460 (Scholars)

(4)—

District	Backward and tribal races	Scheduled castes	Tea garden Labour classes	Hill people	Total
Sylhet ...	51	1,945	127	35	2,158
Cachar ...	...	882	418	78	1,378
Khasi and Jaintia Hills.	...	13	...	(a) 15,518	15,531
Lushai Hills...	...	...	...	456	456
Naga Hills ...	...	...	...	1,104	1,104
Total					20,627

(a) Including Indian Christians.

The figures for Assam Valley are not readily available.

245. (a)—Rupees 2,43,000 a year approximately.
 (b)—No. But Government have provided half a lakh (recurring) in the current year's budget to enable Local Boards to take up a certain number of these schools.

(c)—For financial reasons.

(d)—Does not arise.

Lock-out and strike in Dhubri Match Factory

SRIJUT SIDDHI NATH SARMA asked :

*246. (a) Is the Hon'ble Minister in charge aware of the lock-out and strike in Dhubri Match Factory ?

(b) Is he further aware that the same is still continuing ?

(c) Does the Hon'ble Minister in charge know it for a fact that 350 workers are involved in this lock-out ?

(d) Does the Hon'ble Minister in charge further know it for a fact that the workers were organised into an Association known as "Workers' Union" ?

*247. (a) Is the Hon'ble Minister in charge aware that 20 workers of the said Union were made Special Constables in May last by an order of the Government ?

(b) Is the Hon'ble Minister further aware that all except 2 are office bearers of the said Union ?

(c) Is the Hon'ble Minister aware that the Special Constables are to be on duty for 4 hours a day in different places where no Police Officer or constable are deputed ?

*248. Is it a fact that the grievances of the workers of the Dhubri Match Factory were brought to the notice of the Hon'ble Minister in charge of the Revenue and Judicial Departments when he last visited Dhubri by the representatives of the Union ?

*249. Will the Hon'ble Minister in charge state why no enquiry was made to redress the grievances of the 350 workers who are peacefully observing the strike as a protest against the breach of agreement entered into by the management of the Dhubri Match Factory and the representative of the workers ?

*250. (a) Is the Hon'ble Minister in charge aware that Abdul Gaffur, Ali Akbar, Alia Jan and Mahabir, workers of the Match Factory, were arrested in May last in connection with a criminal case ?

(b) Were they put to the heavy bail of Rs.1,200 each with two sureties each ?

(c) Are they all still in *hajaj* ? If not, how many are still in *hajaj* ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

246. (a)—Yes.

(b)—Yes.

(c)—Yes.

(d)—Yes.

247. (a)—Yes, but the Deputy Commissioner withdrew his order appointing special constables on 9th July 1937.

(b)—Government have no information. Members of the Union were not singled out, but only the help of those likely to be useful in maintaining the peace was taken.

(c)—The duties and powers of the special Police officers are defined in the Police Act V of 1861. From reports received it appears that they were not employed in arduous and difficult duties, but worked along with the regular force.

SRIJUT SIDDHI NATH SARMA: Is it a fact that some of the special constables were also further punished?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: By whom?

SRIJUT SIDDHI NATH SARMA: By Government.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does the hon. member mean by the law courts or by whom?

SRIJUT SIDDHI NATH SARMA: By the law courts.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have no information on that point. How can I say what judgment will trying courts pronounce?

SRIJUT SIDDHI NATH SARMA: Will the Hon'ble Minister enquire?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, I said yesterday. That I shall enquire if any such case were pending.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:
248.—Yes.

249.—Besides the Deputy Commissioner and the Superintendent of Police, the local M. L. As. and others have been attempting to bring about a settlement from the very beginning of the strike. Unfortunately, the strike has not all along been peaceful.

250. (a)—Yes.

(b)—No. Two sureties in the amount of Rs.400 each were demanded in each case.

(c)—None.

Complaint against beating a student

BABU HARENDRA NARAYAN CHAUDHURI asked:

*251. Will the Hon'ble Minister in charge of Education please state—

(a) Whether his attention has been drawn to the news heading

“*এ প্রহরের অভয়গ*” published in the *Janasakti* of Sylhet, dated 28th July 1937?

(b) If so, whether an enquiry has been instituted?

(c) What is the result of the enquiry?

(d) If no enquiry was made, why?

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

251. (a)—Yes.

(b)—An enquiry was made by the Inspector of Schools.

(c)—The matter was compromised.

(d)—Does not arise.

BABU HARENDRA NARAYAN CHAUDHURI: Will the Hon'ble Minister be prepared to let the House know the results of the enquiry by the Divisional Inspector of Schools?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED: The matter was compromised as a result of the enquiry.

BABU HARENDRA NARAYAN CHAUDHURI: Still there was an enquiry as he said?

THE HON'BLE THE SPEAKER : The hon. member wants the recommendations of the enquiry if it was completed.

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I want notice of that.

BABU HARENDRA NARAYAN CHAUDHURI : In view of the fact that as reported in the papers the words uttered by the teacher were so objectionable, or rather I would say vulgar, that it is not desirable for me to discuss it in the presence of a Lady member in the House and when some ladies are also present in the gallery ; may I know if the Hon'ble Minister will be prepared to discuss the matter outside the House with me ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : Yes, I am prepared to discuss the matter.

Amount paid annually by the Commercial Carrying Company to Government

SRIJUT SIDDHI NATH SARMA asked :

*252. Will the Hon'ble Minister be pleased to state—

- (a) The amount paid annually by the Commercial Carrying Company Ltd., to the Government of Assam under the terms of the contract between the said Company and Government ?
- (b) The amount paid by Government to the said Company in the years 1935-36 and 1936-37 for fares and freight for Government servants, travelling over the Pandu-Gauhati-Shillong Road (both ways) ?
- (c) The total amount paid by the Central Government to the said Company in the years 1935-36, 1936-37 for fares and freight for travelling in the said road both ways by (i) Military staff and battalions, (ii) officers and staff of the Survey Department ?
- (d) How do the fares and freight charges of the Commercial Carrying Company compare with those obtaining on motor roads in other provinces of India ?

*253. (a) Is it a fact that one or more of the Hon'ble Ministers can issue free passes for motor journeys over the Shillong-Gauhati-Pandu Road ?

(b) If so, is it by virtue of his office as a special privilege shown by the Commercial Carrying Company ?

*254. (a) Is it a fact that Government realise Rs.250 annually per bus for plying on the Trunk Road between Gauhati and Jorabat (11th mile of the Trunk Road) ?

(b) Do Government realise such fee for plying motor buses in any other portion of the Assam Trunk Road ?

(c) Will the Hon'ble Minister in charge be pleased to state why this fee is realised ?

*255. (a) Is it a fact that the realisation of this fee was necessitated by reason of the monopoly of the Gauhati-Shillong-Pandu Road having been granted to the Commercial Carrying Company Ltd. ?

(b) Do Government realise that on account of the imposition of such fee, no bus service between Gauhati and Nowgong has been possible ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

252. (a)—The hon. member is referred to the reply given to question No. 17 (a) asked by Srijut Haladhar Bhuyan, M. L. A., at this session of the Assembly.

(b) and (c)—The labour that will involve in collecting the figures will not be commensurated with the result.

(d)—Government have no information.

SRIJUT DEBESWAR SARMAH : As regards (b), Sir, may I know what leads the Hon'ble Minister to think that the labour will not be commensurate with the result ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : If my hon. friend wants to know the total amount of money which Government servants have to pay as fares, it will require the Government to employ a special staff to go into the travelling allowance bills of all Government servants of all grades of every department including their servants who travelled on the Pandu-Shillong road. It will be a very huge task to look into the travelling allowance bills for even a year. If it is however the idea to elicit that Government pays a very heavy sum, I am prepared to admit that.

SRIJUT SIDDHI NATH SARMA : Can it not be given for one year, the year 1936-37 ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : That also would involve scrutinising each individual travelling allowance bill and there are a very large number of Government servants who have to travel on this road. The hon. member can visualise for himself the labour involved.

THE HON'BLE THE SPEAKER : With regard to the reply, I wish to point out that I think the form of the answer is not proper. When an hon. member puts a question he has a certain result in view and I do not think it is proper on the part of the Ministry to say that the labour would not be commensurate with the results. The answer may be given in this way: that it will involve an enquiry which will be prolonged and that it will take time to find out the exact figures. That should be the proper form. Here indirectly a reflection is cast on the member putting the question.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : No reflection is meant, Sir, I know that it is the intention of the hon. member to show that Government spends a very big amount and in that view I have replied that I am prepared to admit that. I have, therefore, said that the collection of the actual figures would involve labour incommensurate with the result. If I say merely that it will take a very long time and so forth, then I will surely be told to take my own time and collect the figures. That will mean the appointment of at least a special clerk on the work of scrutinising all the travelling allowance bills of all Government servants of all departments. To economise time and also money, I have pointed out that it will not be commensurate with the labour involved.

THE HON'BLE THE SPEAKER : Here again, the Hon'ble Minister is assuming that the hon. members will be unreasonable and ask Government to undertake a huge task of collecting these figures.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Very well, Sir, if necessary I shall prove it by an example next time and I am perfectly sure that the result will be as I mentioned.

SRIJUT DEBESWAR SARMAH: Is the Hon'ble Minister aware that there is a great public grievance on the monopoly question to the Commercial Carrying Company and that it entails a great hardship particularly on the Assam Valley people?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I know that this question was debated on the floor of this House in the previous Council and therefore, there must be a public grievance.

SRIJUT PURNA CHANDRA SARMA: Does the Hon'ble Minister mean to say that it will involve a huge expense to give the figures to the House?

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

SRIJUT GAURI KANTA TALUKDAR: Will the Hon'ble Minister make an attempt to meet the grievances of the people of Assam in this matter?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: All these matters will be taken into consideration when the question of renewing the contract will be taken up. The present contract will be over by the end of 1938.

SRIJUT PURNA CHANDRA SARMA: Does the Hon'ble Minister mean to say that the expenditure will be more than the amount actually paid under the bills?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not prepared to say that. I have said that in order to collect the information required it will involve placing at least one Assistant on special duty for a long time.

MAULAVI MUHAMMAD AMJAD ALI: With regard to the renewal of the contract is it the intention of Government to give a monopoly again?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That question has not yet come. As I said, the present term of the contract will expire in December 1938, and the matter has not yet been taken up.

MAULAVI MUHAMMAD AMJAD ALI: Is it the intention of Government to continue the journeys by the monopoly system?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I have already said that the matter has not been taken up yet.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

253. (a)—No.

(b)—Does not arise.

SRIJUT MAHI CHANDRA BORA: Is it a fact that some hon. members of this House enjoy the privilege of free passes over this road?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Government has got no information.

SRIJUT MAHI CHANDRA BORA: Will Government be pleased to make an enquiry in the matter?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Enquiry from the company, Sir?

SRIJUT MAHI CHANDRA BORA: Yes, from the Commercial Carrying Company.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: For what period?

SRIJUT MAHI CHANDRA BORA: For the year 1936-37.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: None of the hon. members of the Government Bench now were on the Cabinet in 1936-37.

SRIJUT MAHI CHANDRA BORA : For 1937?

MR. BAIDYANATH MOOKERJEE : His question does not refer to the Ministers, but to the members.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The question relates to the Hon'ble Ministers, and my reply is that it is useless to make an enquiry as regards 1936-37, as none of the present members of Ministry were members of the Cabinet then.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

254.—Yes. Government are considering the question of remitting this fee.

(b)—No.

(c)—The portion of the road from Gauhati to Jorabat is a part of the hill road costing very high expenditure both in construction and maintenance.

SRIJUT SIDDHI NATH SARMA : From what time Government are going to remit this fee ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Government are considering the question of remitting. Final orders have not yet issued. I am pre-occupied with the Assembly now.

SRIJUT GOPINATH BARDOLOI : Is it not a part of the Trunk Road ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes. But it is maintained as a hill road.

255.—No.

(b)—Public service motor vehicles can ply between Gauhati and Nowgong on payment of the prescribed fee of Rs.250 per annum.

Exclusion of Barpathar and Sarupathar Mauzas from the operation of the Mikir Hill Tract Regulation

SRIJUT SANKAR CHANDRA BARUA asked :

*256. Will Government be pleased to state—

(a) Whether a telegram dated the 19th June 1937 and a petition dated the 5th July 1937, were received from Babu Gogan Chandra Dhar for exclusion of Barpathar and Sarupathar Mauzas of the Golaghat Subdivision from the operation of the Mikir Hill Tract Regulation and for withdrawing orders of cart taxation on the inhabitants of the said Mauzas ?

(b) When was the order for cart taxation in these Mauzas issued ?

*257. Do Government propose to take any action of the said telegram and petition ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

256. (a)—Yes.

(b)—The order was issued on 15th March 1937 in Appointment and Political Department Notification No.2108-A.P., dated the 15th March 1937 under the Chin Hills Regulation, 1896.

257.—Not at present.

SRIJUT RAJENDRA NATH BARUA: Do Government consider, in view of the fact that these people are very poor, the withdrawal of the order ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government may reconsider the matter.

Number of Liquidated Co-operative Societies in the Province

SRIJUT KRISHNA NATH SARMAH asked :

*258. Will Government be pleased to state—

The number of Co-operative Societies in the province which have gone into liquidation due to defalcation of the money by their office bearers and the number of persons who have been compelled to contribute to make up the loss ? And if Government will make a thorough enquiry into the defects of the Co-operative Societies and re-organise the same on safer lines ?

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

258.—The figures cannot be furnished without examining the records of all the societies sent into liquidation—a very large number. Government consider that such an examination will not be commensurate with waste of time and labour involved—The answer to the second part is in the negative.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: The figures cannot be furnished without examining the records of all the societies sent into liquidation, which is a very large number. Government consider that such an examination will not be commensurate with the waste of time and labour involved.

The answer to the second part is that Government will make enquiry as far as practicable.

SRIJUT SARVESWAR BARUA: On a point of order, Sir. Just now you ruled that such answers are not in order.

MR. BAIDYANATH MOOKERJEE: That was printed before.

SRIJUT PURNA CHANDRA SARMA: Does not the Hon'ble Minister keep such records in his office, namely about the orders of liquidation ?
(No reply.)

MAULAVI MUHAMMAD AMJAD ALI: Is Government prepared to admit that the Co-operative Department in Assam is not satisfactorily working ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: It is not working as satisfactorily as we expect. That is why I say that an enquiry will be made.

MAULAVI MUHAMMAD AMJAD ALI: What steps are Government taking to make it work more satisfactorily ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I can say that only after the enquiry is made.

SRIJUT PURNA CHANDRA SARMA: Does not the Hon'ble Minister keep the records regarding such liquidations in his office ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: There might be old records, but we have not got the up-to-date ones.

THE HON'BLE THE SPEAKER: If the intention of the hon. member is to collect information from the time the Co-operative Department came into existence, then it might be the answer.

MAULAVI MUHAMMAD AMJAD ALI: I want to know, Sir, what steps Government are taking or are going to take in order to see that the co-operative movement is successfully worked in Assam.

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I have already said, Sir, that I can say this only after the enquiry is over.

MAULAVI MUHAMMAD AMJAD ALI: The Hon'ble Minister says that it is not satisfactorily working. May I know, Sir, whether the defect is in the system or the personnel?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I cannot answer that now, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: He has already said that he is making an inquiry and in that inquiry the defects whether of the system of the society itself or of the personnel will come out.

MAULAVI MUHAMMAD AMJAD ALI: What I want to know is this: when the Hon'ble Minister has admitted that it is not satisfactorily working, am I not entitled to know whether the system itself or the personnel of the authorities concerned is not satisfactorily working?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We are all convinced that these societies are not functioning as properly as we would like on account of the world-wide depression that is prevailing throughout the province. There have been many liquidations because the members who have taken advance are not able to pay. We are going to enquire where the defect lies whether in the system itself or in the condition of the people or on account of defalcations by some of the dishonest secretaries. All these things we shall be able to know after the inquiry has been finished.

MAULAVI MUHAMMAD AMJAD ALI: Has Government studied the condition that is prevailing in the Punjab regarding the co-operative movement there?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We not only study the condition of the Punjab but of all the provinces.

MR. ARUN KUMAR CHANDA: Will the condition of the people be taken into consideration in connection with the land revenue question also?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That question does not arise. I will refer my friend to what has been stated by the Hon'ble Revenue Minister yesterday.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is Government aware that these defalcations take place for want of proper audit and for perfunctory inspections of the Co-operative Department staff?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is not so. The defalcations so far brought to the notice of Government have been due to the fact that most of the members are illiterate. They do not even know how to write their names. In those cases there have been innumerable defalcations.

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Minister take it from me that the defalcation in the Jorhat Central Bank took place in spite of its being inspected by the Inspector and the Auditors all those years?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The question of Central Bank is different. I thought the hon. member was

speaking about the village Co-operative Societies. I will take from the hon. member the statement that it was due to defect in audit and as he has just now let me know wherein the defect lies, I will make proper enquiry into that and if necessary punish the person who is responsible for this.

MAULAVI MUHAMMAD AMJAD ALI: Are not officers of this department trained in Shillong?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: They are given certain amount of training in Assam, but lately we have been deputing some of our officers to the Punjab to study the working of the Co-operative Societies in that province.

MAULAVI MUHAMMAD AMJAD ALI: Has the Head of the Department got any such training?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The present Head of the Department has not got any training in the Co-operative Societies.

BABU KAMINI KUMAR SEN: What will be the nature of the enquiry and by whom?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The enquiry will be made by the Department and they will make a general enquiry. The Societies will be taken up in groups and where there has been a large number of liquidation they will enquire into the condition of the people there as well as in those areas where there has not been any liquidation.

BABU KAMINI KUMAR SEN: Will this enquiry be made with the assistance of a special staff?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Government will see whether any special staff will be needed and whether any expert from outside will be necessary.

MAULAVI MUHAMMAD AMJAD ALI: Is it a fact that the Head of the Department spends most of his time at Simla or Delhi?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: We have to send one of our officers to represent the Assam Government in the Central Assembly and the present Head of this Department has been deputed as such from the last year.

Post of Designer of the Gauhati Weaving Institute

SRIJUT JOGENDRA NATH BARUA asked:

*259. Will Government please state if there is a Designer in the Gauhati Weaving Institute who belongs to Sualkuchi village and who has got experience in silk weaving?

*260. Will Government please state if he can be usefully employed to teach the students in the silk course newly introduced under the Government of India grant besides his duties as a designer?

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

259.—Yes.

260.—No.

SRIJUT JOGENDRA NATH BARUA: Is it a fact that the previous teacher brought from Benares to teach silk weaving in advanced classes proved a failure?

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

SRIJUT JOGENDRA NATH BARUA: Will the Hon'ble Minister make an inquiry into that?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Yes, if necessary.

Opening of an agricultural purchase and sale societies on co-operative lines

SRIJUT JOGENDRA NATH BARUA asked :

*261. Do Government propose to open up agricultural purchase and sale societies on co-operative lines ?

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

261.—No.

SRIJUT JOGENDRA NATH BARUA: Do Government propose to take it up in the future ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I have already said 'No'.

SRIJUT KAMESWAR DAS: May I know the reason for the reply 'No' ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: We have got the Marketing Officers and they are enquiring into all the details. Before we get their report we cannot say what steps should be taken.

SRIJUT JOGENDRA NATH BARUA: Does the Hon'ble Minister make up his mind permanently on this point ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I have already answered.

SRIJUT SIDDHI NATH SARMA: Is the Hon'ble Minister aware that the Marketing Officer does not allow any peasant to see him without a visiting card ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I am not aware of such things.

Contract works for annual repairs of buildings at Gauhati

MR. FAKHRUDDIN ALI AHMED asked :

*262. Is it a fact that contracts for annual repairs of buildings at Gauhati for the year 1937-38 have been given ?

*263. If so, will the Hon'ble Minister in charge of the Public Works Department be pleased to state—

- (a) The number of Assamese and (ii) other contractors who submitted tenders for the said work ?
- (b) The number of (i) Assamese and (ii) other contractors who have been given contracts for the year 1937-38 ?
- (c) How many Muhammadan contractors submitted tenders and how many of them were given work ?
- (d) Whether Maulavi Rashiduzzama had submitted tender for this work and had held contracts of annual repairs for the last 12 years and before him his father had done so for 40 years ?
- (e) If so, for what reason he has been deprived of contract during this year ? and
- (f) Who has been given his work and for what reasons ?
- (g) Whether Maulavi Rashiduzzama was insulted, abused and chased out of the house by the Executive Engineer of Gauhati when the former went to the latter's house with a petition after the distribution of the said work by the Executive Engineer ?

- (h) If so, for what reasons ?
 (i) Whether subsequently Maulavi Rashiduzzama filed the petition through the Subdivisional Officer, Public Works Department ?
 (j) If so, for what reasons his petition has not yet been acknowledged and considered ?
 (k) Whether it is a fact that the said contractor was not given any of the special contracts for repair of building subsequent to his filing the said petition ?
 (l) If so, for what reasons ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

262.—Yes.

263. (a)—

Assamese	...	...	...	...	43
Domiciled	...	...	...	...	10
Foreigners	...	...	...	...	2

(b)—

Assamese	...	...	...	...	8
Domiciled	...	...	...	...	7
Foreigners	...	...	...	...	Nil

(c)—There were seven Muhammadan tenderers. Two of them were given works.

(d)—Yes.

(e) to (h)—The matter is under enquiry and pending Government orders cannot be discussed.

(i)—Yes.

(j)—His petition is under consideration.

(k)—He has submitted no tenders for buildings since submitting his petition but has submitted several for roads at much higher rates than the successful tenderers.

(l)—Does not arise.

KHAN BAHADUR MAULAVI KERAMAT ALI: What was the amount involved in the works given out to foreign contractors ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I want notice of that question.

MR. FAKHRUDDIN ALI AHMED: What is the reason that out of 43 Assamese tenderers only 7 have been given the contracts ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: On account of their rates being much higher.

MR. FAKHRUDDIN ALI AHMED: Is the Hon'ble Minister sure that the rates were higher in every case ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, those that were within reason have been given contracts, and as regards the others the tenders were very high.

MR. FAKHRUDDIN ALI AHMED: Were the two Muhammadan contractors, who were given the contracts, Assamese ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That is not reported here, but I understand that they were both Assamese.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister take it from me that one of these two men was a domiciled and the other an Assamese ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I will take it from my hon. friend.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister make a thorough enquiry into the allegations made against the Executive Engineer ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: About six weeks ago I started an enquiry into the matter. I have as yet not received a report from the Executive Engineer who had to go on medical leave for a fortnight.

MR. FAKHRUDDIN ALI AHMED: I hope the Hon'ble Minister will not rely solely on the report of the Executive Engineer.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: On what else am I to base my judgment. I will call for all the papers and also the tenders.

MR. FAKHRUDDIN ALI AHMED: There is a distinct allegation that he abused the contractor, and so the Hon'ble Minister should not rely on his report alone.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: If Rashiduzzama can produce any witnesses it will be better.

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Chief Minister enquire whether it is a fact that the two biggest contracts were given to foreigners ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I am not aware of that. I will make an enquiry.

Barpathar Development Fund

SRIJUT RAJENDRA NATH BARUA asked :

*264. Will Government be pleased to state —

- (a) The amount at credit of the Barpathar Development Fund ?
- (b) The sources of free income of the said Fund for the year 1936-37 and the total income from all the sources ?
- (c) The area in square miles of the Barpathar and Sarupathar Mauzas ?
- (d) The total amount of this Fund for the year 1937-38 (i) from Government grant and (ii) from fee income of the Development Board ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

264. (a)—The opening balance of the Fund on 1st April 1937 was Rs.3,042. Since then there must have been receipts from the various sources of income by now. The present balance is not known.

(b)—Income from Local Rates and public subscription were the sources of free income. The total income from all sources (including the opening balance of Rs.4,341) was Rs.15,400.

(c)—

Barpathar	...	...	280 square miles.
Sarupathar	...	...	316 " "

(d)—As estimated in the budget of the Board.

(i)—Government grant—Rs. 7,136.

(ii)—Free income (a) Local Rates Rs. 3,908.

(b) Public subscription Rs. 190.

(c) There will be further income from cart tax which has been recently introduced.

SRIJUT RAJENDRA NATH BARUA: Will Government be pleased to state how long this Barpathar Development Fund will remain in force?

RECTION SLIP TO THE ASSAM LEGISLATIVE ASSEMBLY
DEBATES, VOL.II, No.12 OF 1937

No.16

At page 1246, after the heading "Unstarred questions" insert the following questions and replies:—

Sub-Assistant Surgeons of the Public Health Department

Maulavi ABDUL AZIZ asked:

5. Will the Hon'ble Minister in charge of Public Health Department please state—

- (a) Whether it is a fact that the Sub-Assistant Surgeons who have been confirmed in the Public Health Department were placed for a long period of continuous temporary services varying from six to thirteen years?
- (b) Is it a fact that this long period of temporary service of these Sub-Assistant Surgeons was not counted towards their increment of pay when they were confirmed?
- (c) If the replies to (a) and (b) be in the affirmative, will the Government please state (i) whether these Sub-Assistant Surgeons on their confirmation have to begin their service anew on the initial pay after several years of service, (ii) have to retire long before they reach the maximum pay of the grade and (iii) are thereby deprived of getting full pension at the time of retirement?
- (d) (i) Is it a fact that the period of service of Assistant Surgeons, Public Health Department, is counted towards their increment of pay like all other Departments on their confirmation?
(ii) If so, why this differential treatment is made between the Sub-Assistant Surgeons and Assistant Surgeons?
- (e) Does the Hon'ble Minister in charge propose to take action so as to remove this differential treatment so that their services may count towards increment of pay?

Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

—The hon. member is referred to the replies given to questions 186 asked by Maulavi Abdur Rahman at this session.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

Superintendent of the Silchar Normal School

BABU LALIT MOHAN KAR asked :

517. Is it a fact that the Director of Public Instruction very strongly recommended Babu Kshirode Chandra Purkayastha the present Superintendent of the Silchar Normal School, for officiating as Assistant Inspector of Schools, Surma Valley and Hill Districts during the absence on leave of the permanent incumbent ?

518. If so, will Government be pleased to state the reasons which led them to disregard that recommendation and to fill up the vacancy in the above post by the appointment of Maulavi Abdul Munim Choudhury ?

519. Will Government be pleased to lay on the table a statement showing the educational qualifications, length and quality of service of both Babu Kshirode Chandra Purkayastha and Maulavi Abdul Munim Choudhury ?

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

517.—Government are not prepared to disclose the recommendations made to Government by Heads of Departments regarding the promotion of Government Officers.

BABU LALIT MOHAN KAR : May I know the policy adopted by Government in making these appointments ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The reply is given under No.518.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI : May I know the reason for not disclosing the recommendations ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : The policy is not to disclose the recommendations of the Heads of Departments.

BABU DAKSHINA RANJAN GUPTA CHAUDHURI : Do Government deny that the Director of Public Instruction strongly recommended Babu Kshirode Chandra Purkayastha ?

THE HON'BLE SHAMS-UL-ULAMA MAULANA ABU NASR MD. WAHEED : I have already replied that I cannot disclose the information.

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

518.—The officiating appointment which was for two months only was filled by Maulavi Abdul Munim Choudhury because Government considered it desirable that a Muhammadan should be appointed in view of the fact that the permanent incumbent is the only Muhammadan in the Superior Inspectorate ?

519.—Maulavi Abdul Munim Choudhury, M.A., joined Government service in 1926. He is an officer of the Assam Educational Service. Babu Kshirode Chandra Purkayastha, M.A., B.T., joined Government service in 1914. He is an officer of the Assam School Service. Government are not prepared to discuss the respective quality of these officers' services.

Post of Assistant Inspector of Schools, Surma Valley

MR. ARUN KUMAR CHANDA asked :

520. Will the Hon'ble Minister in charge of Education please state—

(a) If the temporary vacancy in the post of Assistant Inspector, Surma Valley was recently filled up by a lecturer in the Murari Chand College, Sylhet ?

- (b) If so, the reasons for making a departure from the long standing practice of filling up such vacancy by officers of Assam School Service ?

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

520.(a)—Yes.

(b)—The hon. member is referred to the reply given to similar questions asked by Babu Lalit Mohan Kar at this session of the Assembly.

Number of officers serving under the Bijni and Lakhipur Mechpara Wards' Estates

MAULANA ABDUL HAMID KHAN asked :

521. Will Government be pleased to state—

(1) the number of officers under the Bijni and Lakhipur Mechpara Wards' Estates respectively with their salaries ?

(2) how many of them are Muhammadan and what are their salaries ? ✓

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

521. (1) and (2)—The hon. member is referred to the replies given to questions No. 197(a) and (b) asked by Maulavi Matior Rahman Mia, M.L.A., in this session of the Assembly. Under the existing practice of Government the information about the salary of each individual officer cannot be disclosed.

Establishment of a Subdivision at Nowgong

SRIJUT PURNA CHANDRA SARMA asked :

522. Will Government be pleased to state if they propose to establish a Subdivision at Nowgong with Hojai as the Subdivisional centre and, if so, when do they propose to have it ?

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

SRIJUT PURNA CHANDRA SARMA: Is it a fact that the Deputy Commissioner of Nowgong recommended to start a Subdivision at Hojai for the trial of civil and criminal cases of Lanka and Jamunamukh ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The question was "Will the Government be pleased to state if they propose to establish a subdivision at Nowgong with Hojai as the Subdivisional centre." I replied "No." If any further details are wanted they should have been asked for by a separate question.

SRIJUT PURNA CHANDRA SARMA: My question is that as Subdivisional Courts are required in Nowgong whether the Deputy Commissioner has submitted any proposal to Government to have a Magistrate located at Hojai for the purpose of trying cases from this locality.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: For the purpose of starting a subdivision at Hojai ?

SRIJUT PURNA CHANDRA SARMA: Yes.

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

SRIJUT PURNA CHANDRA SARMA : Is it not a fact that such a proposal has been sent by the Deputy Commissioner.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I want notice of that question.

Flood damages to the Local Board roads and buildings of Nowgong

SRIJUT PURNA CHANDRA SARMA asked :

523. (a) Will Government be pleased to state whether they received any report of flood-damages to the Local Board roads and buildings in Nowgong during 1936 and, if so, did they also receive any recommendations from the Deputy Commissioner and the Commissioner concerned for a grant to make good the loss ?

(b) If so, what was the grant recommended by the Deputy Commissioner and whether the grant was made by Government and, if not, why not ?

(c) Has the Nowgong Local Board been able to manage without the Government grant in the matter of the flood-damages and if not, will Government make provision for the same now ?

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

523. (a)—The reply to both parts of this question is in the affirmative.

(b)—Rupees 10,000. The grant was not made by the late Government owing to financial stringency.

(c)—The Board have recently applied again for reconsideration of the orders of the previous Government and the matter is under consideration.

Number of Ministerial appointments held by various communities in the District of Darrang

MAULAVI BADARUDDIN AHMED asked :

524. Will Government be pleased to state the number of the ministerial appointments belonging to the different communities, *viz.*, the Hindu, the Muslim and the depressed classes in the office of the Deputy Commissioner and the Subdivisional Officer in the district of Darrang ?

525. (a) Will Government be pleased to state whether the number of appointments represents the respective communities in proportion to the numerical strength of the population ?

(b) If not, what action do Government propose to take to remove the disparity ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

524.—A statement is placed on the library table for the information of hon. members.

525. (a)—No.

(b)—Government will in making new appointments bear the disparity in mind and try to remove it in due course, provided suitable candidates from the under-represented communities come forward.

MAULAVI BADARUDDIN AHMED : Will Government be pleased to state which of the communities are under-represented ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The communities are the Muhammadan, the Tribal and the Scheduled Castes.

MAULAVI BADARUDDIN AHMED : May I take it that all these three communities are under-represented ?

THE HON'BLE MAULAVI SAYYID SIR MUHAMMAD SAADULLA: I have already replied that these three communities are under-represented.

MAULAVI BADARUDDIN AHMED: May I know which community is over-represented?

THE HON'BLE MAULAVI SAYYID SIR MUHAMMAD SAADULLA: My hon. friend can easily find that out by the process of elimination that it is the caste Hindus who are over-represented.

**Number of Assamese Lines in the districts of Nowgong and Mymensingh
Kamrup**

MAULAVI MUHAMMAD AMIRUDDIN asked:

526. Will Government be pleased to state—

- (a) The number of Assamese Lines prevailing in the districts of Mymensingh Nowgong and Kamrup?
- (b) The number of mixed lines or mixed villages in the said districts before and after the last re-settlement?
- (c) The number of villages wherein immigrants have been granted *pattas* within the Assamese Lines or within Assamese villages according to the discretion of the Settlement Officers or the Deputy Commissioners of those two districts since the last re-settlement?
- (d) The number of encroachment cases from the year 1934 till May, 1937 and the number of consequent evictions from Assamese Lines or villages, given effect to, by force within the said districts during the said period?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

526.(a)—Nowgong—75,
Kamrup—41.

(b)—Nowgong—191 up-to-date.
Kamrup—127 before re-settlement,
221 after re-settlement.

(c)—Nowgong figures cannot be given, as the lines were altered in many places during the last re-settlement and no records are available. In Kamrup *pattas* have been issued in 103 villages since the last re-settlement.

(d)—The number of encroachment cases from 1934 up to May 1937 in Nowgong was 1,111 and that of Kamrup was 133. In Nowgong encroachment cases against immigrants for occupying land within Assamese lines numbered 168 and the number of persons evicted from the Assamese lines was 46. In Kamrup the number of evictions from Assamese lines was 13.

MAULAVI MUHAMMAD AMIRUDDIN: Will the Hon'ble Minister be pleased to state under what principles annual *pattas* have been issued to immigrants within the purely Assamese villages?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does that question arise, Sir?

THE HON'BLE THE SPEAKER: It arises. This is a question relating to mixed lines and mixed villages. In that connection he wants to know this.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not got that information now.

MAULAVI MUNAWWARALI: With regard to (c), were there any records at all?

CORRECTION SLIPS TO THE ASSAM LEGISLATIVE ASSEMBLY
DEBATES VOLUME II, No.12, DATED THE 27TH AND 28TH
AUGUST 1937

Correction slip No.7

At page 1251, after question 527, *insert* the following :—

528. Will Government be pleased to specify the functions of the aforesaid Revenue Tribunal ?

529. Will Government be pleased to state—

(i) how many appeals, Excise, Revenue and Miscellaneous, had been filed before the above Tribunal month by month since its creation ?

(ii) how many of them were summarily rejected ?

(iii) how many of them were disposed of on merits ?

(iv) how many of them are still pending ?

Correction slip No.8

At page 1251, at the end of the reply to question 527, *insert* the following and *delete* the figures "529".

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

528.—The Statutory functions of the Revenue Tribunal are to entertain appeals or revise decisions in revenue cases.

529.—A statement is laid on the table.

MR. FAKHRUDDIN ALI AHMED: Did the Ministry take any initiative in the matter ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It is not necessary, as the matter has already been brought to the notice of the Ministry by means of a Bill.

MR. FAKHRUDDIN ALI AHMED: Does the Ministry realise that if initiative be taken by the Government the matter may be expedited ?

(No reply.)

MAULAVI MUHAMMAD AMJAD ALI: Regard being had to the financial condition of the province, will it not be wise on the part of this Ministry to bring a Bill of this nature.

(No reply.)

MAULAVI MUHAMMAD AMJAD ALI: What is the attitude of the Ministry with regard to this ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The Bill will be discussed and it will be for the House to decide whether it should be referred to a select Committee or it will be discussed clause by clause.

MR. FAKHRUDDIN ALI AHMED: Will the Hon'ble Minister suggest an enquiry when the matter will be before the House ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I shall take such action as I think necessary.

MAULAVI MUHAMMAD AMJAD ALI: May I know whether the Ministry is prepared to bring a Bill of this nature ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No, because it does not consider it necessary.

SRIJUT PURNA CHANDRA SARMA: What objection has the Hon'ble Minister got to disclose the attitude of the Government with regard to this matter in this House ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If the hon. member wants me to repeat my reply, I may say that we considered the legal aspect of the matter whether the bill may at all be discussed in this House. Therefore the matter is being referred to the Government of India. I have said that several times.

ADJOURNMENT MOTION REGARDING POLICE OPPRESSION ON THE STUDENTS OF JHANJI HIGH SCHOOL

SRIJUT DEBESWAR SARMAH: Sir, I placed a copy of an adjournment motion with the Secretary before the commencement of to-day's work and it reads thus "that this House do adjourn for the purpose of discussing a definite matter of urgent public importance namely illegal and unjustifiable Police oppression on the students of the Jhanji High School on the 8th of May, 1937 and Government's indifference towards it."

Sir, at the outset, I think, I must inform the House that although the occurrence took place on the 8th of May, 1937, the oppression is still continuing and an outrageous proposal has been sent very recently to the authorities of the Jhanji High School from the Government that the Head Master should whip the boys, a list of which is to be supplied by the Police and a subscription of Rs. 100 is to be raised to be presented to the Punjabi bus owner who was attacked on the 8th of May last on the trunk road in front of Jhanji High School in the district of Sibsagar.

KHAN BAHADUR MAULAVI KERAMAT ALI: I think, the hon. member means about that alleged attack on the Punjabi Bus Driver.

SRIJUT DEBESWAR SARMAH: Yes, Sir. Now may I be permitted to state the facts briefly?

THE HON'BLE THE SPEAKER: I think it will be better to state the facts briefly.

SRIJUT DEBESWAR SARMAH: On the 7th of May last a bus owned and run by a Punjabi was proceeding from Sibsagar to Jorhat, i.e., from east to west taking passengers including a student and a teacher of Jhanji High School, the student was of tender age. He wanted to get down at certain destination but the driver did not stop at that place as he wanted to stop it a little further off. Meanwhile the conductor of the bus asked fare from the boy which was higher than the stipulated one. The boy then was dropped between one furlong to two furlongs behind the destination to which he wanted to travel. The bus contractor demanded a higher fare from the boy but he did not give it and as a result he was roughly handled by that Punjabi conductor. A Teacher who was also present there being a passenger of the bus and who is locally known as a gentleman of very mild temper protested saying that the boy should not have been over carried and the bus conductor was wrong in trying to extort money from the boy unjustifiably. At this the Punjabi bus conductor became annoyed and gave a push to the Teacher also. When the Teacher wanted to know the name of the conductor he refused to give his name and the conductor also threw away his cycle from the top of the bus down to the street. Then the Teacher wanted to take down the number of the bus but the Punjabi Conductor snatched away his fountain pen and broke it into two pieces and threw these away. Then on Saturday the 8th of May, which was a local bazar day that Punjabi bus was again coming a little after 2 p.m. when a number of bazar-going persons including some students also, it is alleged, attacked the Punjabi Bus and at that time there was also a Police Officer in the bus. I can say without any fear of contradiction that although a large number of people attacked this bus, none of the passengers including the Police Officer was hurt. Only the Punjabi Contractor and the Bus driver were assaulted but not grievously. What happened in the evening was this: a large number of Police force from Jorhat including armed police went there and they wanted to strike terror in the hearts of the people of the locality. After 10 O'clock in the night seven students and the Chowkidar of Jhanji High School were dragged out of their home from their parents and brought to the Jhanji Inspection Bungalow. There the Inspectors of Police from Jorhat and Sibsagar and the Officers-in-charge of Teok and Amguri Police Stations and a host of constables on the midnight of the 8th May 1937, detained and tortured these boys in the Jhanji Inspection Bungalow. For the information of the House I can state that Jhanji Inspection Bungalow is a 'Chang Bungalow', the Chang (plank-floor) about five feet high from the ground level, low room under the Chang is not meant for human habitation.

THE HON'BLE THE SPEAKER: The hon. member should be brief.

SRIJUT DEBESWAR SARMAH: I will be very brief, Sir. It is very painful to see that the Hon'ble Minister for Local Self-Government is smiling. How would he have felt if his son were treated in that way.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I am smiling only at the description of the hon. member.

SRIJUT DEBESWAR SARMAH: They were all taken to the 'Chang Bungalow' one after another and subjected to tortures. They were then all handcuffed and tied to a big log of wood lying under the Chang for the rest of the night. This 'Machang' was so low that the tallest of the

students could not stand erect. He had either to remain sitting or in a bending posture. On the 3rd morning they were released on bail. Now the criminal case against the students is going on.

THE HON'BLE THE SPEAKER: Criminal case is going on?

SRIJUT DEBESWAR SARMAH: Yes, Sir, criminal case is going against them, and they are being dragged to the Sibsagar court on several dates. A copy of the petition was sent to my hon. friend Khan Bahadur Maulavi Keramat Ali who passed it on to the Minister in charge of Police.

Immediately after the release of the students, they complained to the authority but their complaint was dismissed.

THE HON'BLE THE SPEAKER: Whose complaint?

SRIJUT DEBESWAR SARMAH: The students lodged a complaint against the police oppression but it was dismissed. Then, Sir, an Unofficial Committee was appointed to enquire into the matter and to find out the real state of things. The officers of the Police Department as well as the Education Department also want to inquire into the matter but they all joined hands in passing an outrageous order that these boys are to be whipped and a subscription of Rs.100 is to be raised for giving to the Panjabi Driver. With these few words, Sir, I leave this matter to the consideration of this House, of course if leave be granted to move this adjournment motion I will place fuller details before this House of the tortures committed on the school boys.

THE HON'BLE THE SPEAKER:—What is the present position of the students?

SRIJUT DEBESWAR SARMAH: Sir, a letter has been issued to the authority of the Jhanji High School directing that the students are to be flogged and Rs.100 is to be raised for giving to the Punjabi bus owner.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Is it by way of compromise?

SRIJUT DEBESWAR SARMAH: Sir, I do not know if flogging is a compromise. It is a new thing to me.

THE HON'BLE THE SPEAKER: By whom the boys are to be flogged?

SRIJUT DEBESWAR SARMAH: Sir, a list of the names of the boys would be submitted by the Police and such boys will be flogged by the Headmaster.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: I could not follow the hon. member. Is the case pending now?

SRIJUT DEBESWAR SARMAH: Final order has been passed.

THE HON'BLE THE SPEAKER: When was the circular issued?

SRIJUT DEBESWAR SARMAH: The circular was issued by the Education Department about four or five days ago. Yesterday I got a copy of it and a copy has also been sent to the Premier, I suppose.

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA: I have not yet received any copy of the circular. Sir, I do not think this is a matter for an adjournment motion, and I can assure the hon. member that this Government had nothing to do with this order for which he wants to bring this adjournment motion. I am in charge of the Police Department, but no such file came to me. It appears from what has been stated by my hon. friend, that the case brought by the students have been dismissed after due enquiry, and I am told that there is a criminal motion pending against that order of discharge.

SRIJUT DEBESWAR SARMAH: That has also been dismissed.

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA: Thank you. The higher revisional authority has also dismissed the petition.

THE HON'BLE THE SPEAKER: Who is the higher petition authority?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA :
The Additional District Judge.

THE HON'BLE THE SPEAKER : But it might go up to the High Court.

SRIJUT DEBESWAR SARMAH : If I am granted leave to move this adjournment motion, I can assure the Chair that it will not be taken up.

THE HON'BLE THE SPEAKER : When was it dismissed ?

SRIJUT DEBESWAR SARMAH : It was dismissed about 8 or 9 days back, I am told.

THE HON'BLE THE SPEAKER : Then the time is not over for filing the motion.

SRIJUT DEBESWAR SARMAH : But, Sir, what about dragging the students from their homes night and torturing and confining them under the Chang at the inspection bungalow ?

THE HON'BLE THE SPEAKER : When did it happen ?

SRIJUT DEBESWAR SARMAH : On the 8th of May, Sir, during the regime of autonomous ministers.

THE HON'BLE THE SPEAKER : But I am to consider whether this is a matter of recent occurrence.

SRIJUT DEBESWAR SARMAH : But I submit to the Chair that although the beginning was on the 8th May, the most serious and grievous oppression continues till to-day.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Sir, the position that I now find is this. The petition against Police oppression filed by the students has been dismissed by the Magistrate. Against that those interested could move either the Deputy Commissioner or the District Judge. There is an Additional District Judge sitting at Jorhat. I do not know why the motion was laid before the Deputy Commissioner.

SRIJUT DEBESWAR SARMAH : District Magistrate has concurrent jurisdiction so the motion was filed before the Deputy Commissioner. It was already dismissed by District Magistrate.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The District Magistrate and the Deputy Commissioner are the same man. According to the Criminal Procedure Code the motion lies both to the District Magistrate and the District Judge.

SRIJUT DEBESWAR SARMAH : To take the matter before District Judge at Gauhati, is costly and it is further reported that he throws out such matters more often than not without due consideration.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : It appears that my hon. friend has a host of grievances, and not merely on this matter.

The position is that two Courts—the primary Court and the Revisional Court—have thrown out the case of the students, but the case against the students is still pending, and the case is being heard. It may be, Sir, that not merely the Police Department, but also the Education Department and the public gathered that there was no doubt that the students took the law in their own hands. Therefore instead of having a conviction in a court, most probably it was settled as a term of compromise.....

THE HON'BLE THE SPEAKER : What are the terms of compromise ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I have not got any information, Sir, beyond the motion which has been tabled now. I have got no information because the matter is still *sub-judice*. We have not got any report from the Deputy Commissioner. From what I have heard from my hon. friend, I gather that it was a case of compromise

according to which the students instead of being convicted by a Court of Magistracy, would be subjected to school discipline by the Headmaster. That is the only thing. My hon. friend did not say whether the bus was smashed and if, according to the terms of compromise, the bus-owner is to be compensated by Rs.100.

SRIJUT DEBESWAR SARMAH: The bus was not smashed.

THE HON'BLE THE SPEAKER: Is it a fact that the bus-owner is to be compensated as a term of the compromise?

SRIJUT DEBESWAR SARMAH: I did not say that, Sir. What I said was that Rs.100 was to be raised from amongst the students to be presented to the bus-owner as compensation for damage to his bus, or rather as the money he was paying for getting the police run so hurriedly.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My point is, Sir, that if my hon. friend's initial objection is against the so-called oppression alleged to have been perpetrated by the police on the 8th May, that is not a matter of recent occurrence, and therefore it is out of court as an adjournment motion. If his grievance is that although the case is pending an order has been passed, I gather that the order has been passed with a view to set the matter out of court, submitting school students to school discipline and compensating the bus-owner.

THE HON'BLE THE SPEAKER: If the amount of compensation has been fixed by compromise, then how is it that the case is still *sub judice*?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: So long as the terms of compromise are not accepted by the school authorities, the case will be pending. As soon as they agree the case will be withdrawn, it appears.

THE HON'BLE THE SPEAKER: Does the Hon'ble Minister mean to say that the circular.....

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

THE HON'BLE THE SPEAKER: If there is any, that is not to be given effect to till the whole thing has been settled.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: My objection to this adjournment motion is that the case is still *sub-judice*, and therefore cannot be discussed.

SRIJUT DEBESWAR SARMAH: Sir, I beg leave of the Chair to inform the House that the case is not *sub judice*. The motion that I am bringing up now is about the oppression of the students and the order....

THE HON'BLE THE SPEAKER: How it is not *sub judice*? If the time of the motion is not over, it is still *sub judice*.

SRIJUT DEBESWAR SARMAH: I can assure you, Sir, that it will not go up to the High Court.

THE HON'BLE THE SPEAKER: That assurance cannot be sufficient. It is up to the students to take the case up to the High Court.

SRIJUT DEBESWAR SARMAH: I may be permitted to explain another thing, Sir. It is hardly any use to fight a criminal case against police. That is the position. The case is not under consideration of any Court of Justice, and therefore it is not *sub judice*.

THE HON'BLE THE SPEAKER: It may also be brought up in connection with the case that is pending against the students.

SRIJUT DEBESWAR SARMAH: After that if I come, the Hon'ble Chief Minister will jump up saying I am late and therefore out of order.

RAI BAHADUR PROMODE GHANDRA DATTA: My hon. friend seems to have grievance against everybody in the world.

THE HON'BLE THE SPEAKER : Then the hon. member wants to discuss oppression, and the recent order. These are two points.

SRIJUT DEBESWAR SARMAH : But both the points are interconnected, Sir, like warp and the webb.

THE HON'BLE THE SPEAKER : From the facts which have been stated by the hon. member who wants to move this motion, and from the facts which have been stated by the Hon'ble Chief Minister it is difficult for me to come to the conclusion that the matter is of recent occurrence. The occurrence took place on the 8th of May last, and the oppression alleged was brought before a Court of Justice by the students. The case failed before the primary court. It was then taken up to the District Magistrate. That has also been dismissed ; but the time is not yet over for the students to take up the matter again to the High Court. It is also said that there is a case pending against the students instituted by the bus-owner and there is every possibility of the question of oppression coming up before that Court. The hon. member further says that a circular has been issued by the Education Department asking the Headmaster of the School to flog the boys and arrange to pay compensation to the bus-owner. The Hon'ble Chief Minister says that is perhaps due to a compromise. The hon. mover of this motion is not quite able to give a definite denial to that. The Hon'ble Chief Minister further assures the House that the case which is pending against the students may also be withdrawn.

Now, if the question of oppression was to be discussed the hon. mover of this motion might have brought up this matter just on the day on which the Assembly met, but it seems that the question of oppression did not strike him so much then, but he says that the information which he has since received about the circular issued by the Education Department has prompted him to table this motion now. But this fact has not been specifically mentioned in the motion tabled. Again, with regard to that matter, as I have said before, he is not in a position to contradict the Hon'ble Chief Minister. Having regard to all these facts I do not feel inclined to hold that according to the rules, I shall be justified in holding that this motion is in order. So I disallow the motion.

SRIJUT DEBESWAR SARMAH : On a point of information, Sir, do I understand from the Hon'ble Chief Minister that he is continuing in the spirit of the old Diarchy in the matter of shielding the police ?

THE HON'BLE THE SPEAKER : If the motion had been allowed he could have asked that question.

RAI BAHADUR PROMODE GHANDRA DATTA : It appears, Sir, that the hon. member has got a complaint against almost everybody.

FLOODS IN CACHAR

MAULAVI NAMWAR ALI BARBHUIYA : Mr. Speaker, Sir, I want to know from the Hon'ble Chief Minister if the attention of the Government has been drawn to the news dated the 24th August in the columns of the "*Amrita Bazar Patrika*," and in the Silchar weekly paper "*Saptak*" regarding the floods in Cachar ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : The attention of the Government was drawn to the Cachar floods by some hon. members of this House coming from Cachar on the 20th August 1937, and immediately orders were issued, through telephone, to the Deputy Commissioner of Cachar, asking him to give daily reports, to watch the situation, and to do all that is needful, and I have got reports from the 21st to the 24th August, and I can show these reports to any hon. member who desires

to see them. It was agreed by my hon. friend Mr. Chanda that at present there was no immediate necessity for gratuitous relief.

MR. ARUN KUMAR CHANDA : No, I most emphatically contradict the Hon'ble Minister. I never said that there was no immediate necessity for relief.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I showed him the whole file and I told him that I had met Babu Jatindra Mohan Deb Lashkar a former M. L. C. and had discussed the matter with him, and according to him there was no immediate necessity for gratuitous relief at that time. After that we have now received a report to the effect that some seeds are necessary. The Deputy Commissioner has asked for Rs.5,000 for distribution of seeds, and we are going to issue orders for that purpose. So far as gratuitous relief is concerned the latest report from the Deputy Commissioner is that it may be necessary in the villages under the Sonai Police Station, and we are issuing orders to give gratuitous relief. As a matter of fact such orders are not necessary as the Deputy Commissioner has full authority to grant gratuitous relief, and he is already forming a local flood relief committee and they are doing all that is necessary. Sub-Deputy Collectors and a Probationary Extra Assistant Commissioner, are also moving round the flood-affected area and rendering help where necessary.

MAULAVI NAMWAR ALI BARBHUIYA : Are the Government aware that one Sub-Deputy Collector who submitted an alarming report was threatened by the Deputy Commissioner, Cachar, to withdraw that report and not to send any alarming report in future ?

MR. KAMINI KUMAR SEN : May we have a summary of the Deputy Commissioner's report ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : I will read the Deputy Commissioner's report which will make the position clear. May I read the report of the Deputy Commissioner so as to make the flood situation clear ?

After getting that note from some hon. members of this House, I asked the Secretary to phone to the Deputy Commissioner of Cachar. He says : " I have just been on the telephone to the Deputy Commissioner of Cachar. He tells me he submitted a report yesterday (which should reach us to-day and which I will send for perusal when it is received) and will submit further report to day. The flood he says, is nothing at all unusual or abnormal and has affected only a small area : it is no worse than one which occurred last year, and as he was there then he ought to know."

There seems to have been " a certain amount of *aus* paddy has been destroyed but there has been no loss of life." " He has already suspended coercive measures for the realisation of land revenue in the affected areas" and that was what the hon. member wanted me to do. The Secretary then reports : " But he states most emphatically that there is no need for gratuitous relief : he is visiting the affected areas personally and not relying on reports received."

MAULAVI NAMWAR ALI BARBHUIYA : May I know whether he paid these visits to the affected places by boat or by motor ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI : That is the report.

The Deputy Commissioner's report of the 20th August is this.

" There is a considerable rainfall in the district for the last few days. The rivers have risen high and the low lying areas have gone under water. Damage to *aus* and *asra* paddy is apprehended but it is not possible to

estimate the extent of damage if any, until the water has subsided. Some of the roads also are partly under water. The rivers are rising slowly but the weather being fair it is expected that the water will go down in a day or two. There is no loss of life or property. The flood is local as there is no report of heavy rainfall from Manipur or the Lushai Hills. Sub-Deputy Collectors are visiting the affected areas and I am myself going about to see them and enquire. There is no cause for alarm. The flood has not reached yet the level it did last year. Further report will follow." This is the report of the 20th. On the 21st August a more serious state of things is reported.

"The Sonai and the smaller streams of the district are in spate. The district is thus passing through a local flood; but it must be stated at once that this is nothing unusual for this district which is subject to flood every year. There is no report of rainfall from Manipur nor is there any from the Lushai Hills. It cannot be said, therefore, that the district is being faced with a serious flood.

"The gauge reading of the Barak to-day is 72.43 whereas the highest flood level last year in June was 71.26. It will thus appear that the present flood has exceeded the level of last year by 1.17 inches only and this increase has been attained by slow degrees. The situation cannot thus be claimed to be anything very serious and in fact it is not serious and there is no cause for alarm.

"The low lying areas have been affected as they were last year, and some of the roads also have gone under water at places. Paddy mostly *aus* and *asra* have been submerged in these areas and it may be said that the present flood is rather unfortunate for the people in this that the *aus* paddy was almost ripe and was about to be harvested when it has been submerged by the present flood. It is apprehended that this paddy will be greatly damaged. Some damage was done to *aus* paddy by the first flood which came in the first part of July. But it must not be understood that this means serious loss. *Aus* paddy of low places only has been damaged whereas that on high land is in tact and is being harvested. The main crop of the district is *sali* and not *aus* which is just a subsidiary crop. If the flood subsides quickly as it is hoped there will be no difficulty in carrying on the transplantation of *sali* which is in full swing and has not been retarded by this flood to any appreciable extent. Some damage has been caused to *sali* seedlings but the damage caused is nothing remarkable. *Asra* has been submerged. It is known that it can grapple with and survive flood better than any other paddy.

"I am getting report that loss of *asra* is not serious too."

"The Sub-Deputy Collectors and the probationary Extra Assistant Commissioners have been sent round to the affected areas and they are making enquiries. I have myself visited some places and I am going to see other places also."

THE HON'BLE THE SPEAKER: I think the Hon'ble Minister can give only a substance of the report.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It is going to be finished soon Sir. "Extent of damage can be estimated after the flood has subsided and the officers deputed have instruction to submit their reports as soon as possible.

"I have suspended collection of revenue by coercive measures in the affected areas and I hope this will meet the situation.

"No case appears yet for relief measures. I am in touch with the situation and what is necessary will be done. The town is safe and is causing no anxiety."

That is the report of the 21st. In the report of the 23rd, I am only reading the gauge reading. The "gauge reading on the Barak at Silchar to-day is 72.93 against 72.53 of yesterday and 72.43 of the day before. The level to-day is $1\frac{1}{2}$ feet below the normal flood level. It seems therefore that a big general flood is quite probable. It rained heavily last night and the night before last but the weather is clear to-day.....Some houses are under water at Itkhola and Ghaniala *busti* which are at the outskirts of the town. This happened last year also. The occupants are living in their houses without much inconvenience."

That is the position up till the 23rd August.

"There is no demand for doles of rice." The Deputy Commissioner concludes in his report, "so far as I have ascertained from reports and from my personal inspection there is no cry for rice at all. What they cry for is seeds. Officers have instructions to give rice to deserving cases if necessary." That is the latest report.

On the 24th August the Deputy Commissioner again reports "I am afraid rice may have to be given in deserving cases." I may say that there is also a non-official Committee of relief that is co-operating with the Deputy Commissioner. So that it will be seen that everything that is possible and needful is being done.

MAULAVI NAMWAR ALI BARBHUIYA: Are the Government aware that even some parts of the Municipal area are under water?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The report says that some portions in the outskirts of the town are under water.

MAULAVI NAMWAR ALI BARBHUIYA: Is it that the Local Board and the Public Works Department roads of the district are under water?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have read the full report.

MAULAVI NAMWAR ALI BARBHUIYA: Then am I to understand that the situation is not serious according to the standpoint of a gentleman who draws about Rs.1,500 a month as salary?

THE HON'BLE THE SPEAKER: That is not the proper way of putting a question.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The situation was not serious in the beginning; but the Deputy Commissioner has subsequently reported that it is gradually getting serious and he is himself doing everything possible.

BABU KAMINI KUMAR SEN: Has the non-official Committee submitted any report?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There is no question of reporting. They are full, co-operating with the Deputy Commissioner as far as I can, Sir.

BABU KAMINI KUMAR SEN: Can they be asked to submit a separate report? There is no harm in getting their separate version?

THE HON'BLE THE SPEAKER: I think if the Hon'ble Minister will state definitely that all possible relief will be given I think that may satisfy the House.

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA: I can definitely state on behalf of the Government that if any money is required by our district officers for relief of the people affected, we will be ready to provide funds.

MAULAVI MUZARROF ALI LASKAR: Then are we to understand that these people do not now need any help?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The Deputy Commissioner is keeping himself quite upto date. He is not trying to minimise the gravity of the situation. Originally it was his view that it was not serious but later, he has reported the exact situation and if any gratuitous relief is necessary he will himself do it. If it is relief on a large scale, then Government will certainly give help. As for small scale relief he has himself powers to grant it.

MAULAVI MUNAWWARALI : Is the Hon'ble Minister prepared to pay heed to proposals that might be made by people other than the District Officers ?

THE HON'BLE THE SPEAKER : If the Hon'ble Minister says that the information of the hon. members will be utilised, it will be sufficient.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : I am prepared to send the information sent by the hon. representatives from Cachar to the Deputy Commissioner at once and ask for a complete report and also ask him if he requires any money for any further relief.

MR. ARUN KUMAR CHANDA : It seems the Deputy Commissioner has not realised the situation as too serious when parts of the town have already gone under water. I suppose, if and when the water reaches his bungalow, he would take the matter into consideration ?

COL. A. B. BEDDOW : Sir, I know the Deputy Commissioner very well. He is a man who takes great care about these matters.

THE HON'BLE THE SPEAKER : This perhaps does not arise after the Hon'ble Minister has given his assurance.

MAULAVI NAMWAR ALI BARBHUIYA : I am giving the Hon'ble Minister necessary information on receipt of a reply to my telegram sent today.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The other day my hon. friends from Assam Valley handed over to me certain telegrams about floods in Assam Valley. I have got these two replies to my telegrams. Both are from the Deputy Commissioner, Sibsagar district. "Minor floods Bhogdoi and elsewhere subsided without appreciable damage to property—relief measures being taken where necessary." That was on the 25th. On the 26th he says—"Titabar, Amguri flood situation not so serious—report submitted and gratuitous relief arranged—report will follow." So, Sir, gratuitous relief has been provided in both cases.

SRIJUT RAJENDRA NATH BARUA : What about Golaghat, Sir ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : We have not received any definite reply. Titabar, Amguri and Kacharihat mauzas were mentioned in the same telegram. Perhaps Kacharihat is also included in the reply.

ABOLITION OF THE SECOND CHAMBER

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI : Yesterday, Sir, we have received notice of a motion to be moved by the hon. Maulavi Munawwarali regarding the abolition of the Second Chamber in Assam. I want to know, Sir, whether he is competent under the Government of India Act to move this motion as a private member.

THE HON'BLE THE SPEAKER : I quite understand the hon. member's point of view, but it would be more proper for him to raise this point when that motion will be coming for discussion. We have fixed a date and I am not prepared to consider this point now. When that motion is coming the hon. member will be within his right to raise a point of order.

MAULAVI MUNAWWARALI: If you give your opinion, Sir, it will be all right. Otherwise somebody will be disappointed.

KHAN BAHADUR MAULAVI KERAMAT ALI: The question is regarding the admissibility.

THE HON'BLE THE SPEAKER: The hon. member has perceived from the discussion of the cut motion what is really my point of view. I do not think this motion will be out of order.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: What will be the legal effect if this motion is discussed in this House? I think it will be a fiasco show and will end in nothing.

THE HON'BLE THE SPEAKER: I think the hon. member remembers what the Hon'ble Chief Minister said on this question. He showed his willingness to consider this point when a regular motion was brought forward. That was the assurance he gave. I think on that assurance Maulavi Munawwarali has brought forward his motion.

MAULAVI MUNAWWARALI: Yes, Sir.

KHAN SAHIB MAULAVI MUDABBIR HUSSAIN CHAUDHURI: The Hon'ble Chief Minister is not competent to move a motion like that and present an address for transmission to His Majesty until ten years have expired from the commencement of Part III of the Government of India Act.....

THE HON'BLE THE SPEAKER: On that point also the position of the Ministry is quite clear, namely, that they are not going to do anything within ten years, until any member comes forward with a motion. That was the view that was held by the Hon'ble Chief Minister and that was given expression to during that discussion.

MAULAVI MUNAWWARALI: Does my hon. friend know that Parliament cannot do anything now?

THE HON'BLE THE SPEAKER: When the motion comes on the 31st, I shall look into that question.

THE ASSAM LOCAL SELF-GOVERNMENT BILL, 1937

THE HON'BLE THE SPEAKER: Now we come to the discussion for reference of the Assam Local Self-Government Bill, 1937, to a Select Committee.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Mr. Speaker, Sir. On the 6th of August the hon. member Srijut Siddhi Nath Sarma moved that the Assam Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee. I oppose that motion and I move that the Bill be circulated for the sake of eliciting public opinion.

This Bill, Sir, contains eight main sections involving principles. I will mention those principles which are involved in this Bill:—(1) The proposal to increase the minimum number of members of all local boards. (2) To abolish nominations. Under no circumstances any member of the Board should be "appointed". That is the proposal in this Bill. (3) To abolish the power of the Board to request the local Government to appoint a Chairman. (4) To abolish the power of the local Government to appoint a Chairman or Vice-Chairman in case any Local Board fails to elect their own Chairman or Vice-Chairman. (5) The elimination of the Commissioner altogether from his functions relating to the local boards.

MR. KAMINI KUMAR SEN: We have already eliminated him.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: No, the Commissioner is not abolished. The House has abolished the Staff not the Commissioners.

(6) The insertion of a provision purporting to give power to the Local Board to exempt from payment of the license fee for a cart or carriage of a *bona fide* agriculturist which is not plied for hire. (7) The withdrawal of the power given to the Local Government to supersede the Board and giving the Local Government only the power to dissolve the Board with a view to reconstitute it. (8) The proposal to abolish appointed members in Village Authorities and to have them all elected; and the proposal to abolish the power of the Local Government to supersede even a Village Authority and giving it only the power to dissolve that authority with a view to reconstitute it.

I will speak now on each of the points. On the first point, Sir, I should say that this Bill proposes to raise the minimum number of members of the Local Board to 20. The present minimum number is only 16.

SRIJUT SIDDHI NATH SARMA: On a point of information, Sir. Has the Hon'ble Minister tabled an amendment to the effect that the Bill be circulated for public opinion.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already moved for circulation of the Bill.

THE HON'BLE THE SPEAKER: The Hon'ble Minister should fix a date.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I will fix the date. It will be before the 15th October 1937.

Now, Sir, there is a principle involved here. According to the present Act the Local Government can increase the number of the members of the Local Boards; there is no limit to the maximum, but there is a limit to the minimum. This Bill proposes to raise the minimum to 20 instead of 16. This Bill therefore proposes to compel certain Boards who may not want to increase the number of their members. There are certain Boards which may not be willing to increase the number. There are 7 Boards with less than 20 elected members, *viz.*—

Hailakandi	...	...	...	...	...	16
Sunamganj	...	...	...	...	...	18
Goalpara	...	...	...	...	...	13
Barpeta	...	...	...	...	...	16
Tezpur	...	...	...	...	...	19
Golaghat	...	...	...	...	...	19
North Lakhimpur	...	...	...	...	...	18

These Boards have not been consulted, and it is not right that these Boards should be forced to increase their number without consulting them. It may be said, Sir, that all the members of this House contain representatives of the people, therefore they have the right to change the law and to pass such a legislation without consulting these Boards, but against that I say that the Local Boards also consist of elected members who are elected specially for these Local Board areas, and they must have a voice in this legislation. So they must be consulted before this legislation is passed by this House. Therefore it is very necessary to circulate the Bill for the purpose of eliciting public opinion.

Then I come to the second point—*i.e.*, the abolition of nomination. Clause 4 of the Bill seeks to abolish nominations altogether. Sir, I have already stated when we were discussing the Assam Municipal (Amendment) Bill that under the present conditions in the Province it is necessary to have nominations. Nominations are made for the sake of giving representation in these Local Boards to communities that are under-represented or unrepresented, and if we do not have nominations we shall have to introduce another principle, *i.e.*, the principle of distributing seats to the tribal people, the scheduled castes and others. The cases of these people were not considered before. Minorities should also have a voice in the administration of the Local

Boards. Therefore the system of nominations was introduced. If the system of nominations is altogether abolished, it is only reasonable that these minority communities should have representation by some other method. That should be the policy of this House, but this Bill has no proposal of the kind ; it does not mention at all that these seats should be distributed according to the demands of the different communities. Therefore, Sir, it is very necessary that this Bill should be circulated for eliciting public opinion. The question whether nomination should be kept or whether separate electorates, or joint electorates should take the place of nominations will have to be placed before the public to give their opinion before this Bill is dealt with.

Now, Sir, the third point in this Bill is the abolition of the power of the Board to ask the Local Government to appoint a Chairman. Clause 11 of the Bill proposes to amend section 11(1) of the Act by omitting the first and second provisos altogether. The first proviso of the Act is as follows:—“Provided that they may, at a meeting attended by not less than 2/3rds of the members, request the Local Government to appoint a Chairman, and the Local Government shall thereupon appoint a Chairman by name or by virtue of his office”. This Bill proposes to abolish that altogether. There are instances in which some Local Boards did not want to appoint their own Chairmen and they applied to the Local Government to appoint a Chairman. I have before me the case of the Tezpur Local Board. In the year 1935 they applied to the Government to appoint an official Chairman.

BABU HIRENDRA CHANDRA CHAKRAVARTY: Who was the official Chairman appointed ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The official Chairman was the Deputy Commissioner.

SRIJUT MAHADEV SARMA: The Board was constituted mostly of Mauzadars.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That the Board was constituted mainly of Mauzadars may be true, but those were elected members. If they did not have the confidence of the people why should the people elect them ? I think, Sir, it is very unreasonable to abolish this section. There may arise such an occasion when a Local Board for some reason may want to ask the Local Government to appoint a Chairman. Such circumstances have arisen in the past and they may arise in the future also. Then, moreover, what is the Government now ? It is a popular Government. Today we are here and tomorrow my hon. friends on the other side—the Congress party—may be the Government, and it will be then in their hands to appoint a Chairman if necessary.

At this stage the House was adjourned for lunch.

The House reassembled after lunch.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I was dealing with clause 11 which relates to the proposal to abolish the power of the Board to ask the Local Government to appoint a Chairman and the House was adjourned for lunch. This clause intends to stop altogether the discretion of the Board. I think that is a very wrong principle. Since the Local Boards consist or will consist in the future probably of elected members only, they should be allowed to use their discretion otherwise Local Self-Government will not mean much. Why should they be compelled by a certain legislation not to ask the Local Government to appoint a Chairman if such a circumstance will arise that will make them feel that they want to ask the Local Government to appoint a Chairman. This affects self-determination and it is the principle of my hon. friends of the opposition who always advocate this principle of self-determination. It is for the Local Boards to use that discretion or not to

use it as they like. It does not compel them to come to the Local Government to appoint a Chairman, but it only permits the Local Boards to ask the Local Government under certain circumstances to appoint a Chairman. In fact, Sir, such occasions did arise in the past as I have already stated; but I now only deal with the principle of discretion. That is a very important thing, because it is a discretion given not to the Government but to the representatives of the people. Therefore it is very necessary that this section should remain and it should not be deleted as proposed by this Bill and that is a very strong point against the proposal to send the Bill to the Select Committee.

Sir, from the stand-point of the Government it matters very little whether that power is withdrawn or not from the Local Boards. But from the stand-point of the representatives of the people themselves that power should be given to them, they should have that discretion. Therefore that proposal in the Bill is very objectionable and it should not be accepted by the hon. members opposite who are the champions advocating the principle of self-determination.

I come now to the fourth point—the abolition of the power of the Local Government to appoint a Chairman or a Vice-Chairman in case the Local Board fails to do its duty. Now, Sir, clause 19 of the Bill proposes to amend section 12(b) of the Act. I want to read that section of the Act in order to refresh the memory of the hon. members to see what that section says: Section 12(b) of the Local Self-Government Act reads as follows:—“When any Local Board fails to elect a Chairman or Vice-Chairman within the time fixed by the rule, the Local Government may appoint a Chairman or Vice-Chairman as the case may be”. Sir, I want the hon. members to mark this—“When any Local Board fails to elect a Chairman or Vice-Chairman”. If it does not fail there is no need for the Local Government to interfere. But if it fails then it will come up to the Local Government to appoint a Chairman or Vice-Chairman. The failure is not only because of any trouble that there may exist among the members of the Board, the failure may be due to several causes. This Bill proposes to substitute this section of the Act by this clause: “Where any Local Board fails to elect a Chairman or Vice-Chairman within the time fixed by rule, the Local Government may direct the Deputy Commissioner or the Subdivisional Officer as the case may be to convene the meeting of the newly elected members to elect according to rules a Chairman or Vice-Chairman as the case may be”. Now what does this amendment presuppose? It presupposes that this failure is due to any quarrel among the members of the Board. In case when they are not able to appoint a Chairman or Vice-Chairman the Deputy Commissioner or the Subdivisional Officer will call a meeting and before him the Chairman or Vice-Chairman will be elected. It serves only this purpose if there may be any quarrel among the members and they cannot reach any decision by themselves.

But it does not solve other difficulties. There are many other circumstances which may arise and which may cause the Local Board not to be able to elect a Chairman or Vice-Chairman. I will cite an instance. Supposing the members returned to the Local Board are people who will not be able to understand even the sections of the Act. Most of them may be literate to some extent only but may not be capable to run the administration of the Board. The Board may find it very difficult in that case to elect a Chairman or Vice-Chairman. This section of the Act provides for such an emergency, but this Bill does not provide any remedy for such a case. When such a case arises in future the Local

Government will be in difficulty to deal with such a situation. By this Bill the Local Government cannot appoint a Chairman or Vice-Chairman under any circumstance whatever that circumstance may be. It only says, that when any Local Board fails to elect its own Chairman or Vice-Chairman, the Deputy Commissioner or the Subdivisional Officer must call all the members and have those members elect their own Chairman or Vice-Chairman in his presence.

Therefore, Sir, the principle enunciated in this Bill by clause 11 is wrong and should not be accepted by this House, and I must remind the hon. members also of this fact that once a Bill is referred to a Select Committee, the House is bound to accept the principles contained in the Bill. Therefore it is very necessary that the Bill should be circulated, even on account of that clause, for the sake of eliciting public opinion thereon, and the public will be able to say whether the provisions given in this Bill will meet all the circumstances which may make a Board fail to elect its own Chairman or Vice-Chairman.

Now, I will refer to the case of the Tezpur Local Board. The Board did not want to elect their own Chairman or Vice-Chairman. In the year 1935 the Local Board of Tezpur did not want to elect their own Chairman. They failed not because of any disabilities, but because they did not want for some reasons to elect a Chairman. They decided by a majority and they asked the Government to appoint an official—the Deputy Commissioner to be their Chairman. This Bill says that even in such a case the Deputy Commissioner should again call the members of the Board to come and meet before him and elect a Chairman or Vice-Chairman. That Board again may say, we do not want to elect a Chairman or Vice-Chairman; we want the Government to nominate a Chairman or Vice-Chairman. This Bill does not meet that situation. There are situations like that, and I do not see why the hon. member wants to amend this section of the Act. It is the only section that enables the Local Government in cases like this to take action and enable the Board to function.

THE HON'BLE THE SPEAKER: The Hon'ble Minister has already spoken for thirty minutes. His speech should not extend beyond a reasonable length.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, the subject is a very important one and I may be given some latitude.

SRIJUT MAHADEV SARMA: On a point of information, Sir. Who was the Chairman in the Tezpur Local Board previous to 1935? An official or a non-official?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Perhaps at that time in 1934 the members of the Board were newly elected.

Sir, I hope you will give me some time. This is a far reaching Bill and I am sure if this Bill be passed by this House, there will be much trouble. I do not deal with this Bill from the standpoint of this Government only but of any Government that may come in our place.

The fifth point raised in this Bill is the elimination of the Commissioner altogether. I do not want to spend time on that. But I must say that the Commissioner is a controlling officer and we should have a controlling officer to have something to do with Local Boards. I think it is very necessary, because a Commissioner looks after the Boards of the whole division.

(A voice)—There will be no Commissioner; we have abolished it.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: They are still there. The Commissioners have their functions under the Act.

KHAN BAHADUR MAULAVI KERAMAT ALI: Over the Local Boards ?

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

The Deputy Commissioner deals with the local board of his District, but the Commissioner looks after the affairs of the Boards of the whole Division. He is practically like the head of a department in Shillong. He gives reports to Government on the working of the Boards in a Valley. The Commissioner of the Surma Valley submits reports on the Boards of the Surma Valley and the Commissioner of the Assam Valley reports on the Boards of the Assam Valley. I must make it very clear that the Commissioner acts like the heads of the Department and advises the Government. As the Inspector General of Civil Hospitals advises the Government on matters medical, the Director of Public Health on matters concerning the Public Health Department, the Inspector General of Police in matters that concern the police, so the Commissioner advises the Local Government in regard to question of local boards and municipalities. From the standpoint of administration the post of the Commissioner is very necessary. Otherwise the Government will be in difficulty.

Now I come to the next point, *i.e.*, the 6th point, namely, the proposal for the exemption of agriculturists' carts from license fee. The proviso to clause 26 runs as follows—

“Provided that in the case of an owner of a cart or carriage who is a *bona fide* agriculturist and does not ply for hire, the Local Board may exempt from payment of license fee for the license in respect of his cart or carriage”.

That is a proposal to amend section 52B of the original Act. But this proviso is unnecessary. Sub-section (1) of section 52B of the Act says that “When it has been determined that a licence fee shall be imposed under the last foregoing section, the Local Board at a meeting shall make the order that the owner of every carriage or cart of the kind specified in the order, within the local limits of the Board's jurisdiction, shall take out a licence and shall cause such order to be published in the manner prescribed”. The Local Board is capable of specifying that certain carts of the agriculturists may not have to take the licence. The Local Board has already that power. Therefore the provision of the Bill is not at all necessary.

SRIJUT SIDDHI NATH SARMA: Sir, the Act is not interpreted like that. When there is a pressure from the Local Government to realise tax from the carts then the tax is realised from carts even if they are liable to exemption.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The Local Government cannot put any pressure on the Local Boards to realise tax from the cart owners. The Local Boards have the power to realise cart tax.

SRIJUT SIDDHI NATH SARMA: But the Local Boards are threatened by the Local Government that if the cart tax is not imposed then Government will not give them any communication grant or general purpose grant to the Local Board.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: This is a wrong idea, Sir. The Dhubri Local Board I am told has exempted the carts owned by the agriculturists but the Local Government has not threatened them.

SRIJUT SIDDHI NATH SARMA: I can cite instances, Sir.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already told that the Local Government do not give them any threatening. It is the business of the Local Boards to look to their financial condition and to the interests of the agriculturists. The representatives of the people are there in the Local Boards to deal with this matter.

There is, Sir, another very important provision in the Bill which is the seventh point which urges the abolition of the power of the Local Government to supersede a Board. This Bill takes away the power of the Local Government to supersede a Local Board and the Local Board can run at its own will. The Local Government has very little power even under the present Act to supersede any Local Board. When the Local Board fails to fulfil its duty or becomes bankrupt this Bill gives power to the Local Government only to dissolve the Board and the Deputy Commissioner can take the Board at the time of dissolution, but that is only for the sake of reconstituting the Board or for the new election of the members to the Board.

SRIJUT SIDDHI NATH SARMA: In such cases the verdict of the people should be sought and not the arbitrary decision of the Government be imposed.

MAULAVI MUNAWWARALI: The Hon'ble Minister is taking too much time of the House. We have got many other important items to discuss.

THE HON'BLE THE SPEAKER: Of course the provisions of the Bill are far-reaching.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, about ten minutes of my time have been wasted by interruptions.

Sir, if the Board fails financially, the power of supersession is very necessary. We were asked by the people of Sylhet to supersede a certain Board of Sylhet. There was a big agitation against a certain Board and Government was asked to supersede it. We thought that new members would be returned in the new election, and that they will do better, but I am told by some hon. members that the same old party has again come to power. Now what will be the consequence of that? I cannot say anything now, only the future will tell the story. Now if the power of supersession is taken away from Government, they will be quite helpless. If the Board becomes financially bankrupt, it will be almost impossible for a new Board to deliver itself from that state. And at such a time the rate-payers within the Local Board area will come to Government, but Government will not be able to do anything if the power of supersession is taken away from them. All that they can do according to this Bill is to dissolve the Board, and after dissolution a new Board will be elected. It may so happen that the same party may come to power and the same thing may be repeated. Then what will these representatives of the people do? Will they dare to impose any tax? They will not dare to do so. They will be in difficulty. What will Government do? They cannot do anything else. The administration will be blocked. Then the necessity of the supersession of that Board will become very necessary and it will have to be taken over by Government, but this Bill does not propose to give that power to the Local Government. This Bill if passed will block the proper administration of the Local Boards.

THE HON'BLE THE SPEAKER: I think the Hon'ble Minister has finished.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I will finish it soon, Sir. Now I will deal with only the last point—*i.e.*, the eighth point. Now the last point is regarding the abolition of nomination in village authorities and also the abolition of the powers of the Local Government to supersede even the village authorities. I may remind the hon. mover of the Bill that nomination has already been abolished. The members of the village authorities are all elected.

SRIJUT SIDDHI NATH SARMA: But it is not in the Act.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I hope the hon. member knows that there is the Assam Rural Local Self-Government Act.

SRIJUT SIDDHI NATH SARMA: But the section has not been amended.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: It has been omitted or repealed by the Rural Local Self-Government Act.

SRIJUT SIDDHI NATH SARMA: I do not know about that. I am concerned with Local Self-Government Act. The section is still there. So an amendment is necessary.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have got the Rural Self-Government Act with me just now and this section has been omitted altogether. Chapters III, V and VII of the Assam Local Self-Government Act have been omitted or repealed.

SRIJUT SIDDHI NATH SARMA: There it has been said but not in the Local Self-Government Act.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I must repeat, Sir, that it is not necessary that the section should be left out from this Local Self-Government Act. I have got the Assam Rural Self-Government Act with me and it says that the section has been omitted or repealed.

THE HON'BLE THE SPEAKER: Does that section still appear in the Act?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: That section still appears in the Act because the Local Self-Government Act has not been reprinted.

THE HON'BLE THE SPEAKER: Has there been any correction?

SRIJUT SIDDHI NATH SARMA: No, Sir. No correction slip has been issued.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, there must have been correction slips issued. I have some more points to speak but as you are anxious that I should stop I shall stop by saying that this Bill should be circulated, and so I move that this Bill be circulated for the sake of eliciting public opinion before the 15th October 1937.

THE HON'BLE THE SPEAKER: The motion moved is that the Assam Local Self-Government (Amendment) Bill, 1937, be circulated for eliciting public opinion by the 15th October 1937.

MR. F. W. HOCKENHULL: On a point of order, Sir. Quite apart from the present discussion I should like to hear your view on the point whether there is any limitation of time in the discussion of Bills. I do realise we have a limited amount of time for cut motions, for resolutions, and so forth, but there is a difference in the enactment of Bills, which have frequently far-reaching effect, and which live for a long time on the Statute Book.

So far as my knowledge of Parliamentary Practice goes, no limitation of time is fixed on the discussion so long as the Member is relevant. I should be very glad to hear your ruling on the subject.

THE HON'BLE THE SPEAKER: The hon. member is perfectly right that in parliamentary rules there is no time-limit fixed for Bills, and the hon. member also knows that this practice is followed in the Central Legislative Assembly. But here so far as we are concerned there is no specific provision in that behalf. There is a provision for motions where it is laid down that the mover of a motion shall get 30 minutes, and the Government Member shall get 30 minutes for the first reply. Of course this rule may be considered to be applicable to motions relating to Bills; but as I ruled the other day that so far as Bills are concerned the limit of time fixed by this rule will not be generally observed, and the House consented. Therefore I was allowing the Hon'ble Minister to go on beyond

30 minutes, and he actually occupied 45 minutes. But the hon. members will realise that in a House like this where so many Bills have to be considered, the members speaking on Bills ought to take good care not to extend the speech beyond the reasonable length of time-limit. The hon. member is quite right that if the House want that a member speaking on a Bill should go on as he likes, he may take as much time as he likes; I should certainly have no objection to that. But I perceived an anxiety on the part of hon. members that the Hon'ble Minister should finish, and other members should speak. I place it before the House, and it is for the House to decide whether they are going to follow the practice that is followed elsewhere, or whether they want that the rule relating to the time-limit as provided for in the rules should be followed. But I could gather that the members were unanimous not to have that rule applied in the discussion on Bills.

MR. F. W. HOCKENHULL: Sir, I hope you will understand, and the House will understand that I was not referring to the present instance at all. The matter was raised by one of the hon. members who sits behind the Government Bench, and I raised it as a point of privilege. This privilege is given in the Parliament. I requested ruling on that point.

THE HON'BLE THE SPEAKER: There is an anxiety of the House to complete the list of business to-day. The hon. member raised the point of order being actuated by that desire.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Then, if you allow me, Sir, I have many other points to put before the House.

THE HON'BLE THE SPEAKER: Let the House digest these points first. (Laughter.)

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Sir, I rise to support the motion for circulation of the Bill for the purpose of eliciting public opinion.

First of all the Bill purports to give representation to the people. My submission is that the Bill is not properly worded. 'The people' is nowhere defined in the Bill. It is not specified as to which community, class and creed are going to be represented. In this matter I think it is necessary to elicit from the public as to which class, communities and interests require representation.

Secondly, it aims at abolition of the nomination system. As regards nomination, the matter was discussed the other day in connection with the Assam Municipal (Amendment) Bill, 1937. That is also a very debatable point. Whether the nomination—though an evil—should remain or should go. In this matter also the public opinion should be elicited.

Thirdly, the minimum number of members has been put down as 20; but I think this is an arbitrary figure. Whether it should be 20 or more or less, that should also be left to the public, to express their opinion on.

Then there is another point—*i.e.*, supersession. Of course we have been reading the administration reports of local boards, and we find many of them are not functioning properly. Whether those boards should be superseded or dissolved—as is proposed in the Bill—is also a matter on which public opinion should be taken.

Then there is the most debatable point whether there should be an officer like the Commissioner to exercise control over the local boards.

Then as regards the provision under clause 26 "that in the case of an owner of a cart or carriage who is a *bona fide* agriculturist and does not ply for hire the Local Board may exempt from payment of license fee for the

license in respect of his cart or carriage" I must say that is a healthy provision. The Hon'ble Minister has said that that power is already given by the Act, but from my experience I say that local boards never exercise that power. We have just heard from the Hon'ble Minister that the Dhubri Local Board has been exercising that power; it is a news to us.

Then, there is another matter. In enacting a legislation of this character, we should not be hasty. There is one instance of hasty legislation before us, viz., the Assam Money-Lenders' (Amendment) Bill. This was enacted in 1934, but after a year or so some of the members of the Legislature came forward with an Amending Bill. In the discussion it came to light that there were many inherent defects in the former Act. So what is the good of a hasty legislation, which is sure to have serious defects in it. It is proper that we should proceed slowly and cautiously in the matter, because we are all responsible members, and we should not rush through any legislation.

So in this view of the matter it will be sound to circulate the Bill among the public for eliciting their opinion.

MAULAVI ABDUR RAHMAN: I also rise to support the motion that has been brought forward by the Hon'ble Minister for Local Self-Government that the Bill be sent for circulation for eliciting public opinion. While we entertain that view, as for myself, while I hold that the Bill should be sent for circulation, it is needless to speak on the merits of the Bill. From the programme of the business of the House we find that several Bills of the kind as well as resolutions have been brought forward by members from different constituencies. From this it can be easily concluded that some sort of change must be brought about in the existing principle of the Local Self-Government Act. And more especially so when this House has entered into a new constitution, provided by the new Government of India Act. From that point of view also, I should suggest that the existing Act be changed.

But, Sir, as the opinion of the members from the various sides are divergent on the principles and sections of the Bill, I think it is only proper that we should send it for circulation so that the public may get an opportunity to say what they have got to say on the changes suggested. So, I would submit that the hon. mover be pleased to accept the motion that has been brought for the circulation of the Bill. If that is done, I think a lot of time of the House will be saved in order to give facilities to the other important Bills in the list. And if the hon. mover declines to accept my request, I would appeal to you, Sir, to ascertain the wishes of the House whether they want to carry on with this Bill in preference to other items on the agenda, without allowing further time to be dilated on this Bill.

THE HON'BLE THE SPEAKER: My duty is to see that a fair debate has taken place and the matter is sufficiently debated. Unless that is done I have no right to put it to the House. I should say that I cannot share the anxiety of the hon. member in this respect.

KHAN BAHADUR MAULAVI KERAMAT ALI: The mover of this motion is a gentleman of very advanced views. And, therefore it is only natural that he would try to advance the Local Boards as far as his imagination could go. There is no denying of the fact that some of the changes he wants to bring about in the law are very radical. It may be that there are local boards which would agree with him. But there may be other local boards which may not agree with him. Therefore, it will be perhaps in the fitness of things that the Bill should go at least to all the local boards for expressing their opinion on it.

Sir the same arguments that were advanced with regard to the Assam Municipal (Amendment) Bill are being advanced also in respect of this Bill and the hon. mover knows what was the fate of the Assam Municipal (Amendment) Bill. Therefore, perhaps there is no use debating on this Bill any further. Let us not waste our time. He would, I hope, agree to the proposal that has been made by the Hon'ble the Minister in charge.

SRIJUT GOPINATH BARDALOI: Sir, the object in sending the Bill to the Select Committee was to expedite this piece of legislation as early as possible so that it could be applied in the coming elections which are to take place in, I suppose, December 1937 or January 1938. I personally differ from the many objections that have been raised by my Hon'ble. Friend the Minister for Local Self-Government in respect of the Bill. And I am personally disposed to believe that these objections which have been raised could have been very well discussed by the Select Committee that has been proposed. As a matter of fact the principles that have been sought to be enunciated are not of a nature which are so revolting, or which are so revolutionary, as to cause a necessity for the circulation of this Bill. I cannot, therefore, yield to the objections that the Hon'ble Minister has made. But the opinion of the House seems to be in favour of going in for opinion in the country. Here I want to know from the Hon'ble Minister if there is any likelihood of this Bill being discussed and passed into an Act within the near future. I want this information for the simple reason that if this is brought into force within a short time then there may not be any necessity for postponing the elections any further. I propose, therefore, to enquire from the Hon'ble Minister to state his point of view in this matter and then I would have no objection to send the Bill for circulation in view of the opinion expressed in this House.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, Government proposes to introduce its own Bill and to deal with certain matters that are important especially in regard to the reconstitution of the Local Boards. In regard to this Bill, I cannot say what the opinion of the country will be. But it is very definite that certain sections of the House are very much against the abolition of nomination altogether. It is very necessary to decide on that question in view of the fact that that is a provision which should be substituted by a method which will be agreeable to all sections.

SRIJUT GOPINATH BARDALOI: My only point in asking that question is, as the Bill is not likely to come before the House at least within the period during which the elections are proposed to take place, whether the new elections will be according to the existing law or will be after the change that is proposed to be made takes effect?

KHAN BAHADUR MAULAVI KERAMAT ALI: On a point of information, Sir, there is a proposal to give extension to the existing constitution of the local bodies. Is it a fact?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: There are two opinions in the House regarding the local board elections. According to the present Act, the local board elections ought to be held in the month of December this year or January 1938 and the boards should function on the 1st April 1938. If the demands of the different communities are to be considered by the Government, then the local board elections may have to be postponed for about six months or about a year. If that be done, then we shall have to bring forward a Bill to postpone the elections of the Boards in the next session of the Assembly perhaps in November next. Another Bill will have to be placed before the House to amend certain sections of

the Local Self-Government Act and especially the section relating to the constitution of the Board. Probably we shall have also to attach to that Bill a schedule as to how the Boards will be reconstituted. If the desire of the House is that the Boards should be re-constituted and the number increased, the elections will have to be postponed. Otherwise the election will have to be made under the old Act, which most of the members do not want.

SRIJUT SIDDHI NATH SARMA: I agree, Sir, to the circulation of the Bill

The Hon'ble the Speaker put the question for the circulation of the Bill for the purpose of eliciting public opinion thereon by the 15th October next, which was carried.

THE ASSAM MONEY LENDERS' (AMENDMENT) BILL, 1937.

MAULAVI ABDUL AZIZ: I beg, Sir, for leave of the House to introduce the Assam Money Lenders' (Amendment) Bill, 1937.

THE HON'BLE THE SPEAKER: The question is that leave be granted to introduce the Assam Money-Lenders' (Amendment) Bill, 1937.

The motion was carried.

MAULAVI ABDUL AZIZ: Sir, I beg to introduce the Assam Money Lenders' (Amendment) Bill, 1937.

The Secretary then read the title of the Bill.

The Bill was introduced.

MAULAVI ABDUL AZIZ: I beg, Sir, to move that the Assam Money Lenders' (Amendment) Bill, 1937, be taken into consideration.

In moving for consideration of the Bill, I beg to submit

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Should not the hon. member occupy his own seat when moving his motions?

MAULAVI MUNAWWAR ALI: I think, Sir, he can occupy this seat.

THE HON'BLE THE SPEAKER: It is up to the leader of his party to re-arrange his seat, but it is parliamentary etiquette for the member to occupy his own seat.

MAULAVI MUNAWWAR ALI: I request your permission, Sir, for him to take this seat.

(The hon. member was allowed to continue in his seat.)

MAULAVI ABDUL AZIZ: The economic depression has dealt a serious blow to the debtors of the province. The Government recognised this state of things early in 1933 and introduced a Bill to save the indebted class. The Bill after some considerable time passed into law in 1934, which is the present Assam Money-Lenders' Act. Sir, the Act came into operation some time after and we find that the Act in its application is quite unsatisfactory.

SRIJUT DEBESWAR SARMA: We have not heard a single word of the hon. speaker, Sir.

THE HON'BLE THE SPEAKER: Will the hon. member speak a little louder?

MAULAVI ABDUL AZIZ: The Act professes to give benefit to the debtors, but in practice we do not find it to be so. There are certain inherent defects and there are certain gaps in the Act which ought to be remedied, if we want to see the benefit which it professes to give, to be effective and helpful to the debtors. Sir, the object of my amendment is to remedy those defects and make the benefit real effective and helpful to those for whom it is primarily meant.

Sir, one clear defect we find in the application of the Act, is that it favours rather unjustly a class of debtors. To the honest debtor it does not give justice, but to the dishonest one it gives an undue advantage. This is due to the insertion of a particular word which should not have

been there. I am referring to section 9 of the principal Act. There it is stated that the Law Courts cannot decree in respect of a loan a sum greater than the principal as interests. Had there not been the word 'decree' and had better substitute been put in instead, this glaring injustice of which I am now speaking could not have found prevalence. One set of debtors are now taking advantage and another set suffer from it. By an illustration I will make it clear. Suppose, Sir, there are.....

MAULAVI MUHAMMAD AMJAD ALI: There must be some inherent defect in this bill, Sir. The hon. members speaking on the other side cannot be heard.

THE HON'BLE THE SPEAKER: If it is due to some defect in the accoutances of the House it cannot be helped.

MAULAVI ABDUL AZIZ: Suppose two debtors borrowed two equal sums, say a hundred rupees, from the same creditor on the same date and at the same rate of interest and suppose this transaction took place before 1934. Now, Sir, suppose again, one is an honest debtor and the other a dilatory one, the honest debtor making annual payment towards interest and the dilatory one making none except nominal payments required to save limitation and both the bonds remained unpaid for ten years. If after the ten years the creditor brings a suit against both the debtors, under the Money Lenders' Act of 1934, which is the Act now operating, in both cases the creditor will be entitled to have a decree for a sum of Rs.200. Now, Sir, the honest debtor although he has regularly paid interest for the last ten years will have to pay Rs.100 more for interest whereas for a bad debtor who has not paid anything during that 10 years except a nominal sum, he will also be liable to pay Rs.100 for interest and not more. This is a glaring injustice which is not quite reasonable from the point of view of legislators. Now, to remedy this, I propose to substitute it by the word "recover".

My amendment with regard to section 9 will be "No money lender shall, in respect of any loan made before or after the commencement of this Act, recover on account of interest, whether through Court or otherwise, or by way of usufruct of lands in usufructuary mortgages a sum greater in aggregate than the principal of the loan". If the section is allowed to be made in this shape, no Court will be competent to compel the debtor to pay on account of interest any sum which the debtor might have paid out of Court, amicably and credit will have to be given to the debtor for the amount which he pays towards the interest. In the past what happened? All amicable payments towards the interest made out of Court by the debtor, are not taken into account. This is another way which is affecting the money-lending business also, because it is encouraging the debtors not to make any payment out of Court of their own accord. Thus I find this amendment is necessary to make justice reaching to all debtors and creditors equally and not to give undue advantage to one class only.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: On a point of information. Supposing a debtor has, in a loan of Rs.100, already paid Rs.200 as interest, is it the intention of the hon. mover of this Bill that the entire principal amount shall be extinguished?

MAULAVI ABDUL AZIZ: No, Sir, that is not my intention. What is paid is paid, I am speaking of the outstanding dues only.

THE HON'BLE THE SPEAKER: The point which the Hon'ble Minister has raised seems very pertinent.

MAULAVI ABDUL AZIZ: In section 4 of the Act there is the prohibition of compound interest.....

THE HON'BLE THE SPEAKER : I think that is quite another matter That does not relate to the point raised by the Hon'ble Minister. What he points out is that supposing a debtor has borrowed Rs.100 and he does repay the debt for 10 years but in the meantime has paid Rs. 200 as interest. When the money lender brings a suit claiming that Rs. 100, will he not be entitled to get the decree ?

MAULAVI ABDUL AZIZ : There is no question about the principal loan. The law is silent about that. In section 4 we find "Any contract made for the loan of money by the money lender shall be illegal in so far as it provides directly or indirectly for the payment of compound interest and for the rate of amount of interest being increased by reason of any default in the payment of sums due under the contract." It has got a proviso. In the fore part of the section we find that compound interest is prohibited, but in the latter part we find that it brings in the question of compound interest and I, therefore, propose that the latter part should be deleted. The latter part says "that provision may be made by any such contract that if default is made in the payment of any sum payable to the money-lender under the contract whether in respect of principal or interest or both, the money lender shall be entitled to charge simple interest on that sum from the date of the default until the sum is paid at a rate not exceeding the rate payable in respect of the principal". Here in the fore part it is stated that there should not be any compound interest directly or indirectly, but in the latter part it is said that if there is any default in payment of a particular sum at a certain date, then from the date of default interest will be running on that particular sum. Now take for example, a man borrows Rs.100 and at the end of some years it comes to Rs.150 including the interest. Now he settles with his creditor to pay up this sum in 3 instalments with an agreement to pay interest at the bond rate from the date of default of an instalment. This very arrangement includes in it an element of compound interest which the fore part of section 4 prohibits. If simple interest is allowed to run from the date of default then it comes to the same thing as compound interest. It is for this reason that I want to delete this part of the law and make it consistent. In my opinion it is self-contradictory.

Another amendment, Sir, I propose in section 8 of the principal Act. Clause 4 of my Bill runs thus :—

"Where in any suit in respect of any money lent or any security taken for money lent by a money lender after the commencement of the Usurious Loans Act, 1918 (Act X of 1918), it is found that the interest charged exceeds the rate of $12\frac{1}{2}$ per cent. per annum in the case of a secured loan, or $18\frac{3}{4}$ per cent. per annum in the case of an unsecured loan, the Court shall not decree as interest any sum in excess of $12\frac{1}{2}$ per cent. per annum and $18\frac{3}{4}$ per cent. per annum respectively.

Now, Sir, section 8 of the principal Act read thus :—
 "Where in any suit in respect of any loan made or any security taken for a loan made by a money lender after the commencement of the Usurious Loans Act, 1918, it is found that the interest charged exceeds the rate of $12\frac{1}{2}$ per cent. per annum in the case of a secured loan or $18\frac{3}{4}$ per cent. per annum in the case of an unsecured loan, the Court shall, until the contrary is proved, presume for the purposes of section 3 of the Usurious Loans Act, 1918, that the interest charged is excessive and the transaction was as between the parties thereto, substantially unfair, but this provision shall be without prejudice to the powers of the Court under the said section where the Court is satisfied that the interest charged though not exceeding $12\frac{1}{2}$ per cent. per annum or $18\frac{3}{4}$ per cent. per annum as the case may be, is excessive."

Sir, in this section a discretion is left to the Court ; but all Courts are not equally level headed and it is for this that the discretion should be withheld from the Court. It is for this, I submit, that the latter portion should be deleted—I mean that portion that gives the Court a discretion.

So I propose that clause 4 of the Bill be substituted for section 8 of the principal Act. To this I have added an explanation. This is a definition of secured loans. Most secured loans bear interest at the rate of 12½ per cent. per annum. In our country side we find that most of our agriculturists—why most—almost, I think, 95 per cent. of our agriculturists borrow money on secured loans of land. Land is the only credit which our borrower has got. So in our country, it is generally the custom that they borrow on a piece of land, in return of money they transfer a piece of land on condition that the creditor will keep that land with profit and will enjoy in lieu of interest. This kind of transaction, as I have already stated, is very common in our country. It is for this that I have added an explanation as regards secured loans. “Secured loans” means mortgaged debts as well as bonds for the satisfaction of the interest of which land has been delivered in possession of creditors to be enjoyed in lieu of interest by the debtors in conformity with local custom.

Sir, this finishes with section 8. As to section 9, I have an explanation to my amendment. I have already dealt with section 9 and now I will deal with the explanation. “The term aggregate means and includes the amount of interest already paid amicably or otherwise”. Then comes sub-clause (2) : “In the case of a bond or any other instrument executed for past liabilities the original sum actually advanced shall be considered as the principal of the loan for the purpose of sub-section (1)”. Then comes sub-clause (3) : “For the purpose of this section (section 9) parties to or the properties in the subsequent instrument or instruments may be same or different.” I think, Sir, it needs no explanation. I may explain that the bond may be transferred and in the case of an assignee he will have some right as creditor. As in the case of secured loans a mortgage bond may be exchanged or in a subsequent bond more property could be given in security for the same debt. I submit that the Bill does not effect any change in the law.

As regards sub-clause (4) : I propose that every unexecuted decree should come within the purview of this Act. I mean that the amount of interests in those decrees should not be more than the principal. Between an unexecuted decree and a bond there is no difference so far as the creditor is concerned because the debt in each is unpaid. The only difference is that one is a decreed bond and the other is an undecreed bond. There is in fact no real difference. I want that unexecuted decree should be brought within the purview of this Act. So I propose that the foregoing provisions contained in sub-sections (1), (2) and (3) of this section will apply to decrees passed before the principal Act came into operation and the decrees shall not be executable until the amount payable thereunder be reduced in accordance with the said provisions.

Sir, with the above views, I have brought this amending Bill for the acceptance of the House.

THE HON'BLE THE SPEAKER : The motion moved is that the Assam Money Lenders' (Amendment) Bill, 1937, be taken into consideration.

THE HON'BLE THE SPEAKER : I think, the Hon'ble Minister should reply as no other member is willing to take part in it.

MR. BAIDYANATH MOOKERJEE : We shall do it afterwards, Sir.

MR. KEDARMAL BRAHMIN : Sir, I like to propose that the Bill be circulated for eliciting public opinion thereon by the 20th of October.

THE HON'BLE THE SPEAKER : What are the grounds ?

MR. KEDARMAL BRAHMIN : Sir, the Bill moved by my hon. friend Maulavi Abdul Aziz totally changes the existing Money Lenders Bill which was passed only about two years ago and we have not yet known what are the defects or benefits of the Bill. Sir, there are no such societies in the villages from which the villagers can borrow money at a cheap rate of interests, and it will effect the decrees already passed and the pending case in the Court and that the proposed Bill will do harm to the public instead of doing any good to them. Therefore, I propose that this Bill should be circulated for the sake of eliciting public opinion thereon by the 20th of October.

MR. BAIDYANATH MOOKERJEE : On a point of information, Sir. Does the existing Act also apply to Kabulis ?

THE HON'BLE THE SPEAKER : I do not know that. Anybody carrying on money lending business within the province of Assam knows it better.

The motion moved is that the Assam Money Lenders' (Amendment) Bill, 1937, be circulated for eliciting public opinion thereon by the 20th October, next.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : Sir, I rise to support the motion.

THE HON'BLE THE SPEAKER : The hon. member should say which motion he means.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY : I mean the motion for circulation for eliciting public opinion.

The interests of every section and every class of people agriculturists and non-agriculturists, are involved in this Bill. Therefore the Bill should be carefully and thoroughly examined before it is passed into law. If it is intended by this Bill to give relief to the indebted people, I think, we should not pass it hastily, because I am sure public opinion will help us in removing the defects if there be any in the Bill. With these few words, Sir, I beg to support the motion of my hon. friend Mr. Kedarmal Brahmin.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN : I rise, Sir, to support the Bill moved by my hon. friend Maulavi Abdul Aziz. Perhaps the hon. members remember that in the last October session of the last Council a similar Bill was brought forward by Maulavi Abdur Rashid Chaudhuri and that Bill was duly circulated and public opinion was gathered on that. Then it went to the Select Committee and after the Select Committee submitted their report the Bill was discussed on the floor of this House. My hon. friend Rai Bahadur Promode Chandra Dutt who was then the Judicial Member opposed that motion on the ground that there were certain legal defects but he promised that Government would consult the Legal Remembrancer about those defects and in the next Council, *i. e.*, in this Assembly they would come forward with a comprehensive Bill but the Bill is not yet forthcoming. I think it is up to us to support the Bill that has been brought forward by my hon. friend Maulavi Abdul Aziz. Of course, some of the defects pointed out continue in the Bill but I do not think there is any reason whatsoever for delaying this matter. It was admitted by Government that the Act, as it stands, is full of defects but when Government has not come forward with any Bill, I think, it will be improper to delay this legislation which is necessary for the interest of the poor *ryots*. So, I think, it will be better to refer this Bill to the Select Committee.

THE HON'BLE THE SPEAKER: Then there is no motion before the House.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: However it should be taken into consideration.

MR. BAIDYANATH MOOKERJEE: Which one, Sir?

No reply.

DEWAN MAULAVI MD. AHBAB CHAUDHURY VIDYABINODE: Sir, I rise to support the Bill moved by my hon. friend Maulavi Abdul Aziz Saheb. A few centuries ago our country was so rich that India was described by an eminent English Author as the 'Garden of Eden'. But, Sir, we have become so much poor that now we have got no food to eat and no cloth to put on. Our poverty has become proverbial in the whole world. The budget speech of many hon. members urged for reduction in local rates and land revenue, in Assam Valley. The report of the Banking Enquiry Committee clearly indicates that the poor cultivators are on the verge of extinction. Moreover, Sir, in the words of Maulavi Munawwar Ali Sahib "the debtors are in dire difficulty. The value of the rupee has gone abnormally high and prices of commodity and agricultural produce have gone abnormally low." The problem of the debtor is the problem of the whole India. If we are to live as a nation we shall have to save our poor cultivators from the hand of the money lenders and give them adequate relief. The poverty of the cultivators has attracted the pointed attention of the Government and we are very thankful to Government for their sympathetic attitude. But as the Act of 1934 has got some defects, I think, the Bill moved by my hon. friend will remove it and give relief to the poor cultivators. So I support the Bill moved by my hon. friend Maulavi Abdul Aziz and I hope the whole House will consider the Bill sympathetically.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, Government is in entire sympathy with the object of this Bill. We have tabled amendments for certain provisions. So far as the circulation of the Bill is concerned, I personally, Sir, do not consider it necessary at all because this Bill was circulated for eliciting public opinion in the year 1936 and we have with us large volume of public opinion both for and against the Bill. This Bill was brought forward in 1936 by Maulavi Abdur Rashid Chaudhuri.

MR. BAIDYANATH MOOKERJEE: Are they with you, Sir?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have got them, Sir.

MR. BAIDYANATH MOOKERJEE: Will you read it before the House?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That is impossible. It will take hours. I fully agree with the hon. mover of this Bill for we really intend to give benefit to the debtors. Section 9 of the present Act should be amended in the manner suggested by the hon. mover of this Bill, but there is only one exception which we want to make, i.e., in respect of the loans which are issued by the Banks and also debentures issued by other public Companies.

Now, Sir, this point was discussed at great length in the Select Committee to which a similar Bill was referred in 1936. I remember that my hon. friend Rai Bahadur Promode Chandra Dutt also agreed to the provision which appears in this Bill, subject to the exceptions for which I on behalf of the Government have now put an amendment. If the amendments I now propose are carried by the House, the Bill will be exactly as we intended to have it in the Select Committee in 1936. But for some reason or other my hon. friend, who was then the Member in charge of the Bill on the side

of Government, could not agree to the compromise which was entered into in the Select Committee. The only point, Sir, to which Government takes serious objection is as regards sub-clause (4). The Government considers that if that clause is passed into law, then it will mean a serious change, because the decrees already passed, which have in many cases been partly executed, will have to be revised, and that will mean a good deal of dislocation of business. Sir, it is for the House to consider whether it would not be better to have a Select Committee in order to go into all these questions carefully. So far as Government is concerned, it has considered this Bill, and have come to this conclusion that subject to the amendments which it would try to carry through the House, it is in entire sympathy with the Bill, which has been introduced by the hon. mover.

MR. BAIDYANATH MOOKERJEE: On a point of information, Sir. Is it not the duty of Government to make easier provision for needy people before stiffening the measure?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Government has already duly considered the provisions of this Bill in its various aspects. The proposals which have been introduced in this Bill are nothing new to Government; they have been considered and reconsidered, and Government is in a position to state its view-point without any reference to the Select Committee.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURY: On a point of information, Sir. Have all the defects of the previous Bills been removed by this Bill?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think, Sir, they have been removed to a great extent. No piece of legislation can be said to be perfect. They are amended in the light of experience, which is gained in administration. My hon. friend cannot claim any perfection, but all the same it is a fairly workable Bill, which will be in the interest of both the money lenders as well as the debtors, subject to amendments that we are proposing.

MAULAVI MUNAWWAR ALI: Mr. Speaker, Sir, the Bill before the House has been long in the hands of the hon. members of this House. It is about a month that the hon. members have been here, and any plea that might be put forward from any quarter that there has not been sufficient time for any hon. member to study the Bill would be only a lame excuse.

MR. BAIDYANATH MOOKERJEE: Apart from studying this particular Bill, they have many other things to do.

MAULAVI MUNAWWAR ALI: Sir, the Hon'ble Revenue Minister has stated that a volume of opinion has already been expressed on this Bill. It was only late in 1936 that almost an identical Bill was considered in this House, which could not see the light of day to become an Act, on account of certain technicalities standing in the way.

I would place before the House the opinion that was expressed by the members of the District Bar, Sylhet, on the 28th May 1936. They say: "*The Assam Money Lenders' (Amendment) Bill, 1936, has not come a moment too soon. The Assam Money Lenders' Act of 1934 was not even so much as a half measure, which utterly failed to touch even the fringe of the burning question of the day. The value of rupee has gone so very high that all transactions should have been dealt with in the light of the increased price of the rupee. The debtors who borrowed, say, Rs.100 in pre-depression period, if he is to pay this amount now, will in reality have to pay Rs.400 inasmuch as what one could do at that time with Rs. 400 one will be able to do at the present moment with Rs. 100. Abnormal times call for abnormal measures and so this piece of legislation cannot be*

called an extreme or a drastic measure. The proviso to section 4 of the Act has been rightly omitted and sub-section 3 of section 2 of the Act rightly amended, otherwise these two sections would have been inconsistent. Section 9 of the Act has been rightly amended as the present law is inequitable to the debtors who pay interest out of Court".

Mr. Speaker, a body like the Sylhet District Bar can claim some perfection in matters of legislation, and some authority. This is the considered opinion of that body of lawyers, whose opinion is certainly entitled to most respectable consideration. What my hon. friend Maulavi Abdul Aziz wants to get done is nothing of an innovation. This question was also seriously considered during the passage of the Bill of 1934, and various Courts have also expressed their opinion against the very points which have been raised by the amendments proposed by my hon. friend. The Sub-Judges in the Sylhet District have complained against these provisions, and have demanded a revision of them. The Hon'ble Revenue Minister has made certain points. Those points are not sufficiently specific as to make it intelligible why the Bill should be referred to the Select Committee. In our opinion, Sir, the Bill may be considered on the floor of the House to-day, and, Mr. Speaker, we all expect it, that we would have the satisfaction of passing this Bill into Act in this very sitting of the House.

I was not a little surprised, Sir, when a circulation motion was supported from a quarter, which was most unexpected. I must say that it was not appraised with the depth it deserved, rather it was appraised light heartedly. I have no manner of doubt in recommending that the Bill be considered to its finality in to-day's meeting, and that is the considered opinion of not only the most but almost all the hon. members who are here, and also perhaps of the block of my hon. friends who are sitting in my front.

(MR. BAIDYANATH MOOKERJEE : Question ?)

MAULAVI MUNAWWAR ALI : Sir, there are other Money-Lenders' Bills on the agenda, for example, I have one. In certain respects the Hon'ble Revenue Minister has characterised one provision of my Bill as revolutionary. We have agreed, as a maximum measure of agreement, that the Bill that has been proposed by my hon. friend Maulavi Abdul Aziz is a *via media*, and as such, we have agreed to pass his Bill at to-day's sitting.

With these words, Sir, I support my hon. friend when he says that the Bill be taken into consideration at once, in the expectation that this Bill will be passed at to-day's meeting.

RAI BAHADUR PROMODE CHANDRA DUTT : With respect to the request made by my hon. friend Maulavi Munawwar Ali that the Bill should be discussed now, he forgets that the Members of the House have a right to propose amendments. They were never asked to do so before and it cannot be taken up clause by clause until at a later time.

THE HON'BLE THE SPEAKER : The Bill cannot be passed to-day. Because the next stage is that the Bill be taken into consideration and then amendments should be put in and a date should be fixed for taking it clause by clause and then only it can be discussed.

MAULAVI MUNAWWAR ALI : Perhaps, Mr. Speaker, after the Bill has been taken into consideration my hon. friend might make a motion that the Bill be passed.

THE HON'BLE THE SPEAKER : He cannot do that to-day.

MAULAVI MUNAWWAR ALI : If there is no amendment made, perhaps my hon. friend will be perfectly in order in moving that the Bill be passed.

THE HON'BLE THE SPEAKER: I may draw the attention of the hon. member to rule 58 which says—

“When a motion has been agreed to by the Assembly that a Bill be taken into consideration any member may propose an amendment of the Bill.”

Then Rule 59 says—

“(1) If notice of a proposed amendment has not been sent to the Secretary three clear days before the meeting of the Assembly at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker, in his discretion, allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed and a copy shall be made available for the use of each member.

(3) If any member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated into such vernacular language as the Speaker may direct for his use.”

Of course a motion can be made for discussion. But if any hon. member objects he cannot do it because members should get time to table amendments and three days' notice is required under the rules. The Rule provides that it is in the discretion of the Speaker to allow such a motion. In such cases a reasonable discretion is to be exercised. Members have a right to table amendments and they should get time to do so. So the Bill cannot be discussed clause by clause to-day.

MAULAVI MUNAWWAR ALI: If that is the case, Sir, the Hon'ble the Revenue Member has tabled some amendments which have been more than many days in the hands of hon. members.

THE HON'BLE THE SPEAKER: I am supposed to take no notice of this unless other hon. members get time. They may say that they are entitled to get time given under this rule. If amendments have been tabled before this stage, they cannot be considered to-day.

SRIJUT PURNA CHANDRA SARMA: I have another Bill in my name relating to the same subject. If you permit me, Sir, I can put it as an amendment, or move it separately, or they can be taken together for consideration.

THE HON'BLE THE SPEAKER: Clause by clause?

SRIJUT PURNA CHANDRA SARMA: I have now a separate Bill for the amendment of the Act itself. My Bill can be taken into consideration along with the Bill moved by the hon. member Maulavi Abdul Aziz.

THE HON'BLE THE SPEAKER: The hon. member's is quite different. **MAULAVI MUNAWWAR ALI:** The hon. member is thinking of adding what he means by his Bill by way of amendment to this Bill. How far that is permissible I do not know.

THE HON'BLE THE SPEAKER: That is not permissible.

MAULAVI MUNAWWAR ALI: Under Rule 62 “If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Assembly, the Bill may at once be passed”. I think, therefore, that the Bill can be passed now.

THE HON'BLE THE SPEAKER: The hon. member will look to Rules 58 and 59 as well.

MAULAVI MUNAWWAR ALI: Also Rule 62.

THE HON'BLE THE SPEAKER: That will be on the date it will be put down on the order paper that the Bill be taken into consideration clause by clause, not before that.

The question is that the Assam Money Lenders, Bill, 1937, be circulated for eliciting public opinion by the 20th October next.

After putting the question to the House the Hon'ble Speaker declared that the Noes have it. The decision being challenged, the division bell was rung. Then the question was put again and the Hon'ble Speaker declared that the Noes have it and that the motion for circulation was lost.

The question that the Bill be taken into consideration was then put and declared carried.

THE ASSAM MINISTERS' SALARY BILL, 1937.

SRIJUT GOPINATH BARDOLOI: In respect of this Bill, namely, the Assam Ministers' Salary Bill, 1937, as I have already tabled an amendment to the Government Bill, I do not want to move it.

THE ASSAM LOCAL RATES BILL, 1937 AND THE ASSAM LOCAL SELF-GOVERNMENT AMENDMENT BILL, 1937.

(The Assam Local Rates Bill, 1937, in the name of Babu Dakshinranjan Gupta Chaudhuri and the Assam Local Self-Government (Amendment) Bill, 1937, in the name of Srijut Mahi Chandra Bora were not moved.)

THE ASSAM MONEY LENDERS' (AMENDMENT) BILL, 1937.

SRIJUT PURNA CHANDRA SARMA: I beg leave of the House to introduce the Assam Money Lenders' (Amendment) Bill, 1937.

THE HON'BLE THE SPEAKER: The question is that leave be granted to introduce the Assam Money Lenders' (Amendment) Bill, 1937.

The motion was carried.

SRIJUT PURNA CHANDRA SARMA: I beg, Sir, to introduce the Assam Money Lenders' (Amendment) Bill, 1937.

The Secretary then read the title of the Bill.

The Bill was introduced.

SRIJUT PURNA CHANDRA SARMA: Sir, I now beg to move that the Assam Money Lenders' (Amendment) Bill, 1937, be taken into consideration.

My intention in bringing in this Bill, Sir, is to relieve the poor peasants who have been heavily indebted to the Co-operative Societies as well as to other money-lenders. As I have already stated in the Statement of Objects and Reasons, the Assam Money Lenders' Act has not specifically mentioned the co-operative societies who have been realising high interest. I know specifically of some cases where the co-operative societies have been ordered liquidation and in doing this compound interest has been charged on the debtors. So I want that the co-operative societies should be specifically mentioned under section 4 of the Assam Money Lenders' Act.

Next, Sir, as regards the other factor, namely, that the interest should be lower than what is fixed in the Money Lenders' Act. Sir, it is a well-known principle in the religion of Islam that no interest should be realised from a man who takes a loan. Secondly, Sir, the wide-spread depression has been well recognised by Government as well as by the Money Lending people themselves. So I consider that this interest should be a little lower if we are to relieve the poorer classes of people. It is the agriculturists who have been victims of the several coercive measures taken by the law Courts as well as the money-lenders. And it is to relieve these people who are heavily indebted that this amending Bill has been brought forward.

Now, Sir, as regards the interest usually charged under the Money Lenders' Act, namely 12½ per cent. for all secured loans, I consider that the fixing of this high rate means giving the Money Lenders an occasion to bring a case against the borrower after about 8 years. Sir, we know many people have been unable in the present circumstances of a wide-spread depression to pay up their loans to their Mahajans, because the Mahajans want to get the full amount realised in the shortest possible time allowed by the law. So, Sir, to give them a little more time and more respite, I have proposed that the interest should be lowered.

Next as regards interest on unsecured loans I hope that many of the hon. members who are borrowers themselves will agree that we have been victims of the money lending business on so many occasions that we have been actually feeling that the interest charged is high. Under the present law the money lender has got the opportunity of harassing his debtor as much as he likes. So, Sir, the interest on unsecured loans should also be lowered to 12½ per cent. from the 18¾ per cent. which it is at present.

As I have already said, the purpose of this Bill is to relieve the agriculturists. That being so, I hope the hon. members will agree with me that I have brought a matter of public interest for their consideration.

THE HON'BLE THE SPEAKER: The motion moved is that the Assam Money Lenders' (Amendment) Bill, 1937, be taken into consideration.

BABU KAMINI KUMAR SEN: On a point of information, Sir. Does the existing Money Lenders' Act apply in respect of loans granted by co-operative societies?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: It does.

SRIJUT PURNA CHANDRA SARMA: But it is not specifically mentioned.

MAULANA ABDUL HAMID KHAN: Sir, প্রবল প্রতাপশালী গবর্ণমেন্ট যখন টাকা কৰ্জ্ব করেন, তখন তিন টাকা, আড়াই টাকা বা দুই টাকার চেয়ে বেশী সুদ দিবার ব্যবস্থা তাহারা করিতে পারেন না, কিন্তু বাহাদের ঘর অন্তর্ভুক্ত সংস্থান নাই, বাহাদের দেনা পরিশোধ করিবার কোন উপায় নাই সেই দরিদ্র প্রজাদের বেলাই শুধু রেহানি মূলে ১২½ টাকা এবং সুখত ও হেণ্ডনোট মূলে ১৮¾ টাকা সুদের ব্যবস্থা করা হইয়াছে। বর্তমান দেশের অবস্থা যে রকম হইয়াছে তাহাতে মহাজনেরা স্বেচ্ছায় সুদ কেন আসলেরও কমাইয়া দিলে নিতে রাজী আছেন। ধুবড়ীর Central Bank এর depositors সম্পূর্ণ সুদ মাপ করিয়া দিয়াছেন এবং আসলেরও শতকরা ২৫ টাকা মাক দিয়া কিস্তিবন্দী করিয়া নিতেছেন। এমন হাজার হাজার হিন্দু মুসলমান মহাজন আছেন যাহারা সম্পূর্ণ সুদ মাক দিয়া খাতকদের নিকট হইতে আসল টাকাও দীর্ঘকালের কিস্তিবন্দী করিয়া নিতেছেন। আমার মনে হয় যে আসল টাকা দিবার জন্ত যদি দীর্ঘকালের কিস্তিবন্দী করা না হয় তাহা হইলে কৃষকেরা টাকা দিতে পারিবেন। এমন অবস্থায় তাহাদের উপর ১২½ টাকা বা ১৮¾ আনা সুদ আদায় দিবার ব্যবস্থা করা নেহাৎ অশ্রম এবং অবিচার হইয়াছে। পরম দয়ালু আল্লা তালাব রূপায় যদি আরও দশ বৎসর এরকম তৃতিক এবং দেশের এরকম অবস্থা রহিয়া যায় তাহা হইলে সুদ আদায় করিবার জন্ত কোন আইনের দরকার হইবে না। এই সুদ ধার্য করার ফলে মহাজন class এরও কোন লাভ হইবে না এবং খাতকের

ও কোন লাভ হইবে না। লাভ হইবে কেবল উচ্চ class এর; কেন না amount বেশী হইলে তাহারা বেগন বেশী পাইবেন। বৰ্তমান অবস্থায় আদল টাকা দিলে ও মহাজনেরা থাকককে মুক্ত কৰিবায় জন্ত প্রস্তুত। সুতরাং বাবু পূৰ্ণ চন্দ্ৰ শৰ্ম্মা ১২১০ টাকার স্থলে ৬০ টাকা এবং ১৮৮০ টাকার স্থলে ১২১০ টাকা সুদ ধাৰ্যা কৰিবায় জন্ত যে সংশোধন বিল আনিয়াছেন আমি তাহার সমর্থন কৰিতেছি এবং সমগ্র প্রজা হিটৈষা ব্যক্তিগণের দৃষ্ট এদিকে আকৰ্ষণ কৰিতেছি।

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir. I hope the hon. mover of this Bill—I mean the member in charge of this Bill has by now realised that he was wrong in assuming that the co-operative societies are not within the purview of the existing Assam Money Lenders' Act. In the original Bill of 1934 which was introduced in this House by the Hon'ble Chief Minister, then Member in Charge of that Bill, there was a clause which excluded the co-operative societies from the operation of that Bill. But at the time of introducing the Bill he was himself pleased to observe that he was in doubt whether the co-operative societies should be exempted from that Bill, because it is well-known that some co-operative societies charged interest in the villages at a rate much higher than what appears in the present Bill. In the Select Committee to which the Bill was referred that clause which exempted the co-operative societies was dropped and so the present position is that the co-operative societies are bound by the provisions of the existing Assam Money Lenders' Act. There is of course some difference and that difference is that they have been exempted from keeping the accounts in the manner suggested in this Act, but they are to keep the accounts as required by the rules of the co-operative Societies Act.

As regards the rate of interest, Government is unable to accept precisely the rates which have been mentioned in this Bill, but they are prepared to consider the reduction of the existing rate to a reasonable extent.

THE HON'BLE THE SPEAKER: The question before the House is that the Assam Money Lenders' (Amendment) Bill 1937, be taken into consideration.

The motion was adopted.

THE ASSAM LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1937.

SRIJUT LAKHESVAR BOROAH: Sir, I beg to move for leave to introduce the Assam Local Self-Government (Amendment) Bill, 1937.

THE HON'BLE THE SPEAKER: The question is that leave be granted to introduce the Assam Local Self-Government (Amendment) Bill, 1937.

The motion was carried.

SRIJUT LAKHESVAR BOROAH: Sir, I beg to introduce the Assam Local Self-Government (Amendment), Bill, 1937.

The Secretary then read the title of the Bill.

The Bill was introduced.

SRIJUT LAKHESVAR BOROAH: Sir, I beg to move that the Assam Local Self-Government (Amendment) Bill, 1937 be circulated for eliciting public opinion thereon returnable on the 15th October 1937.

Sir, I do not want to move for consideration now. The object of my Bill has been stated in the Statement of Objects and Reasons. It is to remove the inequalities in the allocation of seats that prevails in the present Act. Sir, the allocation of seats for the three different communities, *viz.*, Planting, non-Muhammadan general and Muhammadan general is provided by statutory orders under section 4(2) (b) of the Assam Local Self-Government Act as amended by the Act of 1928. A perusal of the table showing distribution of seats will reveal that the allocation of seats to tea planters has been made in a most arbitrary manner. Sir, the term 'tea planting community' has been defined in the new Constitution Act. It includes the Superintendent, Manager, Assistant Manager, Engineer and Medical Officer. So in this Bill I want to define the planting community as such. From my own experience I find that the planting community has been overrepresented in all the tea districts in Assam.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Does the hon. member mean to say that this definition of the planting community is for the sake of this Assembly or for the sake of the Local Boards ?

MR F. W. HOCKENHULL: Hear, hear.

SRIJUT LAKHESVAR BOROOAH: This is for the purpose of the Assembly, Sir, but I want that this should be for the Local Boards as well.

MR. BAIDYANATH MOOKERJEE: Assistant managers are not included there.

SRIJUT LAKHESVAR BOROOAH: It is better that for Local Boards they should be included. Sir, speaking of Dibrugarh, the non-Muhammadan electoral population according to old franchise is about 13,000 and the population of the planting community will be less than 1,000.

MR. NABA KUMAR DUTTA: May I enquire about the labour population of Dibrugarh ?

SRIJUT LAKHESVAR BOROOAH: I thought the hon. member knew that labour interest is adverse to employer. Further, Sir, speaking of the local rates, the planting community contributes only $\frac{1}{3}$ or little over that of what the non-Muhammadan general population contributes. From that it will appear.....

MR. NABA KUMAR DUTTA: Is it not a fact that the labour population of the tea gardens get very little benefit from the Local Board ?

MR F. W. HOCKENHULL: Nothing practically.

MR. W. FLEMING: Is it not a fact that 4 per cent. of the income of the Dibrugarh Local Board comes from the planters ?

(Interruption from various quarters).

THE HON'BLE THE SPEAKER: The hon. member should not be beseezed from all sides by questions.

SRIJUT LAKHESVAR BOROOAH: The labour population enjoys the benefits in common with rural population. I said only about a little more than one-third is paid by the tea planting community (question) so far as Dibrugarh is concerned.

MR. BAIDYANATH MOOKERJEE: Is there no Muhammadans in that constituency ?

THE HON'BLE THE SPEAKER: The hon. member should be allowed to go on.

SRIJUT LAKHESVAR BOROOAH: As I was saying, Sir, inspite of this, in Dibrugarh the planting community has been allotted 10 seats and the non-Muhammadan community have 10 seats. So there is a good deal of inequity. Sir, the object of my Bill is to remove these inequities and I don't like to thrust my opinion off hand and hence I propose to commit my

Bill for eliciting public opinion. After the Bill is circulated, it will go to a Select Committee and at that time the whole principle can be discussed, in all its bearings.

Sir, it has been contended that representation should be given to the tea planting community on the basis of area they occupy. I submit, Sir, that they pay land revenue for areas they occupy and for that they have representation in the Assembly, and other legislative bodies. So, Sir, in view of these things I want to send my Bill for circulation for eliciting public opinion.

Another object of my Bill is to give representation to the Indian Planting Community. This important community under the New Constitution is given representation in the Assembly, and it is high time that they should have representation in Local Boards also. For this purpose I propose that 25 per cent. of the seats allotted to the Planting Community should be given to the Indian Planting Community.

MR. F. W. HOCKENHULL: Why 25 per cent. and not 50 or 100 per cent?

SRIJUT LAKHESVAR BOROOAH: Happy, if you give! With this I beg to commend my motion to the acceptance of the House.

THE HON'BLE THE SPEAKER: Motion moved is that the Assam Local Self-Government (Amendment) Bill, 1937, be circulated for eliciting public opinion by the 15th of October 1937.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, the whole object of the Bill is to endeavour to fix a proportion of seats between the planting community and the rest of the communities. It is not defined in this Bill what the hon. member means by the phrase 'rest of the communities'. Does he include those communities also who are demanding representation in the Local Boards—I mean the scheduled castes, tribal people and others? Now, Sir, according to the Act and the orders passed by Government under the Act, there are only three communities now—the Planting Community, the non-Muhammadan community and the Muhammadan community. The hon. member does not seem to propose in this Bill to extend the principle of communal representation under section 4 (2) (b) of the Local Self-Government Act to the scheduled castes and tribal people, etc. He wants that only the three communities which I have already stated should be given representation according to this Bill, by means of "a fair and equitable distribution" of seats between the planting community and the rest. He lays down a certain principle by which Government should be guided in fixing the proportion of seats between the planting community and the rest of the communities. The principle he has laid down by which Government should be guided is that the population of the planting community and the local rates paid by that community and also that the population of the other communities and the local rates paid by them should be taken into consideration. But he wants—mark this—that the population of the planting community should be limited only to some of the officers of the tea estates. He states that "provided that in allotting seats to the members of the planting community in different localities the local Government shall take into consideration (1) the population of the planting community, by which is meant the Superintendents, Managers, Assistant Managers, the Supervising Medical officers, engineers of tea estate". Now, Sir, why should the hon. member, when he considers the population of the planting community, take only these officers of the tea estate?

MR. BAIDYANATH MOOKERJEE: In that case also not all, Sir, only a fraction of them.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, on what basis only some of the officers of the Tea Estates should be taken? Is it because that these officers pay local rate and the other people who live in the Tea Estates' areas do not pay local rate? If that be the basis then we can say that all those people who are outside of the tea garden areas and those who live in the garden areas—who do not pay local rates should not be counted within the terms "population" in the Act. But the hon. member does not propose that. He rather proposes that in the areas which are outside the tea gardens, all the people living therein should be calculated as forming the population of these areas, while the people who are in the tea garden areas should not be calculated as forming the population of the tea garden areas at the time of considering the question of allotment of seats according to population. Sir, that it is neither equitable nor just. According to rule, Government has to take three factors into consideration in allotting seats for Local Boards. (1) The population of the area, (2) the local rates and taxes paid and (3) the area. I may mention here that in Dibrugarh Local Board, seats were allotted for 10 planting members, 10 Muhammadan members and 3 non-Muhammadan members. The amount of local rate paid by the planting community in Dibrugarh subdivision is about Rs.51,607 and the amount paid by the rest of the subdivision is about Rs.60,967, *i.e.*, almost equal with a little difference. The population of the Dibrugarh Local Board is 5,58,368 and the persons living in the tea garden areas are about 2,40,000. Considering all these points the distribution of seats was made by Government in the year 1920.

MR. BAIDYANATH MOOKERJEE: They were then under-represented, Sir.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: All the factors I think Sir, were then taken into consideration by Government in the distribution of seats.

SRIJUT PURNA CHANDRA SARMA: On a point of information, Sir. Will the Hon'ble Minister please give the figure for Nowgong district?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, I have not got the figures for Nowgong just now with me but I have got the figures of Silchar and if the hon. member wants I may give the figure.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Let him have the figure of Silchar.

SRIJUT MAHI CHANDRA BORA: Why not of Nowgong, Sir?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I mentioned the figures of Dibrugarh because of the fact that the hon. member who has moved this Bill comes from Dibrugarh and he is very much interested in that. The figures for Silchar are roughly—the Local rates paid by the tea gardens amount to Rs.25,200 while by the rest amount to Rs.38,200.

MR. BAIDYANATH MOOKERJEE: No figures of Surma Valley?

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: Was the distribution made in 1920 or 1924?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I think, the distribution was made in 1920.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN: I think, it was made in 1924.

SRIJUT DEBESWAR SARMAH: The distribution was made in 1910.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have said, Sir, that the distribution must have been made in 1919 or 1920. Whatever that may be, Sir, these were the facts which were taken into consideration at the time of distribution of seats. We need not bother about the year in which the distribution was made.

SRIJUT MAHI CHANDRA BORA : It was in 1920, Sir, because from an answer to a question it appears that the number of planting members as well as the number from the other constituency was fixed in 1920.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The hon. member may be right, Sir. I cannot say exactly about the time when it was made.

MAULAVI MUNAWWAR ALI : Does the Hon'ble Minister oppose the Bill, Sir ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : No, Sir. I am discussing the principles of the Bill and I want to state before the House the attitude of Government towards the Bill.

THE HON'BLE THE SPEAKER : If it is legitimate then the Hon'ble Minister may accept it.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I must invite the attention of the House to the fact that the hon. mover does not propose to delete the proviso to section 4 (2) of the Act but he wants a second proviso contained in clause 4 of the Bill. The proviso contained in the Act will be the first proviso and it will have to be interpreted to apply to the non-Muhammadans and Muhammadans only, and the second proviso to the planting community in its relation to the above two communities. According to the hon. member, in making distribution of seats among the Muhammadans and non-Muhammadans, among other things three factors have to be considered, namely, (i) the population of each of these two sections, (ii) area held by each and (iii) the local rates and taxes paid by each, but in the case of the planting community the hon. member wants only some of the officers to be taken in consideration of population and the local rates and that the area should not be taken into consideration at all. I say, Sir, that it is not fair and equitable. In making distribution of seats between the planting community and the rest of the people in the Local Board area the hon. mover proposes that only two things have to be taken into consideration, while in making a distribution of seats between the Muhammadans and non-Muhammadans three factors have to be taken into consideration, why this differential treatment ? In our opinion, this is not at all fair.

KHAN SAHIB MAULAVI SAYIDUR RAHMAN : On a point of information, Sir. Is it not a fact that non-Muhammadans also reside in the planting area ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The hon. member comes from Dibrugarh and he perhaps knows it. I think they do.

In considering the question of population of the Local Board area this Bill wants to take into consideration all the people outside the tea garden areas whether they pay local rates or not, but in considering the population of the planting community, the Bill proposes to take only these few officers in the Tea Estates. I say, Sir, that it is not fair.

SRIJUT LAKHESVAR BOROOAH : According to last franchise the non-Muhammadan electoral roll was 13,000.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : But, Sir, the hon. mover says that in the distribution of seats the population of the planting community should consist of only those few officers. He does not say that they should be the only electors ; he says they should be counted as the population, this Bill says that only those few officers should be considered as the population of the planting area, while the population of the non-planting area will be over 5 lakhs. That is unreasonable.

Then, Sir, the hon. mover has enunciated a principle of computation—a computation which is difficult to us, and impossible to understand. The language is so very difficult that I could not understand even by reading it several times. My Secretary read it several times, but could not understand

what it meant. I had to guess what the hon member means but the language does not convey the idea. Sir, the language is this :

"The seats so allotted to the community shall represent as nearly as possible the mean or average of the two ratios computed respectively on the basis of the population of, and the contribution of local rates paid by that community, to the population of, and the contribution of local rates paid by, the rest of the communities mentioned in Order 'under section 4(2)(b) of the Assam Local Self-Government Act of 1915 as subsequently amended till 1928 by Assam Act I of 1928'."

I have read it many times, but I confess I have not been able to fathom the meaning of these words.

SRIJUT SIDDHI NATH SARMA : It contains revolutionary idea, as it comes from the Congress Party (*Laughter*).

THE HON'BLE REV. J. J. M. NICHOLS-ROY : If the idea is revolutionary I hope it must be clear enough for a man in the street to grasp its meaning. Even my Secretary, who has had long experience in the Secretariat, has not been able to understand the language.

MAULAVI ABDUR RAHMAN : The hon. mover moved to the House that he wanted his Bill to be circulated for public opinion. The Hon'ble Minister instead of going to settle it, is killing our time in this way for nothing.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I am not killing time, Sir. The public do not know what the views of Government are. They cannot know the views of Government unless we give our views on the floor of the House. After knowing the opinion of Government the public will be able to give their opinion independently when the Bill is circulated among them.

Sir, there is another provision in the Bill.

MR. BAIDYANATH MOOKERJEE : The former provision is not clear to us. Will the Hon'ble Minister please explain ?

MR. NABA KUMAR DUTTA : Sir, can I request the Hon'ble Minister to explain ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have said I cannot explain. I have read it many times to find out the ratios and proportions, but I could not. (*Laughter*).

Furthermore, Sir, the hon. mover wants that out of the seats allotted to the planting community, 25 per cent. thereof should be given to the Indian planting community. I tried to find out the ground for this, because in all kinds of proposals there must be reasons, but what is the ground on which this proposal is based ? On what ground should this 25 per cent. of seats be given to Indian planting community ? There are some boards which have no representation at all from the planting community. In Sunamganj there is none ; in Dhubri, Goalpara and Barpeta there is none. There are other boards where the planting community have a very small number of representatives *e.g.*, in Gauhati there are only 2 planting members. So on what basis 25 per cent. of these seats should go to the Indian planting community at Gauhati ? That is what we want to find out, and the hon. mover has not stated anything in his Bill regarding that. Therefore, Sir, we say that this Bill is not fair and equitable. According to the Act three factors have to be considered in the distribution of seats in the Local Boards—the first is population, the second is area, and the third is the payment of local rates and taxes. On these three factors the distribution of seats were made by Government in the past, and I suppose as the Act stands we shall have to follow these provisions.

THE HON'BLE THE SPEAKER : The Hon'ble Minister has not made his attitude clear towards this Bill.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Sir, as regards the circulation of the Bill, Government has no objection.

MR. F. W. HOCKENHULL : Mr. Speaker, Sir, I shall be very very brief indeed. It is very difficult to understand what is in the mind of the hon. mover of this Bill. Nevertheless after considerable thought I have gathered that what he is trying to do is to take the franchise, which obtains for this House, as the basis, and in common with many other members, he would like to apply it to municipalities, local boards, and all other self-governing bodies. Well, he might have taken a little care in his drafting, and the only criticism I offer to the Bill at present is that that care does not seem to have been applied.

But so far as we are concerned, we shall not do other than welcome the circulation of a Bill of this description, because I am quite sure that public opinion has appreciated in no unmeasured terms in the past the services which the European Members of the Local Boards have contributed to their welfare. I had myself been, one of the members of the Dibrugrah Local Board, and I am quite sure the hon. mover will be the first to admit the help, the assistance, the work that has been put in by European members. I have never heard any criticisms to the contrary.

Another point, Sir, the European Members have taken fiduciary agencies for local boards, and it will be saying nothing but the truth to say that no work is done so cheaply or so well as those undertaken by European fiduciary agents, firstly because they take good care themselves, and there is no argument about it that they contribute a great deal of material.

We have no fear that public will not recognise this. We look forward to the public opinion with great satisfaction.

SRIJUT LAKHESVAR BOROOAH : Sir, I rise to explain the portion of the Bill, the Hon'ble Minister could not understand. The proposed representation of the Planting Community should represent the mean or average of the ratios of population and contribution of local rates between those of tea planting and general community of Non-Muhammedans and Muhammedans. Suppose, Sir, if the ratio of population between Tea Planting and General Community be 10 : 2 and that of contribution of local rates paid by the two communities stand at 10 : 6, the mean or average of the two *i.e.*, of 6 and 2 to be worked out in order to arrive at the figure.

MR. F. W. HOCKENHULL : Of the population ?

SRIJUT LAKHESVAR BOROOAH : Yes. This has been taken into consideration.

MR. F. W. HOCKENHULL : Area ?

SRIJUT LAKHESVAR BOROOAH : That is different. For area, as I said, the planting community pay Land Revenue and for that get representation in Provincial Assembly, etc.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : At least, Sir, the language of the Bill does not convey what the hon. member has said. Even after his explanation, I have not understood that the language conveys his idea clearly.

THE HON'BLE THE SPEAKER : The question is that the Assam Local Self-Government (Amendment) Bill, 1937 be circulated for eliciting public opinion by the 15th of October 1937.

(The motion was carried.)

THE HON'BLE THE SPEAKER: The next Bill* which is in the name of Maulavi Dewan Muhammad Ahab Chaudhury Vidyabinode is, I think, not in order because it relates to the same matter which was disposed of by another Bill.

THE ASSAM MONEY LENDERS' (AMENDMENT) BILL, 1937.

THE HON'BLE THE SPEAKER: The next motion is in the name of the hon. Member Maulavi Munawwar Ali Does he like to move it? I think it is the same Bill.

MAULAVI MUNAWWAR ALI: Perhaps I would like to move this Bill as our understanding did not come to be a fact. It is fundamentally different in some respects.

I beg to move for leave to introduce the Assam Money Lenders' (Amendment) Bill, 1937.

The question was put to the House and declared carried.

MAULAVI MUNAWWAR ALI: I beg to introduce the Assam Money Lenders' (Amendment) Bill 1937.

(The Assembly Secretary read out the title of the Bill.)

The Bill was introduced.

MAULAVI MUNAWWAR ALI: Mr. Speaker, Sir, I beg to move that the Bill be taken into consideration.

My Bill differs from other Bills on the same subject in the following particulars. I propose an explanation to section 9 of the main Act which runs as follows:

Explanation:—"Principal of the loan' means the original amount of loan contracted and advanced *abinitio*; and all Courts shall be bound to receive evidence to show what this original amount was, no matter what it may appear in the document on which the claim is based".

Sir, the Assam Money Lenders' Act of 1934 wants that no money lender shall charge as interest more than principal as shown on the document. In view of these provisions of this Act, it so happens that money lenders have taken to a device like this. Suppose Rs.100 is contracted and advanced and the principal is shown in the document as being Rs.200. This has been made illegal in the main Act, the Money Lenders' Act of 1934. But sections 91 and 92 of the Indian Evidence Act stand as bar to adducing evidence to show what the original amount was when it appears in a document in the terms of a contract. Those sections, are a bar and are often advanced in law Courts as standing as bars to adducing evidence to show what the actual original amount was, in contradistinction to what appears on the face of the document. Section 91 of the Indian Evidence Act runs:—"When the terms of a contract, or of a grant, or of any other disposition of property have been reduced to the form of a document and in all cases in which any matter is required by law, etc., no evidence shall be given in proof of the terms of such contract, grant or other disposition of property etc." And section 92 is this: "When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted, as between the parties to any such instrument or their representatives in interest for the purpose of contradicting, varying, adding to, or subtracting from, its terms." So, Sir, an exterior evidence is excluded under this section. Therefore, in order that the real intention of the Money Lenders' Act might be carried out, I have suggested that this explanation should be added. So I say 'Principal of the loan' means the original

*The Assam Local Rates (Amendment) Bill, 1937.

amount of the loan contracted and advanced *abinitio*. It sometimes so happens that an amount is contracted but the whole amount may not have been advanced. So I introduce it in this way "contracted and actually advanced". And then I say that "all Courts shall be bound to receive evidence to show what this original amount was, no matter what it may appear in the document on which the claim is based". This is the first diversion from the other Bills that have been proposed.

The second is this. "If the interest already paid exceeds the amount of principal, the excess interest shall be credited towards the principal of the loan, and the balance, if any, remaining due shall be recoverable as the principal of the loan. And, if the interest already paid is equal to twice the amount of principal, the loan shall be deemed to have been paid up". This provision of mine, Sir, has been characterised by the Hon'ble the Revenue Minister as revolutionary. But I will request my hon. friend to recollect the 'Law of Damdupat' of his ancestors, the law under which under no circumstances the interest was allowed to be more than the principal amount. I am only seeking to restore that principle here in these days.

Then, Mr. Speaker, I further propose to add a sub-section (3) to section 9 in the following terms—

"(3) In the case of a bond or any other instrument executed for the past liabilities the original sum actually advanced shall be considered as the principal of the loan for the purpose of sub-sections (1) and (2)".

Then my Bill in no other respect differs from those already proposed.

I think these are the things which requires consideration of the House ; and there is a volume of opinion outside this House as well that such an enactment must be made. With a view to all these, I have proposed these amendments and I hope I have the support of the House.

THE HON'BLE THE SPEAKER : The motion moved is that the Assam Money Lenders' (Amendment) Bill, 1937 be taken into consideration.

RAI BAHADUR PROMODE CHANDRA DUTT : On a point of information, Sir. Cannot the provisions of this Bill be introduced in the other Bills by way of amendment ?

THE HON'BLE THE SPEAKER : The hon. member says that there is some difference.

RAI BAHADUR PROMODE CHANDRA DUTT : As we read it we do not find any.

THE HON'BLE THE SPEAKER : I quite realise that there are some provisions in the Bill which are quite identical. But if there are other provisions which differ the hon. member should have pointed out all these.

MAULAVI MUNAWWAR ALI : I have pointed out and I have read the provisions where there is difference.

THE HON'BLE THE SPEAKER : There is this objection now that it appears to be the same Bill. When this objection is raised it is up to the hon. member to explain how it is not the same Bill.

MAULAVI MUNAWWAR ALI : I have explained and I will explain again. I propose an explanation that the "Principal of the loan" means the original amount of loan contracted and advanced *abinitio* ; and all Courts shall be bound to receive evidence to show what this original amount was, no matter what it may appear in the document on which the claim is based". Then again, Sir, my second differentia and perhaps the most important differentia is, that, "if the interest already exceeds the amount of principal, the excess interest shall be credited towards the principal of the

loan and the balance, if any, remaining due shall be recoverable as the principal of the loan ; and if the interest already paid is equal to twice the amount of the principal or exceeds it, the amount of principal of the loan should be deemed to have been paid up". That is another fundamental difference, Sir. And this makes my Bill altogether different from those Bills which have already been proposed.

THE HON'BLE THE SPEAKER: What about the expression "loan contracted and advanced?" Has the hon. member explained what it means?

MAULAVI MUNAWWAR ALI: I think I have already explained that. If necessary I will explain again. It means the money actually advanced in cash at the time of taking the loan. It so happens sometimes that the contract is made but the entire amount is not actually paid or old interest or an additional amount not actually paid is added to the amount actually contracted and advanced. So in order to show what amount was actually advanced the debtor should be allowed to prove by evidence in a Court.

THE HON'BLE THE SPEAKER: If after some time a document is taken from the borrower for an amount which includes some interest added to the principal amount, then does the hon. member want that the interest which is added to the principal should be eliminated and the original sum advanced should be treated as a loan?

MAULAVI MUNAWWAR ALI: That is what I want, Sir.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, from my reading of the draft clause, it seems that my hon. friend wants two points to be cleared. First, there are the devices of the money lenders of taking advance interest even at the time of the original loan ; that is to say, although the loan contracted is, say, for Rs.100, the actual cash payment is only Rs.75, the balance of Rs.25 not being shown at all in the document, which is for Rs.100. My hon. friend wants by the provision of clause 9(1) of the Bill that it should be open to the debtor, if the matter comes to a Court of law, to prove that the actual sum taken as loan was only Rs.75 and not Rs.100 inspite of the bar of section 91 of the Evidence Act.

The second point is this. It may be, Sir, that originally Rs.100 was taken as loan, but that the loan could not be repaid within the contracted period. The debtor had paid a certain amount of interest. If at the time of renewing that bond, the original loan and the balance of interest are lumped together and put in as capital advanced, the hon. member wants that even in the renewed bond the original cash payment should be stated.

MAULAVI MUNAWWAR ALI: That I have explained, Sir.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Sir, although I sympathise with the object of this Bill, I cannot agree to the amendments which the hon. mover proposes to section 9, as he himself says this provision is somewhat revolutionary. If the amendment is accepted as the language stands, it would mean that a man, after having paid some interest from time to time, may come forward and say that the interest paid exceeds the principal and so a part of the principal or the whole of it has been paid. He may go a step further, and after paying interest of more than double the amount of principal, he may claim from the money lender a refund of the amount paid in excess. So, Sir, I think it would be better to circulate this Bill for eliciting public opinion.

Although the hon. member in charge says that there is a volume of opinion in favour of this clause, I have not yet seen any pronounced opinion. I, therefore, move that this Bill be circulated for eliciting public opinion by the 15th of October next.

MAULAVI MUNAWWAR ALI: I accept the amendment, Sir.
The motion for circulation for eliciting public opinion by the 15th
October was put and carried.

The House was adjourned till 11 a.m. on Monday the 30th August
1937.

SHILLONG :

The 16th October 1937. }

A. K. BARUA,

Secretary, Assam Legislative Assembly.